

# Bernard Devlin

YEAR OF CALL: 1980



*Bernard has a wealth of experience as a common law and chancery barrister, with over 35 years' at the Bar. He is a specialist in the areas of property law, contract law, and the law affecting the business client.*

## Overview

Bernard has practised continuously at the Bar since 1980 in the fields of Common Law and Chancery, acting on behalf of corporate and individual clients. His practice covers many areas and can best be described as encompassing property law, contract law, and the law affecting the business client (company law, partnership law, banking law, insolvency, mortgages and suretyship, trade marks, passing off and copyright).

Bernard has twice represented clients in the House of Lords in the leading cases of Barclays

Bank v O'Brien [1994] 1 AC 180 and UCB Home Loans Corporation Ltd v Moore sub nom Royal Bank of Scotland v Etridge (No.2) [2002] 2 AC 113.

Over the years he has appeared in a number of important Court of Appeal cases.

## *Other Information*

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### **Direct Public Access**

Bernard accepts direct public access instructions.

## *Civil Litigation*

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Bernard accepts personal injury and professional negligence instructions, particularly those involving allegations and claims against professionals.

Bernard's commercial work often involves complex business deals linked to property and mortgage transactions. This work naturally dovetails with Bernard's experience in property, planning and landlord and tenant work.

## *Chancery & Commercial*

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Bernard has a varied chancery and commercial law practice, and he acts on behalf of corporate and individual clients. Bernard is often instructed in relation to contract law, and the law affecting the business client (company law, partnership law, banking law, insolvency, mortgages and suretyship, trade marks, passing off and copyright).

Bernard has extensive experience of property law and wills, probate and estate matters. He also accepts insolvency instructions.

# *Judicial Review & Public Law*

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Bernard is often instructed in complex judicial review and public law proceedings.

## *Cases of Note*

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### **Intermain Properties Ltd, Re Chancery Division, 16 October 1985**

Subject: Company law; Winding Up; Winding Up Order; rescission Where Reported: (1985) 1 B.C.C. 995

### **Goodman v Gallant Court of Appeal (Civil Division), 30 October 1985**

Subject: Trusts Keywords: Beneficiaries; Joint tenancies; Severance; Trusts for sale Where Reported: [1986] Fam. 106; [1986] 2 W.L.R. 236; [1986] 1 All E.R. 311; [1986] 1 F.L.R. 513; (1986) 52 P. & C.R. 180; [1986] Fam. Law 59; (1985) 135 N.L.J. 1231; (1985) 129 S.J. 891; Official Transcript

### **Citro (Domenico) (A Bankrupt), Re Court of Appeal (Civil Division), 23 May 1990**

Subject: Insolvency Keywords: Matrimonial home; Orders; Possession proceedings; Postponement; Sale of land; Spouses; Trustees in bankruptcy Where Reported: [1991] Ch. 142; [1990] 3 W.L.R. 880; [1990] 3 All E.R. 952; [1991] 1 F.L.R. 71; [1990] E.G. 78 (C.S.); (1990) 154 N.L.J. 1073; (1990) 134 S.J. 806; Official Transcript

### **Gurton v Parrott Court of Appeal (Civil Division), 11 December 1990**

Subject: Landlord and tenant Keywords: Business tenancies; Occupation Where Reported: (1991) 23 H.L.R. 418; [1991] 18 E.G. 161; [1990] E.G. 159 (C.S.); Official Transcript

### **R. v Thurrock BC Ex p. Wellham Queen's Bench Division, 25 April 1991**

Subject: Housing; Administrative law Keywords: Appeals; Defective premises; Judicial review; Local authorities' powers and duties Where Reported: (1991) 23 H.L.R. 434; [1991] C.O.D. 469; Times, May 14, 1991

**Barclays Bank Plc v O'Brien House of Lords, 21 October 1993**

Subject: Banking and finance Keywords: Matrimonial home; Misrepresentation; Mortgagees' powers and duties; Spouses; Surety Where Reported: [1994] 1 A.C. 180; [1993] 3 W.L.R. 786; [1993] 4 All E.R. 417; [1994] 1 F.L.R. 1; [1994] 1 F.C.R. 357; (1994) 26 H.L.R. 75; (1994) 13 Tr. L.R. 165; [1994] C.C.L.R. 94; [1994] Fam. Law 78; [1993] E.G. 169 (C.S.); (1993) 143 N.L.J. 1511; (1993) 137 S.J.L.B. 240; [1993] N.P.C. 135; Times, October 22, 1993; Independent, October 22, 1993

**Royal Bank of Scotland Plc v Etridge (No.2) House of Lords, 11 October 2001[2002] 2 A.C. 773 [2001] 3 W.L.R. 1021 [2002] H.L.R. 4 [2002] 1 P. & C.R. DG14**

Subject: Banks; Constructive notice; Matrimonial home; Mortgages; Solicitors; Undue influence Where Reported: [2001] UKHL 44; [2002] 2 A.C. 773; [2001] 3 W.L.R. 1021; [2001] 4 All E.R. 449; [2001] 2 All E.R. (Comm) 1061; [2002] 1 Lloyd's Rep. 343; [2001] 2 F.L.R. 1364; [2001] 3 F.C.R. 481; [2002] H.L.R. 4; [2001] Fam. Law 880; [2001] 43 E.G. 184 (C.S.); (2001) 151 N.L.J. 1538; [2001] N.P.C. 147; [2002] 1 P. & C.R. DG14; Times, October 17, 2001; Daily Telegraph, October 23, 2001; Official Transcript

**R. v Newham LBC Ex p. Laronde Queen's Bench Division, 25 February 1994**

Subject: Housing; Local government; Judicial Review Keywords: Homelessness; Housing; Local authorities' powers and duties; Natural justice Where Reported: (1995) 27 H.L.R. 215; [1994] C.O.D. 409; Times, March 11, 1994

**Midland Bank Plc v Serter Court of Appeal (Civil Division), 02**

March 1995 Subject: Equity Keywords: Constructive notice; Legal advice; Spouses; Surety; Undue influence Where Reported: [1996] E.C.C. 87; [1995] 1 F.L.R. 1034; [1995] 3 F.C.R. 711; (1995) 27 H.L.R. 647; (1996) 71 P. & C.R. 264; [1995] Fam. Law 481; [1995] E.G. 38 (C.S.); [1995] N.P.C. 38; Independent, March 8, 1995

**Martin Boston & Co v Roberts Court of Appeal (Civil Division), 10 February 1995**

Subject: Legal profession Keywords: Costs; Guarantees; Professional negligence; Solicitors Where Reported: [1996] P.N.L.R. 45; [1995] N.P.C. 28; Times, March 17, 1995

**Barclays Bank Plc v Rivett Court of Appeal (Civil Division), 10 February 1997**

Subject: Real property Keywords: Mortgages; Spouses; Undue influence Where Reported: [1999] 1 F.L.R. 730; [1998] 3 F.C.R. 304; (1997) 29 H.L.R. 893; [1999] Fam. Law 308; [1997] N.P.C. 18 Documents: Case Analysis (1997) 29 H.L.R. 893

**Scotlife Home Loans (No.2) Ltd v Melinek Court of Appeal (Civil Division), 16 December 1997**

Subject: Real property; Civil procedure Keywords: Fraud; Mortgages; Solicitors; Spouses; Undue influence Where Reported: (1999) 78 P. & C.R. 389

**Dunbar Bank Plc v Nadeem Court of Appeal (Civil Division), 18 June 1998**

Subject: Real property Keywords: Charges; Restitution; Spouses; Undue influence Where Reported: [1998] 3 All E.R. 876; [1998] 2 F.L.R. 457; [1998] 3 F.C.R. 629; (1999) 31 H.L.R. 402; [1998] Fam. Law 595; (1999) 77 P. & C.R. D8; Times, July 1, 1998

**R. v Keane (Simon Wallace) Court of Appeal (Criminal Division), 18 February 2000**

Subject: Criminal law; Trade Mark Infringement; Keywords: Counterfeiting; Defences; Mens rea; Trade marks Where Reported: [2001] F.S.R. 7; Official Transcript

**Gharavi-Nakhjavani v Pelagias Court of Appeal (Civil Division), 17 June 2005**

Subject: Partnerships; Civil procedure Keywords: Accounts and inquiries; Contributions; Dissolution; Sharing ratios Where Reported: [2005] EWCA Civ 908; Official Transcript