

COMMERCIAL DISPUTES WEEKLY – ISSUE 101

18 JANUARY 2022 • ARTICLE



BITE SIZE KNOW HOW FROM THE ENGLISH COURTS

"All these absurdities are avoided if the functions of the RTM company do not extend to the estate facilities."

FirstPort Property Services Ltd v Settlers Court RTM Co Ltd

Statutory Interpretation

The Supreme Court held that a right to manage (RTM) company of a block of flats that formed part of a larger estate containing other blocks, did not have the right, under the Commonhold and Leasehold Reform Act 2002 Pt 2 Ch. 1, to manage estate facilities shared by the blocks. The right to manage was confined to buildings which the RTM company could manage on its own, without an obligation to share management. The estate landlord was obliged under the leases of the other blocks to manage the shared facilities and the tenants of the other blocks could insist that the landlord and no-one else performed such functions. Section 97(2) of the Act could not be interpreted as taking that right away from them.

FirstPort Property Services Ltd v Settlers Court RTM Co Ltd [2022] UKSC 1, 12 January 2022

Construction

The TCC has proposed a streamlined procedure for domestic building disputes aimed at ensuring that the key issues were ventilated in a reasonably speedy and inexpensive way. The procedure includes limited disclosure, a single joint expert surveyor and a stay for mediation following the expert's report. If no settlement was reached, trial would not exceed one day. The ambitious suggestion may not be successful in all cases but it is hoped that the pre-trial independent expert opinion may give a better chance of settlement.

The Sky's the Limit Transformations Ltd v Mirza [2022] EWHC 29 (TCC), 10 January 2022

Civil Procedure

The Court of Appeal has confirmed that a claim form had to be sealed before it could validly be served, even under the Electronic Working Pilot Scheme. Although there was a delay between electronic filing of a claim form, and its acceptance and sealing by the court, parties could take steps to avoid this being a problem. The unsealed documents were not "claim forms" and no claim form had been served on the respondents within the period for service.

Ideal Shopping Direct Ltd v Mastercard Inc [2022] EWCA Civ 14, 13 January 2022

WATSON FARLEY & WILLIAMS

Adjournment of summary judgment application

The Commercial Court refused to adjourn an application for summary judgment to enable the defendant to obtain legal representation. The defendant had failed to take obvious steps to obtain representation within the ample time available to him. The adjournment was therefore not necessary in the interests of fairness. The claimant was granted summary judgment to enforce a judgment of the Dubai International Financial Centre.

Barclays Bank PLC v Shetty [2022] EWHC 19 (Comm), 10 January 2022

Should you wish to discuss any of these cases in further detail, please speak with a member of our London dispute resolution team below, or your regular contact at Watson Farley & Williams:

Robert Fidoe	Rebecca Williams
Ryland Ash	Charles Buss
Nikki Chu	Dev Desai
Sarah Ellington	Andrew Hutcheon
Alexis Martinez	Theresa Mohammed
Tim Murray	Mike Phillips

KEY CONTACTS



JOANNE CHAMPKINS
KNOWLEDGE COUNSEL
• LONDON

T: +44 203 036 9859

jchampkins@wfw.com



REBECCA WILLIAMS
PARTNER • LONDON

T: +44 203 036 9805

rwilliams@wfw.com

ANDREW WARD
PARTNER • LONDON
T: +44 20 7863 8950
award@wfw.com

DISCLAIMER

Watson Farley & Williams is a sector specialist international law firm with a focus on the energy, infrastructure and transport sectors. With offices in Athens, Bangkok, Dubai, Dusseldorf, Frankfurt, Hamburg, Hanoi, Hong Kong, London, Madrid, Milan, Munich, New York, Paris, Rome, Seoul, Singapore, Sydney and Tokyo our 700+ lawyers work as integrated teams to provide practical, commercially focussed advice to our clients around the world.

WATSON FARLEY & WILLIAMS

All references to 'Watson Farley & Williams', 'WFW' and 'the firm' in this document mean Watson Farley & Williams LLP and/or its affiliated entities. Any reference to a 'partner' means a member of Watson Farley & Williams LLP, or a member, partner, employee or consultant with equivalent standing and qualification in WFW Affiliated Entities. A list of members of Watson Farley & Williams LLP and their professional qualifications is open to inspection on request.

Watson Farley & Williams LLP is a limited liability partnership registered in England and Wales with registered number OC312252. It is authorised and regulated by the Solicitors Regulation Authority and its members are solicitors or registered foreign lawyers.

The information provided in this publication (the "Information") is for general and illustrative purposes only and it is not intended to provide advice whether that advice is financial, legal, accounting, tax or any other type of advice, and should not be relied upon in that regard. While every reasonable effort is made to ensure that the Information provided is accurate at the time of publication, no representation or warranty, express or implied, is made as to the accuracy, timeliness, completeness, validity or currency of the Information and WFW assume no responsibility to you or any third party for the consequences of any errors or omissions. To the maximum extent permitted by law, WFW shall not be liable for indirect or consequential loss or damage, including without limitation any loss or damage whatsoever arising from any use of this publication or the Information.

This publication constitutes attorney advertising.