



# Finance and Consumer Credit

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*At Henderson Chambers the client gets value, because the overall quality is so high.*

**Legal 500**

*Richard Mawrey QC and Toby Riley-Smith have established guru status in consumer credit matters.*

**Legal 500**

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Welcome to Henderson Chambers’ Finance and Consumer Credit Group. Our work covers four broad areas: consumer credit, consumer protection, commercial debt recovery and asset finance.

We have an acknowledged expertise in all aspects of consumer and asset finance. We offer a strong team, at all levels of seniority, to advise and represent clients in these sectors. We have particular experience of the various challenges that consumers make to the enforceability of regulated credit and hire agreements.

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This “efficient and responsive” set advises and represents clients in a range of consumer credit and consumer protection matters.  
Chambers UK

We also have a wealth of experience in the wide variety of disputes that arise in relation to unregulated finance agreements (whether loans, hire purchase, hire or other structured finance). We advise on the legal and financial consequences of the sale and carriage of goods, transfer of title, fraud, insurance, guarantees, indemnities, commercial and property transactions. Our specialist knowledge of these areas provides a good base for our general debt recovery work.

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As well as being litigators, we have a hard-won reputation for our non-contentious work in this area. We advise on all aspects of consumer credit compliance, whether licensing, advertising, paperwork or procedures. We regularly draft credit agreements and their related financial instruments. We advise industry bodies in their dealings with regulators.



Our clients include banks, trade associations, insurance companies, FTSE 100/250 companies, government departments and agencies, local authorities, non-governmental organisations, professional bodies, consumer groups and private individuals in a wide variety of matters.

### Consumer credit

Henderson Chambers is recognised as one of the very few sets that are pre-eminent in consumer credit. We have a large, highly experienced team whose members are regularly involved in the contentious and non-contentious aspects of consumer credit and banking work.

We advise and represent our clients in disputes arising out of regulated consumer credit and consumer hire agreements. We have particular expertise in the various consumer challenges to consumer credit agreements; in claims involving securities such as mortgages and guarantees; in professional negligence claims arising out of consumer credit advice and drafting; and in all forms of enforcement action.

We also advise businesses on current and future compliance with regulatory requirements, from licensing, advertising, distance selling, contractual wording and form, systems and procedures. We are regularly involved in the drafting of a wide variety of financial agreements and instruments.

Members of the group are the authors or editors of the leading text-books in the field, including Goode: Consumer Credit Law & Practice; The Blackstone's Guide to the Consumer Credit Act 2006; Rosenthal's Consumer Credit Law and Practice; Butterworths Commercial and Consumer Law Handbook (2008); and the consumer credit volume of Halsbury's Laws of England.

We are also authors of the relevant precedents in Butterworths Encyclopaedia of Forms & Precedents, Bullen & Leake & Jacob's Precedents of Pleadings, and Butterworths Civil Court Precedents.

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Richard Mawrey QC is “an undoubted authority in the field of consumer law.”  
Chambers UK

“Dennis Rosenthal is the doyen of consumer credit”; he wins plaudits from clients, who consider him “one of the leading consumer credit specialists in the country.”  
Chambers UK

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Unparalleled expertise across all forms of defendant consumer and product liability cases, at any scale.  
Legal 500

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### Consumer protection

Our work frequently involves the complex and ever-increasing domestic and European regulations affecting consumers, such as the Unfair Terms in Consumer Contracts Regulations 1999, the Financial Services and Markets Act 2000 and the Consumer Protection from Unfair Trading Regulations 2008.

We are frequently called on to advise or act for traders, trade associations, regulators and consumers in regulatory matters. Members of chambers advise on the drafting, amendment and construction of primary and secondary legislation in consumer matters. The Group works closely with the Product Liability Group and the Health, Safety & Environment Group in consumer cases where products, which may be the subject of finance agreements, have caused personal injury or physical damage.

### Debt recovery

We have a wide range of expertise in all fields of commercial debt recovery, for principal creditors, assignees and debt collectors. We also act in the insolvency field when those debts become irrecoverable otherwise.

We acknowledge that the collection of debts by commercial firms is a major concern and that the attempted avoidance of those debts by the raising of technical and other defences has become a major industry. Consequently we have forged close links between credit and debt agencies for the purposes of improving and safeguarding practices within the industry.



**Asset finance**

Asset finance is a separate and growing field of work. We have huge experience in the non-contentious and contentious law governing equipment leasing – whether the finance is provided by a hire or hire-purchase agreement, credit or conditional sale arrangement, or whether secured or unsecured. We are well-used to dealing with the many issues that may arise from such contractual relationships – such as issues of title, quality, delivery, carriage and insurance.

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Peter Susman QC, “a real heavyweight silk with great experience” has “the gift of speaking and getting an audience to listen to him.”  
Chambers UK

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We regularly act in commercial litigation stemming from such asset finance arrangements, and we have a particular reputation for our expertise in cases involving defective goods.

As to the non-contentious side of our practices, we draft asset finance agreements, along with any and all associated contractual documentation. We have settled standard-form agreements for banks, building societies, trade associations and finance companies.

Our team contribute template agreements for a number of leading publications (including Goode: Consumer Credit Law & Practice and Butterworths Encyclopaedia of Forms and Precedents).



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Roger Henderson QC “provides clear and unequivocal advice.”  
Chambers UK

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Some members of chambers have been working in this field for over forty years; others come to this area afresh. One of the key strengths of our team is that we have members of relevant experience at all levels of call.

Some notable recent cases include:

[Conister Trust v John Hardman & Co and McClure Naismith](#), [2008] EWCA Civ 841 (Court of Appeal) a professional negligence claim that arose out of the web of contractual arrangements put in place as part of a litigation funding scheme.

[Patel v Patel](#), [2009] EWHC 3264 (High Court) a multimillion pound business loan reduced at trial by over 90 per cent under unfair relationships provisions introduced by the Consumer Credit Act 2006.

[Ferguson v British Gas plc](#), [2009] EWCA Civ 46 (Court of Appeal) a claim for damages for harassment by a consumer as a result of wrongly issued bills by a utilities company.

[AXA v The Funding Corporation](#), (High Court) a multi-million pound claim in which AXA was seeking to recover sums from a company which sold PPI policies to consumers.

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Keeping watch over it all, turbo-charged, entrepreneurial head clerk John White. Chambers Student Guide

A “tone and culture” of service that is a cut above other sets. Chambers UK

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At Henderson Chambers, we are committed to achieving the right outcome for our clients. We are proud to offer “a quick response; good value for money, in proportion to the problem at hand” (Legal 500).

We are unusual in that our practice is highly experienced in both civil and criminal law, and at all levels, from QCs to newly qualified juniors.

The foundations of our excellence in client service are our pedigree, our intellectual ability and our knowledge of our specialist areas of practice. We consider ourselves approachable, friendly and enthusiastic. At the heart of our client-friendly ethos is our open-door policy and our commitment to dealing with every client on a personal, individual basis.

We take on a wide range of cases, and no matter what the issues, we take pride in understanding our clients and their differing needs, including the commercial realities they face and the markets they operate in.

We invest considerable effort and resources in ensuring that our clerking function delivers the quality and consistency of service that we believe our clients deserve. Legal 500 highlights our “impressive, efficient clerking,” while the Chambers Student Guide refers to “the contemporary, family and community-minded world of Henderson Chambers.”

Our website was the first to offer on-line direct access to the public. We believe direct access – which is used by smaller business, commercial and insurance clients – is an important element of the service we offer and which our clients need.



Henderson Chambers is home to 40 barristers, including nine QCs – “large enough to offer a versatile and wide ranging service, but not so large as to be impersonal” (Chambers UK). We are recognised in both Legal 500 and Chambers UK as having expertise in all of the main areas in which we practice.

We aim to provide a flexible and commercial service tailored to the needs of our clients. In addition to receiving instructions from solicitors, we accept instructions under the BarDirect and Public Access schemes from a wide range of organisations.

Members of Chambers regularly deliver seminars, in-house training and lectures to ensure our clients are both informed and able to benefit from our specialist knowledge. Legal 500 praises us for being “excellent in delivering clear, concise advice”.

In addition to our own European law expertise, we have close links with barristers practising in Brussels, and we are able to advise and provide representation regarding all European law matters, including competition, trade, anti-dumping, public procurement and state aid, as well as appearing before the European Court of Human Rights in Strasbourg.

#### Contact us

For any finance and consumer credit law enquiries, or for questions regarding any other practice group areas, please contact John White, Chief Clerk:

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- Commercial & Insurance
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*Friendly and approachable barristers.*

**Chambers UK**

*Always helpful and eager to work in a team.*

**Chambers UK**

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