

FINANCIAL SERVICES

Motor Finance-Insolvency. Guidance by the Insolvency Service provides that if the finance agreement was entered into before the date of bankruptcy, any right of action may form part of the bankruptcy proceedings (22 August 2025).

Commissions. In a personal injury costs case the High Court allowed an appeal from a Costs Judge and ordered disclosure as regards payouts to a Gibraltar based company on the basis of suspicions that there could have been a secret commission. (*Turner v Coupland Cavendish Ltd* [2025] EWHC 1605 (KB)).

Insolvency Stay. A stay under Section 130 of the Insolvency Act 1986 did not apply to a secured creditor in respect of a sale under a fixed charge (*Waypark Commercial Mortgage 1 Ltd v Vanguard Number 1 Ltd* [2025] EWHC 1786 (Ch)).

Comfort Letter. A company provided a letter of comfort to a bank. The High Court held that this constituted a legally enforceable guarantee (*IDBI Bank Ltd v Axcel Sunshine Ltd* [2025] EWHC 442 (Comm)).

Authority. The High Court gave judgment on a promissory note despite the Defendant's claim that the signatory did not have authority to sign (*Sanlam v Sustainable Growth* [2025] EWHC 559 (Comm)).

Motor Finance. The Supreme Court ruled on motor finance (*Hopcraft v Close Brothers Ltd* [2025] UK SC33).

Claims Management. The High Court rejected an application by a CMC to have struck out a claim by a lender that the CMC was liable for causing loss by unlawful means. The lender was subject to numerous claims of irresponsible lending many of which failed (*Vanquis Bank v TMS Legal* [2025] EWHC 1599 (KB)).

Securitisation. A County Court appeal considered issues of assignments in a possession claim. Consideration was given to assignees and authorisations (*Lloyds Bank PLC v Cook* [2025] EWCC 43).

Data Protection. Annual Benefit Statements in respect of pensions were wrongly sent to out of date addresses. A collective High Court action was struck out as it could not be shown the information had come to anyone's attention. The Court of Appeal allowed an appeal and said that an action for breach of the GDPR and fear of the results of the infringement could result in compensation (*Farley v Paymaster* (1836) Limited [2025] EWCA Civ 1117).

SLAUGHTER HOUSES

Prosecutions. A prosecution was brought in respect of alleged breaches of The Welfare of Animals at the Time of Killing (England) Regulations 2015. It was held that an assignment to the Crown Prosecution Service was valid (*R (Jarrett Ltd) v Bristol Magistrates Court* [2025] EWHC 1674 (Admin)).

HOUSING

Repayment Order. The Upper Tribunal considered the reasonable excuse defence in respect of the unlicensed managing of an HMO and the limitation provisions (*Kemp v DIP Systems (UK) Ltd* [2025] UKUT 233 (LC)).

HMOs. The Upper Tribunal dismissed an appeal from the FTT which held that a local authority was not the person managing a property. The authority had agreed with a company for a property to be used for live-in guardianship purposes (*Global 100 Ltd v Ross* [2025] UKUT 264 (LC)).

Rent. Electric Conditions reports were not provided to tenants. That made the properties unfit for human habitation. The tenants paid rent when the Water Regulations 2022 provided they were not required to pay rent. The High Court held that none of the rent paid was a result of a mistake: the tenants would have paid it was in any event also it was not unjust from the Claimants to retain the rent (*Beacon Cymru Group v Mitchell* [2025] EWHC 2477 (Ch)).

PROCEDURE

Crown Court appeals. A Chief Constable applied for a public interest immunity order in a firearms appeal. The Judge had been wrong to sit without lay magistrates as this was a statutory requirement (*R (Chief Constable of Cambridgeshire) v Peterborough Crown Court* [2025] EWHC 1452 (Admin)).

Costs. A Divisional Court decided to follow an earlier case on the issue of costs in a private prosecution as regards costs from Central Funds with costs between the parties (*R (Bates) v Highbury Corner Magistrates Court* [2025] EWHC 2532 (Admin)).