

## **High Court Test Cases: High Court Consumer Financial Claims Begin In Manchester.**

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**Dec. 2, 2009** - [PRLog](#) -- The long awaited financial claims test cases began this week in the High Court Of Justice, Manchester. This unprecedented week of test cases initiated by Cartel Client Review, the UK's leading financial claims specialist, began under the lead case, *Atkinson v The Royal Bank of Scotland Plc*. The preliminary hearings being heard this week should determine once and for all the areas of financial claim disputed by banks and credit card companies. Financial claims relating to regulated consumer credit agreements have increased massively during the last two years, with some industry experts suggesting that financial claims, which include PPI Mis-selling, Unenforceable Credit Agreements and Bank Charges, have now become the leading area of claim amongst UK consumers.

During previous case management hearings, barristers representing the banks confirmed before HHJ Holman that the banks would accept the Judgments arising from this week's test cases as precedents for the purposes of dealing with future financial claims without requiring the Courts' intervention.

An indication of the importance of this event was given before the start of this week's hearings, when HHJ Waksman QC received requests from the Office of Fair Trading (OFT) for permission to be included as an interested party. Of even greater significance is the Draft Guidance submitted by the OFT in relation to the issues that will be heard this week.

Carl Wright, Chief Executive of Cartel Client Review said, "Those people involved this week seem to be of the opinion that the OFT's request to be included this week is of great importance. My own view is that HHJ Waksman QC will accept all submissions made during the week and provide a Judgment based on the correct interpretation of the law."

Wright said further, "It is hoped that the Judgment to be provided following preliminary hearings this week will, once and for all, put an end to delays caused by banks and credit card companies when consumers seek redress in circumstances where banks and credit card companies have breached the Consumer Credit Act."

It was observed that, during the first day of preliminary hearings, barristers acting on behalf of consumers, and the Claims Management Companies (CMCs) fighting their case, focused on specific legal arguments to support their case. This is in contrast to barristers representing those banks defending their own case on the first day, who focused primarily on so called moral arguments of whether consumers should in fact be able to make a claim or not.

Kara Britton, of CCLS, the specialist Financial Claims Solicitors said, "I was disappointed to hear the representations made by barristers acting for The Royal Bank of Scotland Plc and HSBC, in that the majority of their arguments dealt with the possible repercussions of HHJ Waksman QC finding in favour of consumers, instead of whether or not the Consumer Credit Act should be enforced as Parliament intended.

Many in the Court were shocked that the barristers acting on behalf of the banks offered very little in counter argument against those points put forward on behalf of consumers."

Last week many consumers were greatly disappointed by the verdict handed down by the Supreme Court in respect of bank charges. This week's preliminary hearings are seen by many consumers as an opportunity for the Courts to confirm the provisions and protection laid down by Parliament within the Consumer Credit Act 1974. This is an opportunity for the spirit of the Act to be reinforced by the High Court.

If HHJ Waksman QC hands down a Judgment in favour of the consumer, in keeping with the prescribed terms of the Consumer Credit Act, then the week commencing the 30th November 2009 will undoubtedly go down in legal history as a victory that consumers feared would be denied them, but instead restored their faith in the Judicial System.

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Cartel Client Review is the UK's largest and fastest growing specialist financial claims company.

Cartel helps consumers across the UK to bring financial claims against banks and credit card companies, which include PPI, Unenforceable Credit Agreements and Bank Charge Claims.

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