



MILLER ROSENFALCK LLP

European Business Lawyers

Scullion -v- Bank of Scotland Plc (trading as Colleys)

Miller Rosenfalck represented the Claimant Emmet Thomas Scullion in an Appeal made by Bank of Scotland Plc (trading as Colleys) which was heard by the Court of Appeal on 23 May 2011.

Judgment was handed down by The Court of Appeal on 17 June 2011.

The Bank's appeal against the decision of Richard Snowden QC was allowed.

The effect of the decision of The Court of appeal is that a Valuer of a residential property does not now owe a duty of care to a Borrower if they were instructed by a Commercial Lender and the Borrower is a Buy-to-Let investor.

The Court of Appeal concluded that Mr Scullion's purchase as was "essentially commercial in nature" and found there to be a distinction between ordinary purchasers of residential property and Buy-to-Let investors.

Miller Rosenfalck has now lodged with The Supreme Court an Application for Permission to Appeal against the decision of The Court of Appeal on the basis that a duty of care is owed by a Valuer in respect of small Buy-to-Let purchasers, this being the finding of the Judge at first instance.

For further information and advice please contact:

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