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Gavin Kealey QC and Henry Moore succeed in striking out £50 million claim with limitation point

Thursday, 3rd March 2022

[Consulting Concepts International Inc v Consumer Protection Association \(Saudi Arabia\) \[2022\] EWHC 461 \(Comm\)](#)

Gavin Kealey QC and Henry Moore were successful for the Defendant in a £50 million Commercial Court claim. By judgment handed down today, Jacobs J struck out the claim and granted reverse summary judgment on limitation grounds.

The judgment followed a line of authorities, dating from the reign of Victoria, establishing that a cause of action for payment of services accrues when the work is done and, unless there are clear words or a “special term”, is not deferred until invoice or demand even in a contract that provides for payment to be made within a certain period (in this case, 90 days) after invoice. The relevant distinction is between the timing of the accrual of the right to payment, and the timing of the ability of the creditor to enforce the right to payment.

This victory follows on from an earlier jurisdictional success in related New York proceedings in which Gavin Kealey QC gave expert evidence on English law (with which the Federal Judge agreed: *Consulting Concepts Int'l Inc. v Kingdom of Saudi Arabia* Case 1:19-cv-11787-AKH).

Gavin Kealey QC and Henry Moore were instructed by Chris Webber and Kate Wakeham of Squire Patton Boggs (UK) LLP.

To view a copy of the judgment please click [here](#).

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[Mr Gavin Kealey Q.C.](#)

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[Mr Henry Moore](#)

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