

## Christopher Greenwood

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*A talented, level-headed and hard-working barrister who gives plain, direct advice*

- Chambers & Partners

**Christopher Greenwood specialises in professional liability, insurance, mortgage and banking litigation, and construction and engineering disputes with a professional liability angle. He is also actively developing his practice in sports work.**

**"He stood out in a complex accountants' tax mitigation scheme matter. He's got a real understanding of the underlying tax matters, and produces very thorough written advice. He's excellent in conference and is a real team player"** – *Chambers & Partners, 2021.*

**"A very tenacious opponent"** – *Chambers & Partners, 2021.*

**"Extremely detailed in his advice, both in writing and in conference. His particulars of claim are comprehensive and miss no point. He is extremely empathetic with clients and able to build rapport. His service to solicitors is excellent"** – *Legal 500, 2021.*

**"A talented, level-headed and hard-working barrister" who "gives plain, direct advice"** – *Chambers & Partners, 2020.*

**"A really skilled strategist and a valuable team player"** – *Legal 500, 2020.*

**"He is very hardworking and clever, with a great legal mind"** - *Legal 500, 2019.*

Chris is ranked as a leading professional negligence junior by both Chambers & Partners and Legal 500, and is frequently instructed in significant High Court claims. Those instructions have most recently included, in 2020, acting as sole counsel on behalf of financial advisers in *Ingenious Litigation* [2020] EWHC 235 (Ch), concerning film schemes, and (led by Neil Hext QC) the 'test case' of *Jago v Mortgage4YouLtd* [2019] EWHC 533 (QB), concerning mortgage brokers' duties in respect of interest-only mortgages.

Chris has also been involved in several high profile professional liability disputes in recent years, including (led by Justin Fenwick QC and Graham Chapman QC) *Gemini (Eclipse 2006-3) Plc v CBRE Limited and Warwick Street (KS) LLP*, a lender claim for damages in excess of £230m named in The Lawyer's 'Top 20 Cases of 2016', and (led by Graham Chapman QC) the series of claims beginning with *Halsall v Champion Consulting Ltd & Ors* [2017] PNLR 32, now a leading case on accountants' liability in respect of tax avoidance schemes.

Since, 2019, Chris has also been instructed in various unreported High Court claims. These include claims against tax advisers and financial advisers concerning remuneration trusts, film schemes and the CWMFX forex fund, numerous claims against insurance



brokers, solicitors and construction professionals, and (led by Jamie Smith QC) a high value claim brought by the landlord of a large agricultural property against a leading national firm of surveyors and property managers. He also appeared as sole counsel in the successful defence of a £10m claim against an insolvency professional.

In mortgage and banking litigation, Chris frequently acts as sole counsel for lenders in commercial and higher value residential matters, including claims concerning alleged interest rate hedging products, and was formerly part of the team acting for RBS in *Property Alliance Group v RBS*. And in construction, Chris is currently instructed on two large claims concerning commercial property, including acting on behalf of the insurers of a British multinational construction company which recently entered into liquidation, concerning the windows of a large skyscraper in Manchester, and acting on behalf of main contractors in a multi-million pound dispute concerning defective design and engineering of a retractable seating system.

Immediately before joining 4 New Square, Chris spent 6 months at the Court of Appeal, working as a Judicial Assistant to Lord Justice Mummery and Lord Justice Rix.

### Privacy Policy

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## Areas of Expertise

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### Banking & Financial Services

Chris has considerable experience of banking disputes, and is instructed by major high street lenders in respect of both commercial and consumer banking matters, including claims on guarantees, refinancing disputes, and alleged transactional errors. Chris has also been instructed in numerous claims concerning swaps, interest rate hedging products and stepped fixed rate loans.

In addition, Chris has a substantial practice acting on behalf of lenders in respect consumer and commercial mortgage litigation, and he is frequently instructed in professional liability claims by lenders against solicitors and valuers, and by consumers against financial advisers. Details of this work may be found under the “Real Property” and “Professional Liability” tabs respectively.

Chris has also been instructed in various applications for freezing injunctions and Norwich Pharmacal orders against banks, often at short notice.

### Cases

- **Property Alliance Group v RBS**  
Instructed as part of the legal team led by Tim Lord QC in *Property Alliance Group v RBS*, a banking dispute in the Chancery Division, involving issues as to mis-selling of swaps, LIBOR-rigging, and the Global restructuring Group within RBS.
- **Claims in respect of alleged interest rate hedging products**  
Acting on behalf of a major high street lender in a Commercial Court claim, brought by a borrower engaged in the property development business, concerning contractual formation, stepped fixed rate loans alleged to be interest rate hedging products, arguments concerning contracts for differences and various alleged breaches of the FSA Rules. Further, acting on a lender claim involving in an allegation of contributory negligence in respect of the mis-selling of alleged interest rate hedging products.
- **Claim in respect of ‘loan-switching’**  
Advising a major lender in relation to ‘loan-switching’ and the contractual incorporation of the lender’s standard rates, terms and conditions.
- **Guarantee claim against director-shareholders of liquidated company**  
Successfully representing a major high street bank in a 3-day trial against two guarantors of company borrowing, alleging inter alia **undue influence, duress, estoppel, mistake, misrepresentation, fraud, non est factum and unfairness under the Unfair Contract Terms Act 1977**

- **Claim against guarantors alleging non-delivery and relying on the Insolvency Act 1986, s.127**  
Acting on behalf of a major high street bank enforcing guarantees against guarantors alleging non-delivery of an executed deed, and relying on an alleged defence under the Insolvency Act 1986, s.127.
- **Claim against guarantor alleging defective service of letter of demand**  
Successfully representing a major high street bank in a claim against a guarantor, concerning the interpretation and application of a 'last known address' clause in a deed of guarantee.
- **Claim in respect of alleged contractual agreement to capitalise arrears**  
Successfully representing a major high street bank in respect of an alleged contractual agreement to capitalise arrears.
- **Claim in respect of alleged fraudulent payments**  
Successfully representing a major high street bank in respect of the making of allegedly fraudulent payments from a customer's bank account, and damages in respect of consequent losses alleged to have arisen thereafter.
- **Claim in respect of alleged identity fraud**  
Successfully representing a major high street bank in a claim against non-domiciled borrowers denying liability on the basis of alleged non-service outside the jurisdiction, and alleged identity fraud.

## Commercial

Chris has a growing practice acting in commercial contractual disputes, particularly in respect of share purchase agreements, commercial agency agreements and compromise agreements. Chris also has experience of bailment, carriage, sale of goods, commercial advisory services, and web hosting contracts.

In addition, a large portion of Chris' broader practice is commercial in nature, ranging from banking litigation to professional liability actions by corporate entities. Details of this work may be found under the relevant tabs.

## Cases

- **SPA dispute in respect of tax warranties and covenants**  
Acting on behalf of the purchasers in respect of a claim under various covenants and warranties, and for misrepresentation, under a share purchase agreement. The claim concerned the company's pre-sale tax position, and the company's income tax and NIC liability in respect of employee incentivisation schemes and gifts of shares prior to sale.
- **SPA dispute in respect of the valuation of WIP, outstanding debts and existing clients**  
Acting on behalf of the seller in respect of a claim for misrepresentation. The claim concerned the valuation of the company's work in progress, outstanding and bad debts, and the accuracy of lists of 'existing clients' provided prior to the purchase
- **Claim by underwriter against Lloyd's broker pursuant to broker agency agreement**  
Acting on behalf of a Lloyd's broker defending a claim by an underwriter for payment under a broker agency agreement, concerning a policy which had incepted, but for which the insured had failed to pay premium instalments.
- **Claim by supply worker against recruitment agency**  
Acting on behalf of a recruitment and employment agency defending a claim by a former supply teacher for outstanding payment of teaching fees pursuant to the teacher's contract with the agency.
- **Claim for rescission of compromise agreement and breach of factoring agreement**  
Advising a retail business in respect of a claim for rescission of a compromise agreement based on misrepresentation (failure of disclosure in litigation) and economic duress, and in respect of an underlying claim for breach of a factoring agreement.
- **Claim for repudiatory breach of compromise agreement**  
Acting on behalf of the claimant in a claim for repudiatory breach of a compromise agreement, in respect of the defendant's in



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breaching confidentiality provisions and instigating proceedings against a related entity.

## Commercial Chancery

Chris undertakes a wide range of work falling within the 'Commercial Chancery' spectrum, ranging from real property, banking and mortgage disputes to professional liability claims with real property, trusts or insolvency angles. Details of this work may be found under the relevant tabs.

## Construction

Chris has built up a substantial construction and engineering practice, acting both for and against employers, their insurers, building contractors and sub-contractors, in both commercial and residential contexts. He is typically instructed on cases with a professional negligence angle, i.e. those where the allegations are of defective design or engineering, or those where there are third party claims against construction professionals.

As of 2020, Chris is currently instructed as sole counsel on two large claims concerning commercial property. The first claim, in which Chris acts on behalf of the insurers of a large British multinational construction company which recently entered into liquidation, concerns the windows of a 47-storey skyscraper in Manchester. The second concerns structural movement, sloping and cracking to the floor of a large superstore in Stoke-on-Trent.

Chris has previously been led or involved in two higher profile construction disputes, *Trustees of the Marc Gilbard 2009 Settlement Trust v OD Developments and Projects Ltd* [2015] EWHC 70 (TCC) and *Co-operative Group Ltd v Birse Developments Ltd* [2014] BLR 359.

Further back, Chris was also involved in *Co-operative Group Ltd v Birse Developments Ltd* [2014] BLR 359, alongside Fiona Sinclair QC and Richard Liddell, defending Birse Developments Ltd in a claim in relation to the construction of internal flooring, external hardstanding and drainage systems at a large commercial distribution centre.

In undertaking this work, Chris benefits from having undertaken a secondment to the construction team of a leading firm of solicitors in the City, which is ranked in Chambers & Partners for both Construction and Professional Negligence: Technology & Construction work.

Chris also has a substantial practice acting in claims brought against construction professionals, further details of which may be found under the appropriate 'Professional Liability' tab below.

## Insurance & Reinsurance

Chris has developed a substantial practice in pure insurance matters, principally in the context of coverage disputes and claims against insurance brokers where an insured's entitlement to an indemnity is disputed.

Chris' knowledge and experience in advising insurers on coverage matters has been enhanced by the combined six months spent on secondment at three leading City firms, undertaking professional indemnity and construction work.

Chris also deals with a wide range of claims against insurance brokers, particularly in respect of allegations of material non-disclosure, misrepresentation or failure to comply with the terms of an insurance policy. Further details of this work may be found under the appropriate 'Professional Liability' tab.

## Cases

- **Claim against major insurer in respect of block notification**  
Led by Roger Stewart QC, acting on behalf of a major international insurer in a dispute concerning the alleged block notification of circumstances or claims against financial advisers.
- **Business Interruption claim by a dentist**



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Quantum dispute in respect of Business Interruption to a dentistry practice following a fire, concerning to the extent to which a reduction in business profits was attributable to the consequences of a fire as opposed to other commercial influences.

- **Claim by uninsured prior practice against successor practice**

Advising an uninsured solicitor in respect of the obligation of a successor practice to procure run-off cover in respect of a prior practice under the Solicitors Regulatory Authority Minimum Terms & Conditions ('MTCs').

- **Broker's negligence claim concerning major fire at a warehouse in Tottenham**

Acting as sole Counsel in a multi-million pound Commercial Court claim against an insurance broker, brought by a business which is alleged, by a third party, to be responsible for a large fire at a warehouse in Tottenham. The claim includes issues of pure insurance law, including the interpretation of a public/product liability insuring clause, and whether certain correspondence from the third party gives rise to a notifiable circumstance.

- **Broker's negligence claim concerning a fire at premises in Scotland**

Acting as sole Counsel in a Commercial Circuit Court claim against an insurance broker for over £500k, brought by the owners of a well-known Scottish fast food chain in respect of the declinature of cover following a fire. The claim includes issues of pure insurance law, including the materiality of certain previous claims, the interpretation of the duty to notify "immediately" and alleged non-cooperation following the fire.

- **Broker's negligence claim concerning hotels in Blackpool**

Acting as sole Counsel in a Commercial Court claim against an insurance broker for over £1m, brought by the former owners of two beachfront hotels in Blackpool. The claim includes issues of pure insurance law, in particular the meaning of a question in respect of the 'occupation' and 'closure' of a hotel.

- **Claim concerning waste processing plant**

Drafting Points of Claim in an arbitration between the operator of a waste processing plant and its insurer. The dispute concerned the proper interpretation of the insuring terms of the policy, and the interpretation and alleged non-compliance with the policy's co-operation clause.

- **Claim for declaration concerning interpretation of a 'joint insurance' clause in a commercial lease**

Acting as sole counsel in a High Court claim for a declaration, brought by the tenant under a commercial lease, concerning the interpretation of a clause requiring the insured to procure insurance in the joint names of the landlord and tenant, and the destination of any insurance proceeds in the event of a claim.

- **Third Parties (Rights Against Insurers) Act 2010**

Advising multiple insurers of one of the UK's largest construction companies, recently entering into liquidation, in respect of the applicability and application of an insurance policy's arbitration clause in a claim under the Third Parties (Rights Against Insurers) Act 2010.

## Professional Liability

**"He stood out in a complex accountants' tax mitigation scheme matter. He's got a real understanding of the underlying tax matters, and produces very thorough written advice. He's excellent in conference and is a real team player"** – *Chambers & Partners, 2021.*

**"A very tenacious opponent"** – *Chambers & Partners, 2021.*

**"Extremely detailed in his advice, both in writing and in conference. His particulars of claim are comprehensive and miss no point. He is extremely empathetic with clients and able to build rapport. His service to solicitors is excellent"** – *Legal 500, 2021.*

**"A talented, level-headed and hard-working barrister" who "gives plain, direct advice"** – *Chambers & Partners, 2020.*

**"A really skilled strategist and a valuable team player"** – *Legal 500, 2020.*



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**“He is very hardworking and clever, with a great legal mind”** – *Legal 500, 2019.*

Chris specialises first and foremost in professional liability claims, and is ranked as a leading professional negligence junior by both Chambers & Partners and Legal 500. He is frequently instructed in claims against accountants, tax advisers, financial advisers, mortgage brokers, insurance brokers, lawyers, insolvency professionals, surveyors and valuers, property agents and construction professionals. Chris often appears in the High Court as sole counsel, and has been led on a number of high profile professional liability cases in recent years.

Since joining Chambers, Chris has also completed a combined six months on secondment at three leading specialist professional indemnity firms. He is a member of the Professional Negligence Bar Association.

## Accountants & Tax Advisers

Chris has a well-established practice acting on behalf of accountants and tax advisers in respect of claims concerning participation in tax schemes, tax-efficient investments and other tax mitigation or deferral strategies. He is frequently instructed as sole counsel in High Court claims, usually against QCs or senior juniors specialising in the field.

In recent years, led by Graham Chapman QC, he was instructed on behalf of the successful defendants in the leading case of *Halsall v Champion Consulting Ltd* [2017] PNLR 32, and for the same defendants in several other related claims, having a combined pleaded value in excess of £25m. As of 2020, he is instructed as sole Counsel in a number of High Court claims, defending leading national and international advisory practices in respect of film schemes, employee benefit schemes and remuneration trusts.

This work dovetails closely with Chris’ substantial practice in defending financial advisers, and Chris is frequently instructed in claims where both tax advisers and financial advisers have been named as defendants, including the *Ingenious Litigation* [2020] EWHC 234 (Ch). Further details may be found in the appropriate tab below.

Chris also has experience of claims involving other tax matters, such as failed inheritance tax planning, gifts with reservation of benefits, and the taxation of pension trusts in respect of residential property.

Away from tax, Chris has also defended claims involving negligent accounting and auditing.

## Cases

- **Ingenious Litigation [2020] EWHC 235 (Ch)**  
As sole counsel, representing a professional adviser in this group litigation, Claims brought by around 200-300 individuals, mostly former professional sportsmen, represented by Peters & Peters LLP, Stewarts Law LLP and Mishcon de Reya LLP. The claims, concerning the claimants’ tax liability following *Ingenious Games LLP v Revenue and Customs Commissioners* [2019] UKT 226 (TCC), are brought against numerous parties including Ingenious themselves, along with banks and professional advisers.
- **Halsall v Champion Consulting Ltd & Ors [2017] PNLR 32**  
Successfully defending a claim against tax advisers, seeking damages in excess of £6m, in respect of participation in gift aid relief schemes and the Scion Sole Trader film scheme. Led by Graham Chapman QC.
- **Further claims following Halsall v Champion Consulting Ltd & Ors [2017] PNLR 32**  
Defending several further claims against tax advisers, together seeking damages and interest approaching £25m, concerning participation in gift aid relief schemes, numerous Eclipse film partnerships, and Timeless Releasing LLP. Led by Graham Chapman QC.
- **Claim in respect of Big Screen Productions film scheme**  
Defending a leading national firm of tax advisers (and financial advisers) in respect of a substantial High Court claim, concerning investments in various Big Screen Productions film schemes, operated by Ingenious.
- **Claim in respect of Integrated Planning Opportunities property development scheme**





Defending a claim against leading national firm of tax advisers, brought by two participants (represented by Richard Vallat QC) in the Integrated Planning Opportunities property development scheme, operated by Paladin Capital Ltd.

- **Claim in respect of remuneration trust disputed by HMRC**  
Defending a claim against accountants in respect of a bespoke remuneration trust, brought by a company whose claim for corporation tax relief has been disputed by HMRC.
- **Claim in respect of failed employee benefit scheme**  
Acting on behalf of an employer in a claim against its former tax adviser, concerning a failed employee benefit scheme, structured as the sale to employees of Contracts for Differences, designed to avoid income tax.
- **Claim in respect of adverse Forex movements scheme**  
Advising potential claimants in respect of a proposed claim against tax advisers, following the refusal by HMRC to allow capital losses in respect of a purported tax scheme based on adverse foreign exchange movements.
- **Claim in respect of HMRC enquiry and termination of retainer**  
Successfully defending a claim in respect of alleged negligent advice concerning an HMRC enquiry, and alleged wrongful termination of retainer, brought by the taxpayer who ultimately succeeded before the FTT in *Crown & Cushion Hotel v HMRC* [2016] UKFTT 765 (TC). The claim was dismissed following a 3-day trial in August 2018.
- **Claim in respect of failed inheritance tax planning**  
Acting on behalf of the defendant, successfully securing the discontinuance of a claim, brought by the beneficiary of a deceased client, in respect of inheritance tax planning alleged by HMRC to have fallen foul of the Gift with Reservation of Benefits provisions.
- **Claim in respect of the purchase by a SIPP of residential property**  
Acting on behalf of pensions professionals alleged to have failed to advise against the purchase by a SIPP of residential property, triggering unauthorised payment and scheme administration charges under the Finance Act 2004.

## Construction Professionals

Chris has a substantial practice acting both for and against construction professionals, principally architects and planning experts in respect of planning matters, or engineers in respect of defective foundations, but also contract administrators, project managers, and quantity surveyors. He has experience of claims brought against these professionals by third parties.

This area of professional liability dovetails with Chris' construction and engineering practice, including acting for and against mechanical, electrical, heating and gas engineers. Chris is also often instructed in claims against construction contractors where the allegations are of negligent design or specification, or other claims with a professional negligence angle.

As of 2020, Chris is currently instructed as sole counsel on two large claims concerning commercial property. The first claim, in which Chris acts on behalf of the insurers of a British multinational construction company which recently entered into liquidation, concerns the windows of a 47-storey skyscraper in Manchester. The second concerns structural movement, sloping and cracking to the floor of a large superstore in Stoke-on-Trent.

Further back, Chris was also involved (led by Fiona Sinclair QC and Rick Liddell) in the Part 20 claim against structural and geotechnical engineers in *Co-operative Group Ltd v Birse Developments Ltd* [2014] PNLR 21.

## Cases

- **Co-operative Group Ltd v Birse Developments Ltd [2014] PNLR 21**  
Acting alongside Fiona Sinclair QC and Richard Liddell, Part 20 claim by Birse Developments Ltd against its structural engineer and geotechnical design specialist.
- **Claim concerning skyscraper in Manchester**



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Claim by the freeholder of a 47-storey skyscraper in Manchester, against insurers of a large British multinational construction company which recently entered into liquidation. The claim concerns the allegedly negligent design and specification of glass panels, which the freeholder was ordered to repair in a claim by its tenants, a well-known hotel chain.

- **Claim concerning out-of-town superstore**  
Claim by the owner of large commercial premises in Stoke-on-Trent, built for and occupied by a major superstore chain. The matter concerns the negligent design of the foundations and flooring, which is suffering cracking and movement.
- **Claim in respect of defective cladding and render system**  
Substantial TCC claim brought on behalf of a sub-contractor in respect of an extension and partial refurbishment of a hospital in Blackburn. The claim concerns liability to the main contractor, a joint venture between two major national contractors, in respect of the faulty design by a sub-subcontractor of the external cladding and render system.
- **Claim against an architect in respect of a rural auction mart**  
Claim intimated by the owner of large rural auction mart against an architect, in respect of the negligent drafting of a specification of works, and the subsequent negligent supervision and certification of the works.
- **Claim against an architect in respect of defective oil tank enclosure**  
A claim against an architect based on negligent design of an oil tank enclosure, failure to comply with planning requirements, selection of an unsuitable contractor, and failure to properly supervise construction works.
- **Claims against architects in respect of water ingress and damp issues**  
Advising an employer and his building insurer in a claim against an architect for damages in respect of the failure to specify an appropriate scope of works to remedy water ingress and damp issues, and acting on a claim against an architect in respect of alleged deficiencies in its approach to the restoration of a building damaged by water used to extinguish a fire.
- **Claim against an architect in respect of the non-issue of contractual notices**  
Advising an employer on a claim in respect of an architect's failure to issue appropriate notices in respect of liquidated damages.
- **Claim concerning listed building and building in conservation area**  
Claim against an architect in respect of wrongful advice as to necessity for planning applications to a listed building and a property in a conservation area, and negligent assessment of prospects of success of planning application.
- **Claim concerning planning permission for a mixed retail/residential development**  
Claim against an architect by a former member of a joint venture partnership, alleging negligence in design and planning strategy in respect of an application for planning permission for a mixed retail/residential development on Jubilee Parade, adjacent to Woodford Underground Station.
- **Claim by purchaser against developer's architect**  
A contribution claim by a purchaser of a new-build property against an architect, where the architect had been engaged by the developer-seller to provide a completion certificate.
- **Claim concerning Community Infrastructure Levy**  
Claim by the owner of a large countryside residential property against an architect, in respect of the demolition of the original building and construction of a new one, concerning the failure, when applying for planning permission, to apply for permission to demolish as well as alter the building, and to correctly apply for and obtain exemption for the Community Infrastructure Levy.

## Financial Advisers

Chris has developed a substantial practice acting in claims against financial advisers. His practice covers a broad range of claims concerning a variety of investments, whether made directly or via personal pension schemes. He regularly deals with allegations concerning the suitability of unregulated collective investment schemes, forex investments, foreign property funds and investments, as well as more conventional products. Chris has also acted on a number of pensions switching claims.



Chris is frequently instructed on behalf of both advisors and principals alleged to be responsible under the FSMA 2000, s.39. In addition to issues concerning the investments themselves, Chris is therefore familiar with issues concerning the scope of authorised representatives' authority, and is frequently instructed in claims where the defences on that basis are raised.

In 2020, Chris was instructed as sole Counsel on behalf of a financial adviser in the *Ingenious Litigation* [2020] EWHC 3234 (Ch), concerning investments by 300+ investors into film schemes. The tax-related elements of this work dovetail closely with Chris' well-established practice acting on behalf of accountants and tax advisers, details of which may be found under the appropriate tab above.

Chris has also benefited from several months spend on secondment at a specialist professional indemnity firm in the City. During this time, Chris worked directly for the author of the chapter on financial advisers in *Simpson: Professional Negligence and Liability*, and gained substantial experience of claims against financial services professionals and product providers, both in the civil courts and before the Financial Ombudsman Service.

## Cases

- **Ingenious Litigation [2020] EWHC 235 (Ch)**  
Representing a financial adviser in this group litigation, Claims brought by around 200-300 individuals, mostly former professional sportsmen, represented by Peters & Peters LLP, Stewarts Law LLP and Mishcon de Reya LLP. The claims, concerning the claimants' tax liability following *Ingenious Games LLP v Revenue and Customs Commissioners* [2019] UKT 226 (TCC), are brought against numerous parties including Ingenious themselves, along with banks and professional advisers.
- **Claim in respect of Big Screen Productions film scheme**  
Acting on behalf of a leading national firm of financial advisers (and tax advisers) in respect of a substantial High Court claim, concerning investments in various Big Screen Productions film schemes, operated by Ingenious.
- **Claim under the FSMA 2000, s.39, in respect of unauthorised pensions advice**  
Defending a claim brought against the principal of an authorised representative under the FSMA 2000, s.39, concerning alleged (unauthorised) pensions switching advice and advice to invest pension assets into various funds, an unsuccessful Arch Cru Investment Portfolio.
- **Claim in respect of CWMFX foreign exchange investment**  
Acting on behalf of a Gibraltar-based company alleged to have recommended a £2.5m investment in the ill-fated CWMFX foreign exchange investment, an alleged to be a 'Ponzi' scheme which is currently the subject of litigation in the Grand Court of the Cayman Islands.
- **Claims under the 1930 Act in respect of the Eurocape Property Finance Fund**  
Acting on behalf of an insurer in respect of aggregated claims, totalling £1m, brought under the Third Party (Rights Against Insurers) Act 1930. The claims concern allegedly negligent advice to participate in the Eurocape Property Finance Funds.
- **Claim in respect of investment in foreign property**  
Successfully representing the defendant in a dispute concerning the value of a pension investment in Australian farmland, including resisting the claimant's late application to adduce expert valuation evidence.
- **Claim in respect of pensions switching advice**  
Representing a financial adviser in a claim concerning alleged failure, when giving pensions switching advice, to also consider and advise upon the proposed product into which the funds would be invested.
- **Claim in respect of investment plan structured as life insurance**  
Claim involving allegations of unsuitability and failure to properly advise claimants in respect of an offshore investment plan



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structured as a life insurance product.

- Claim in respect of negligently drafted acquisition agreement  
Advising a potential claimant in respect of a proposed claim concerning the negligent drafting and advice in respect of a corporate acquisition agreement.

## Insolvency Professionals

In 2019, Chris successfully appeared as sole counsel in a High Court claim against an insolvency professional, brought by the bankrupt, seeking damages of c.£10m. The claimant (represented by specialist counsel) alleged that the insolvency professional failed to assign to him certain causes of action vested in the estate, and/or that those causes of action were under-settled.

The claim, pleaded in negligence, causing loss by unlawful means and for breach of the Insolvency Act 1986, s.304, was dismissed in late 2019 following a successful application for summary judgment and/or strike-out. The claimant has sought permission to appeal, with a permission hearing listed for February 2020, in respect of which Chris continues to be instructed as sole counsel.

## Insurance Brokers

Chris has a considerable practice in respect of claims brought business owners against insurance brokers, and since 2017 he has been instructed as sole Counsel in a number of Commercial Court and other High Court actions. **Chris also acts in certain claims brought against brokers and financial advisers by private individuals, typically in respect of MPPI, life or critical illness cover.**

Chris is regularly instructed in claims where the client has found itself either uninsured or under-insured, including where the insurer has successfully avoided cover on grounds of misrepresentation, material non-disclosure and breach of warranty, or where no cover or insufficient cover has been placed. He also has experience of claims where brokers are alleged to have failed in their duties once policies have incepted. In all of his commercial work, Chris has a particular interest and specialism in claims for consequential loss based on non-indemnification.

This area of work increasingly dovetails with Chris' substantial practice in claims against financial advisers, particularly in respect of critical illness and life insurance cover. Further details may be found under the appropriate tab above.

## Cases

- Claim by two business following major fire at warehouse  
Acting for claimants in a multi-million pound Commercial Court claim brought by two businesses following a large fire at a warehouse in Tottenham, alleged to have been started by one of the claimants. The claims concern the failure to advise on and procure appropriate business interruption insurance, and the failure to place adequate public/product liability cover.
- Claim by owner of motor trade business  
Acting for the claimant in a Commercial Court claim for over £2.5m, brought by the owner of a motor trade business damaged by fire, following the declinature of the claim on the basis of alleged misrepresentation and non-disclosure.
- Claim concerning Blackpool hotels  
Acting on behalf of the former owners of two well-known hotels on the Blackpool Promenade in a Commercial Court claim. The matter concerned the declinature of claims and avoidance of policies in respect of the two hotels, following substantial property damage, on grounds of misrepresentation and material non-disclosure.
- Claim concerning fire at premises in Scotland  
Defending in claims in the Circuit Commercial Court for over £500k, brought by the owners of a well-known Scottish fast food

chain in respect of the declinature of cover following a fire, on the basis of alleged non-disclosure, misrepresentation, failures to comply with terms of the policies, and subsequent failures to provide information to insurers.

- **Claim by shop owner concerning alleged failure to advise on policy terms**  
Defending a claim by a shop owner in respect of an alleged failure to explain critical provisions in building and contents policies, resulting in the client's breach of warranty.
- **Broker's claim against a sub-broker concerning 'haystack conditions' in agricultural policy**  
Defending a Circuit Commercial Court claim brought by an insurance broker, against a sub-broker, seeking to recover damages in respect of a compensation payment made to its agricultural business client, whose claim in respect of business interruption was largely rejected on the basis of breach of the applicable 'haystack condition'.
- **Claim concerning alleged failure to place 'own occupation' critical illness cover**  
Defending a High Court (Business List) claim brought by a former dentist, alleging failure by a broker to place, or advise on the non-placement of, critical illness and total permanent disability cover on an 'own occupation' rather than 'any occupation' basis.
- **Claim concerning expiry of life assurance policy**  
Defending a claim brought by a broker's former client, alleging that the broker owed and breached a duty to advise or remind her of the impending expiry of a life assurance policy.
- **Claim concerning alleged failure to place life insurance policy**  
Claim brought by the deceased's estate and widow in respect of the alleged failure to place a life insurance policy.
- **Claim in respect of life insurance and critical illness cover**  
Defending a substantial claim against a broker, alleging fraudulent misrepresentation by forging a signature, and breach of alleged 'ongoing' duties and advisory failures in respect of life insurance and critical illness cover.
- **Claim concerning declinature of MPPI policy claims**  
**Claim involving the declinature of cover under a number of Mortgage Payment Protection Insurance policies, on the grounds that the insured property was not the claimant's 'main home'.**
- **Claim by footballer in respect of 'career-ending injury' insurance**  
Claim brought by a professional footballer in respect of alleged non-disclosure of previous injuries in the procurement of 'career-ending injury' insurance.

## Lawyers

Chris has built up a thriving practice acting both for and against solicitors. He is frequently instructed in claims with an underlying subject matter of a litigious, matrimonial, tax, commercial or conveyancing nature, including Sale & Rentback schemes, and the Right to Buy provisions.

Chris is most often instructed on behalf of solicitors, but is also regularly acts on behalf of banks and private lenders. Chris has substantial experience of claims involving breach of trust and breach of undertaking, as well as more common contractual and tortious claims for breach of the lender's terms or CML handbook, particularly where the alleged breaches result in properties being occupied by individuals claiming to have interests which are binding on the lender. Chris also acts for private clients, including purchasers and lessees of commercial and residential property.

Chris is also being instructed with increasing regularity in claims against barristers, including contribution or Part 20 claims brought by solicitors in respect of allegedly mishandled litigation.

In all of his work, Chris has benefited from a cumulative 6 months' first-hand experience of the day-to-day work of litigation



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solicitors and claims handlers, having undertaken a number of secondments at leading professional indemnity firms in the City.

## Cases

- **Right to Buy litigation**

Led by Ben Hubble QC and Amanda Savage, acting on behalf of solicitors in lead cases in the *Right to Buy* litigation.

- **Claim by freeholder in respect of joint ownership planning conditions**

Claim by a freeholder in respect of the alleged negligent drafting of leases of properties subject to shared ownership restrictions.

- **Claim by purchaser in respect of alleged failure to advise as to joint ownership rules**

Claim by a joint purchaser of residential property in respect of the alleged failure to advise as to varying species of joint ownership, and alleged wrongful completion of TR1 Form.

- **Claim by tenant in respect of alleged negligent advice as to break clauses**

Claim by commercial tenant of industrial property in respect of negligent advice as to 'material compliance' condition contained within a break clause. Led by David Halpern QC.

- **Claim by developer in respect of the issuing of allegedly defective notices to complete**

Claim by developer in respect of the issuing, to overseas property investors, of allegedly defective notices to complete on residential flats within a development.

- **Lender claim in respect of wrongful execution of Certificates of Title and Execution and failure to register charge**

Lender claim against solicitors in respect of the execution of Certificates of Title and Execution, in circumstances where the borrowers were not the sole owners and had not executed any charge, and subsequent failures to protect the lender's position.

- **Lender claim in respect of wrongful paying away of mortgage monies**

Retained as sole counsel in a substantial High Court claim brought by a major high street bank in respect of the paying away of mortgage monies. Issues include the substance and interpretation of the 'default terms' of the trust which arises when a lender pays mortgage monies to a solicitor acting on its behalf, in the event that the CML Handbook and lender's standard terms do not apply, and the extent of the doctrine of subrogation to a vendor's lien.

- **Claim concerning alleged undersettlement of commercial IP litigation**

Claim concerning alleged incompetent conduct and consequent undersettlement of a complex IP dispute in the Chancery Division, said to be worth over £10m. Led by Jamie Smith QC.

- **Claim concerning negligent assessment of prospects of success in litigation, and refusal of WP offers**

Acting on behalf of claimant in a claim against its solicitors and barrister on the basis of overly optimistic assessment of the claimant's prospects of success in litigation, and the refusal of without prejudice offers.

- **Claims in respect of alleged undersettlement of matrimonial finance proceedings**

Representing solicitors in two claims brought by divorcees against solicitors and barrister, concerning alleged negligent advice and undersettlement of claims for pension sharing orders and spousal maintenance orders.

- **Claim in respect of alleged failings in exercise of Powers of Attorney and Deputyship**

Claim by beneficiaries against solicitors for breach of duties of care in the exercise of Powers of Attorney and Deputyship, including the failure to maintain residential property.

- **Claim in respect of alleged negligent drafting of will**

Claim brought by beneficiary seeking to extend the *White v Jones* principle in respect of advice given to testator, and in respect of alleged negligent drafting of a will.

## Mortgage Brokers

Chris is very frequently instructed to defend claims brought against mortgage brokers, particularly in respect of interest-only mortgages.

Chris was led by Neil Hext QC in *Jago v Mortgage4You Ltd* [2019] EWHC 533 (QB), a ‘test claim’ brought against a mortgage broker, in respect of an interest-only mortgage taken out in order to invest further funds into an ultimately unsuccessful property investment.

Since then, Chris has been instructed in many further claims in respect of interest-only mortgages, including claims concerning insufficient advice, and allegations that borrowers should instead have been recommended capital repayment mortgages.

In acting on behalf of defendants to these claims, Chris draws not only on his knowledge and experience acquired in the Jago case and his wider professional liability experience, but also his substantial practice acting on behalf of mortgage lenders themselves.

## Property Agents

Chris is regularly instructed to defend property agents in claims brought by landlords, tenants, and purchasers of property. His work in this area focuses on claims brought by commercial landlords against surveyors and property agents in their capacity as property managers, and he is familiar with the RICS standards and guidance notes applicable to this field of work. In 2019, Chris was led by Jamie Smith QC in a claim by a landlord of agricultural property for over £4m, brought against a leading national firm of property managers, following a successful High Court claim brought against that landlord by the incumbent tenant.

Chris has also co-ordinated numerous training seminars provided by 4 New Square on this area of law, combining his approach to professional negligence work with his knowledge of substantive landlord and tenant law.

## Cases

- **Claim by landlord of agricultural property**  
Led by Jamie Smith QC, defending a claim for over £4m, brought by the landlord of a large agricultural property against a leading national firm of surveyors and property managers, following a successful claim against that landlord by the incumbent tenant. The claim was for alleged misrepresentations and breaches of tenancy by the agent on behalf of the landlord.
- **Multi-party claim by leaseholder in respect of the alleged mismanagement of insurance monies**  
Defending a substantial multi-party claim, brought by the owner of two properties on a development in the North West, against a managing agent appointed by the management company. The claim concerned the alleged mismanagement of insurance monies, said to have been misappropriated by fraud.
- **Claim by landlord in respect of breaches of AST committed by agent**  
Claims by a landlord for indemnities in respect of property management services, where the agent was alleged to have committed breaches of a tenancy agreement on the landlord’s behalf.
- **Claim by landlord in respect of the alleged negligent vetting of tenants**  
Claim by landlord in respect of the agent’s letting of residential property to a company, and alleged failure to properly vet incoming tenants.
- **Claim by landlord in respect of the alleged negligent drafting of tenancy agreements**  
Claim by landlord in respect of the alleged negligent drafting of tenancy agreements and related notices, resulting in alleged delay in recovering possession.
- **Claim by landlord in respect of the failure to comply with the rules concerning tenancy deposits**  
Claim in respect of the alleged failure to comply with the rules concerning tenancy deposits, and the landlord’s consequent inability to serve s.21 notices under the Housing Act 1988.
- **Claim by purchaser in respect of alleged negligent misstatement**



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Successfully obtaining a strike-out, without a hearing, of a claim brought by a purchaser of a property on the basis of alleged negligent misstatement.

## Surveyors & Valuers

Chris has a substantial practice acting for and against surveyors and valuers in claims brought by lenders, purchasers and lessees of real property. He also has experience of corporate valuation claims.

Chris was formerly instructed as junior counsel to Justin Fenwick QC and Graham Chapman QC, to act on behalf of CBRE in the case of *Gemini (Eclipse 2006-3) Plc v CBRE Limited and Warwick Street (KS) LLP*, a securitised lender claim seeking damages in excess of £230m.

As sole counsel, Chris has considerable experience of claims brought in respect of the overvaluation of properties. He has advised and acted on a wide range of valuation issues, including the applicability of the 'bracket' to portfolio cases and structural reports, recovery by lenders in respect of 'replacement' lending following the decision in *Tiuta*, and allegations of faulty lending practices. He also regularly deals with claims against building surveyors who are alleged either to have failed to identify structural defects in property. Chris is also frequently instructed on cases with limitation issues, including arguments under s.14A and the valuation of borrowers' covenants.

Away from real property, Chris has been instructed in several cases concerning corporate valuation matters, including the valuation of unlisted companies, and listed on various stock exchanges, including the Alternative Investment Market and Channel Islands Stock/Securities Exchanges, as well as the FTSE Main Market.

Claims against surveyors and valuers frequently also involve contribution claims against solicitors, and vice versa, Chris is regularly involved in both bringing and defending such actions. Further details may be found under the appropriate tab above.

## Cases

- **Gemini (Eclipse 2006-3) Plc v CBRE Limited and Warwick Street (KS) LLP**  
Securitised lender claim seeking damages in excess of £230m. Chris was heavily involved in advising on an extensive range of issues, including statutory and equitable assignment, joinder of the original lender, duties of care, and various issues in respect of causation and loss following the Court's decision in *Titan Europe 2006-3 Plc v Colliers International UK Plc*. The claim, which concerned a property portfolio valued by the defendants at more than £1bn, was named in The Lawyer's top 20 cases of 2016.
- **Lender claim in respect of alleged overvaluation of industrial property**  
Claim for damages of over £6,000,000, brought by a major lending institution against surveyors alleged to have overvalued industrial property let to commercial tenants. Led by Jamie Smith QC. The claim, which settled in late 2016, concerned *inter alia* valuation methodology, the effect of periodic 'refinancing' or redemption of lending by the same lender, and the 'shelf life' of valuation reports.
- **Claim by sub-prime lender**  
Claim by a sub-prime lender, involving issues such as the treatment of 'advance interest repayments' and similar retentions, and the recoverability of abnormally high costs of funding, and hedging costs and break fees.
- **Claims by buy-to-let investors against valuers instructed by lenders**  
Presently retained in respect of two claims bought by buy-to-let purchasers in respect of the alleged overvaluation of 'holiday let' homes. Issues include the extent of applicability of *Scullion v Bank of Scotland* [2011] 1 WLR 3212, and the relevance of gifted deposits and cash back incentives.
- **Claims against building surveyors in respect of damp walls**  
Acting on two claims against building surveyors in respect of the alleged negligent diagnosis or detection of damp in walls.
- **Halsall v Champion Consulting Ltd [2017] EWHC 1079 (QB) and other cases**  
Acting on behalf of tax advisers in respect of various professional liability claims brought by taxpayers. Claims included issues





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as to the valuation of shell companies and holding companies, both unlisted and when listed on AIM and CISX. Led by Graham Chapman QC.

## Real Property

Chris is regularly instructed to act on behalf of major banks and other lenders in all aspects of mortgage law, and mortgage litigation, and he has written and delivered training seminars to both lending institutions and solicitors' firms on the topic of subrogation. This work dovetails with Chris' substantial practice acting on behalf of lenders in banking disputes, details of which may be found under the 'Banking & Financial Services' tab.

Chris also advises and acts on landlord and tenant and other real property matters, whether raised in response to mortgage possession claims or in respect of 'standalone' property disputes, such as the interpretation of commercial leases or transactional disputes concerning deposits or alleged misrepresentations.

In addition, Chris frequently advises and acts on real property issues within the context of professional liability claims brought by lenders or purchasers, mainly against solicitors, but also against barristers and estate agents. Further details of this work may be found under the appropriate 'Professional Liability' tab.

## Mortgage

Chris is regularly instructed on behalf of mortgagees and receivers to deal with a variety of mortgage-related claims. He is frequently instructed on possession and money judgment claims, including in cases where arrears have been cleared or capitalised, previous proceedings have failed, or the lender relies on subrogation. As a result, he has substantial experience in dealing with most if not all defences commonly advanced by borrowers, including **allegations of deceit, undue influence, economic duress, misrepresentation, and *non est factum***, and issues arising under the **Unfair Contract Terms Act 1977** and consumer credit legislation. He also has experience of possession issues arising out of disclaimed property.

In addition to possession claims, Chris deals with a variety of claims brought by borrowers, including allegations that lenders have sold property at an undervalue, claims against lenders alleged to have charged or incurred improper or unnecessary fees and charges, including claims where lenders have made payments to freeholders.

Chris' sound grounding real property law means he is also comfortable dealing with the priority issues that frequently arise in mortgage litigation, including in relation to 'all monies' charges, rights of consolidation and tacking, and competing charges. He has substantial experience of applications for alteration or rectification of the Land Register.

## Landlord & Tenant

Chris has advised and acted in numerous commercial and residential landlord and tenant claims, representing landlords, LPA receivers, estate agents, property managers, leaseholders and tenants.

On the commercial side, as of 2020, Chris is currently instructed as **sole counsel in a High Court claim for a declaration, brought by the tenant under a commercial lease, concerning the interpretation of a clause requiring the insured to procure insurance in the joint names of the landlord and tenant, and the destination of any insurance proceeds in the event of a claim.** He has also previously advised in relation to the renewal of business leases under the Landlord and Tenant Act 1954, on covenants against letting in long leases, and on the interpretation of repair covenants in a bespoke agricultural lease.

On the residential side, Chris has substantial previous experience dealing with assured shorthold tenancies, claims for possession, issues concerning deposits, and claims by landlords and tenants in respect of repair covenants or dilapidations. He has also



appeared on behalf of a long leaseholder in a service charge dispute in the Upper Tribunal (Lands Chamber).

## Transactional Disputes

Chris is currently instructed as sole counsel in respect of a claim concerning the return of a pre-contractual deposit paid by a proposed purchaser of a property, with a 2-day trial listed for March 2020. **He has also advised and acted on several misrepresentation claims brought by purchasers and tenants, in respect of both commercial and residential property.**

## Sports

Chris is actively developing his practice in sports work, having gained experience undertaking a variety of matters. Past work includes the following:

- Drafting and advising on hockey coaching contracts, including consideration of the self-employed status of contracted coaches;
- Advising on coach recruitment procedures, including compliance with the Equality Act 2010;
- Research and advice on appropriate visas for foreign coaches;
- Drafting a successful application, to a league governing body, for a team to be promoted pursuant to the league's discretionary powers during the league's restructuring process;
- Advising a sports club in relation to the termination of its agreement with a kit supplier.

Chris is also a member of the England Hockey Disrepute Complaint Panel, to which Chris brings his experience as a former hockey player, captain and regional level umpire. He also has wider experience of disciplinary tribunal work in respect of professionals, including architects and solicitors.

Prior to coming to the Bar, Chris also worked for 6 years as a part-time tennis coach, gaining the LTA Assistant Coaching qualification. He is a keen follower of several sports, including football, rugby, cricket, tennis and boxing. Chris is willing to consider instructions on a pro bono basis where appropriate.

## Qualifications & Memberships

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### Memberships

London Common Law & Commercial Bar Association

Professional Negligence Bar Association

### Education & Scholarships

LLB (Warwick) (First Class)

BVC Major Scholarship (Inner Temple)