

## Miles Harris

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*He's utterly charming, with very efficient and polished drafting, and he is strategically far-sighted.*

- Chambers & Partners

**Miles Harris conducts a wide range of commercial litigation specialising in professional liability, insurance, property damage and disciplinary work.**

He is praised in Chambers & Partners for being "articulate and considered in his work" (2021), "very client-friendly, very practical, and great at driving a case forward...makes complex issues look very easy" (2020) and providing "strategic advice and procedural support... you want him in your corner for a tricky application hearing" (2019), being "exceptionally bright and very commercial... he's calm and excellent on his feet" (2018), "...utterly charming...and...strategically far-sighted...He gives brilliant advice...just a joy to work with" (2017). "Consistently delivers high-quality work, goes the extra mile and is very approachable." "He is very, very polished – he really goes through all the papers and he thinks outside the box" (2016).

The Legal 500 has said "All that he does is measured wise and calm" (2020) and described him as "a cool advocate under fire and a wonderful team player" (2021), "very bright" (2019), "extremely likeable" (2017), "extremely bright but user-friendly, commercial, hardworking and reliable" (2016). "He provides silky smooth drafting skills and a very calm and measured approach – an absolute joy to work with" (2017).

Miles strives to provide his clients with effective advocacy and advisory services that combine diligence, efficiency, knowledge of the law, approachability and commercial sense.

Miles acts in a wide range of cases within his areas of expertise, led and unled. He has spent much of the last year advising on insurance issues arising from the COVID-19 pandemic and acted in the FCA Test Case at both first instance and before the Supreme Court. He has also been published and lectured widely, especially in matters related to the civil liability of lawyers and insurance. Miles is also an established and experienced accredited mediator, accepting instructions in a range of civil disputes.

Miles is a member of the PNBA's Adjudication Panel and can accept appointments as an adjudicator under the PNBA Adjudication Scheme.

### **Publications and Seminars**

Miles has written a number of articles on issues of importance in professional liability and insurance law and has been published in the Journal of Professional Negligence, the New Law Journal, Insurance Law Monthly and the Sweet & Maxwell Civil Procedure Rule Reports and by the Practical Law Company. He is the author of the Practical Law Company's practice note on the duty of fair presentation owed by business insureds under the Insurance Act 2015.



## Privacy Policy

Click here for a [Privacy Policy](#) for Miles Harris.

## Areas of Expertise

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### Commercial Dispute Resolution

Miles advises and appears regularly in commercial disputes including cases concerning sale of goods, supply of services, mortgages, credit agreements and guarantees. He has particular experience of representing lenders and financial institutions.

#### Recent instructions have included:

- Acting as junior to Jamie Smith QC for one of the defendants to a Commercial Court claim in conspiracy seeking damages for £130m (see *Accident Exchange Limited & Anr v McLean & Ors* [2018] 4 WLE 26 (disclosure application) and [2018] EWHC 1533 (Comm)); and
- Acting for director defending claim by his employer for breach of s.174 of the Companies Act 2006 arising out of thefts from the company by a former employee
- Acting for a vehicle management company defending allegations that it overcharged the claimant national company over a period of years for the maintenance of its fleet of vehicles.
- Acting for the seller of goods in a claim for conversion and inducement of breach of contract against the directors of a purchaser company, alleging removal of goods subject to a retention of title clause for personal profit upon the insolvency of their company.
- Acting for a pension company seeking recovery of mistaken payment made to a SIPP, addressing a change of position defence.
- Acting for a distributor of motor tuning equipment seeking damages from a supplier for breach of an exclusive distribution agreement.

## Qualifications & Memberships

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Miles is a member of the Professional Negligence Bar Association, the British Insurance Law Association, COMBAR and the Bar Pro Bono Unit.

MA, Trinity College, Cambridge University; Dip. Law, City University; David Karmel and William Shaw Awards from Gray's Inn

## Insights

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### **Insurance Blog Post: The Test for Inducement in Contracts Prior to the Insurance Act 2015: Zurich Insurance PLC v Niramax Group Limited [2021] EWCA Civ 590**

4 May 2021

In *Zurich Insurance PLC v Niramax Group Limited*, dealing with a contract pre-dating the Insurance Act 2015, the Court of Appeal held that to establish inducement in cases of non-disclosure it was necessary for the insurer to show that the non-disclosure was an efficient cause of the underwriter writing the insurance on less onerous terms than would have been the case had the disclosure been made. It is not sufficient merely to establish that the less onerous terms would not have been imposed 'but for' the non-disclosure. The case highlights an issue as to whether the same result would be reached under the Insurance Act 2015. The Appellant was represented by Graham Eklund QC and Carl Troman and the Respondent by Ben Elkington QC and Ben Smiley, all of 4 New Square. The decision is considered by Miles Harris of 4 New Square. [Click here to read the article in full.](#)

### **Insurance Blog Post: Indemnification on the Reinstatement Basis: Endurance Corporate Capital Limited v Sartex Quilts & Textiles Limited [2020] EWCA Civ 308**

16 March 2020



In *Endurance Corporate Capital Limited v Sartex Quilts & Textiles Limited* [2020] EWCA Civ 308, the Court of Appeal unanimously held that an insured is generally entitled to be indemnified in respect of property damage on the reinstatement basis, regardless of what it intends to do with the property following the insured event. It also ruled on the principles relevant to deductions from payments on the basis of betterment. Ben Elkington QC of 4 New Square acted for the successful claimant insured. The Court's decision is considered by Miles Harris of 4 New Square.

## **Introduction to the SRA's 2019 Standards and Regulations**

14 October 2019

A summary look at the main changes brought in by the SRA's new November 2019 Standards and Regulations and their potential impact on practitioners.

## **Review of 2018 Insurance Law**

24 May 2019

Informa have published *Insurance law in 2018: a year in review*, written by Alison Padfield QC and Miles Harris. The review highlights some of the more important and interesting developments in insurance law in 2018, and is available to i-law insurance law package subscribers [here](#).

## **Review of 2017 Insurance Law for Informa**

12 April 2018

The article considers some of the more important and interesting developments in insurance law, both case law and legislation, in 2017. In addition to high profile developments such as the decisions of the Supreme Court in *AIG v Woodman* and *Gard Marine*, the review focuses on particular aspects of a number of cases which may be less well known, and which contain one or more points of real interest or practical use to those involved in the daily application of insurance law.

## **4 New Square members elected to the PNBA Executive Committee**

19 December 2016

## **Insurance: the precontractual duty of fair presentation under the Insurance Act 2015**

6 September 2016