

Neil Hext QC

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Highly analytical, very bright and a great asset for the most complex of cases.

- The Legal 500

Neil Hext QC specialises in Insurance / Reinsurance, Professional Negligence, Construction and Commercial Law.

Recognised in the directories as a leading Silk in Insurance and Professional Negligence, he has been described as "*incredibly talented and great to work with*", "*ferociously bright, with an excellent eye for detail*", "*an excellent analyst of claims*" and "*a very effective advocate*" who "*provides clear and business-focused advice*".

Neil is a highly respected trial advocate with an increasing appellate practice. He is at home in arbitration as he is in court, and also sits as an arbitrator. He is instructed in international arbitration.

His insurance/reinsurance practice covers the full range of coverage and policy issues, from material damage and business interruption claims, to public and professional liability and D&O claims. He has a particular interest in construction related insurance, including coverage under design and build policies for contractors and contractors all risks cover. He has significant experience in advising on coverage for historical abuse claims.

In construction and engineering, Neil's recent experience includes a dispute arising out of the construction of a residential tower block in Canary Wharf, a claim arising out of the construction of a international sports stadium, and an adjudication relating to the joint insurance provisions of the NEC3 contract.

Neil's professional negligence practice encompasses insurance brokers, lawyers, construction professionals, accountants, surveyors and other disciplines. He has been in a number of the recent important broking cases. He edits the chapter on surveyors in Jackson & Powell on Professional Liability.

In the commercial field he has particularly expertise in commercial fraud cases, including misappropriation of corporate assets and tracing claims. His practice encompasses the obtaining of urgent interlocutory relief, including freezing injunctions, *Norwich Pharmacal* orders and *Bankers Trust* applications.

Privacy Policy

Click here for a **Privacy Policy** for Neil Hext QC.

Areas of Expertise

Professional Liability

“He’s very calm, his written work is exceptional and his advocacy is very smooth.” – *Chambers & Partners, 2022*

“He is incredibly calm, drafts beautifully and has a very good way with the judges. A very balanced advocate.” “Neil is highly intelligent and has an analytical eye for detail. He is an excellent advocate who is extremely knowledgeable and a pleasure to work with.” – *Chambers & Partners, 2021*

“He is highly intelligent and analytical, and has a keen eye for detail.” – *Legal 500, 2021*

“Tackles difficult issues and difficult clients with aplomb.” – *Legal 500, 2020*

Neil’s practice in this area focuses on lawyers, brokers, construction professionals, accountants and surveyors. He deals with all aspects of lawyers’ liability, from solicitors’ negligence to vicarious liability for fraud. He has been instructed on a number of high value and complex cases, including claims arising from the purchase of a football club, an alleged conspiracy to appropriate copyright material, and a US hedge fund’s finance of a property development in Pakistan.

His work in the context of brokers dovetails neatly with his insurance practice, with claims frequently being brought against both insurers and the brokers. His experience here encompasses the brokers’ duty to obtain insurance that meets the insured’s needs, to ensure that the insured understands its duty of utmost good faith, and to explain relevant exclusions, warranties and conditions precedent. It also includes the difficult causation and scope of duty issues that can arise where breach of duty is established. He has acted in a number of the recent important cases in this area.

He has considerable expertise in relation to disputes arising from tax mitigation schemes, having been involved in litigation over the Evolution and other film finance schemes. He has dealt with numerous professional liability cases with a tax element, acting for or against lawyers, accountants and financial advisers. He has also had significant experience in the management of group litigation.

Neil’s practice also includes claims against construction professionals and accountants. He recently acted for the Claimants in a €40m claim against accountants and solicitors. He acted for actuaries in a €30m claim arising out of the purchase of a pension fund.

He edits the chapter on surveyors in Jackson & Powell on Professional Liability.

His cases include:

- *Jago v. Mortgage4You Ltd* [2019] EWHC 533 (QB) (claim against mortgage advisers arising out of re-mortgage to finance foreign property investment; limitation and application of knowledge provisions under s. 14A of the Limitation Act 1980)
- *Dalamd Ltd v. Butterworth Spengler Commercial Ltd* [2019] Lloyd’s Rep IR 295 (claim against insurance broker arising out of fire at waste recycling facility; effect of non-disclosure on variation of composite policy; test for causation in broker’s claims; whether balance of probabilities or loss of a chance)
- *Pakeezah Meat Supplies Ltd v. Total Insurance Solutions Ltd* [2019] Lloyd’s Rep IR 137 (assessment of damages in brokers claim)
- *Channon v. Ward* [2017] EWCA Civ 13 (Court of Appeal; representing broker in £1.8m claim arising out of failure to place accountants’ PI cover; whether notional policy would have paid out)
- *Ocean Finance & Mortgages Ltd v. Oval Insurance Broking Ltd* (2015) (acting for brokers in the context of an £4m claim arising out of alleged failure to make a block notification in respect of sale of PPI products)
- acting for the Claimants in group litigation brought against a firm of solicitors, and subsequently in arbitration against insurers, alleging failures in the advice given regarding an equity release scheme (2015)
- *AW Group Ltd v. Taylor Walton* [2014] EWCA Civ 592 (Court of Appeal; solicitors: acting for respondent solicitors in appeal against dismissal of claim arising out of purchase of industrial estate)
- *Community Gateway Association Ltd v. Beha Williams Norman Ltd* [2011] EWHC 2311 (TCC) (defending housing consultant in £16m claim arising out of transfer of local authority housing stock)
- *Jones v. Environcom Ltd* [2010] PNLR 27 (brokers: claim for failure of broker to explain duty of utmost good faith; whether insured insurable)
- *Berry v. Laytons* [2009] EWHC 1591 (solicitors: claim for negligent advice on Commercial Agents Regulations)



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Qualifications & Memberships

Neil is a member of COMBAR, BILA and the London Common Law and Commercial Bar Association.

LLB (Bristol) European Legal Studies

Insights

The COVID-19 challenge: insurance coverage in the time of lock-down

1 April 2020

In this article written for Thomson Reuters Practical Law, Neil Hext QC and Mark Cullen of 4 New Square provide guidance on the main types of insurance cover that are potentially relevant in relation to losses resulting from COVID-19. In particular, they consider whether insurance cover might be available under business interruption, event cancellation, employer's liability, D&O, credit and travel insurance policies.

Whose knowledge counts? Singularis v. Daiwa and Attribution

6 November 2019

Last week, the Supreme Court handed down its decision in *Singularis Holdings Ltd v. Daiwa Capital Markets Europe Ltd* [2019] UKSC 50. That case got the attention that it did because of the tension with the result in *Stone & Rolls Ltd v. Moore Stephens*. Others have dealt with the detail of the decision in *Singularis* (including an excellent article by my colleague, Mark Cannon QC – see <https://www.linkedin.com/pulse/stone-rolls-rolled-away-auditors-singularis-holdings-v-mark-cannon-qc/>). I want to look more generally at the issues created by attribution in a corporate context, and how the courts in recent years have approached them.

Liquidated Damages after Termination: Triple Point Technology v. PTT

5 March 2019

What happens to liquidated damages when a contract is terminated? Does the clause apply? If so, is the employer entitled to payment up until the point of termination, or beyond? These questions were addressed by the Court of Appeal in today's decision in *Triple Point Technology v. PTT*. Neil Hext QC considers the implications of the judgment.

Professional Negligence Claims arising out of GDPR

14 May 2018

The penultimate instalment in 4 New Square's GDPR series- what happens when professionals get their GDPR advice wrong? Inevitably it will transpire that mistakes will have been made by professionals giving (often very expensive) guidance on GDPR compliance. Their clients will want to consider whether a claim for professional negligence can be made. In this article Neil Hext QC, Stephen Innes and Helen Evans of 4 New Square discuss some of the issues which are likely to arise in such claims.