

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

Construction & Engineering

Neil is frequently instructed in cases that have a construction or engineering element. He has significant experience of mastering the technical issues that arise, and quickly assimilates the detail. He is used to dealing with the complex contractual arrangements that apply, such as those relating to delay, variation, termination, completion and acceptance standards.

His experience includes litigating and advising upon the effect of the joint insurance provisions in both the JCT and NEC standard forms.

He has significant experience in arbitration (both as advocate and arbitrator) and is instructed in international arbitration.

His cases include:

- *A v. B* (2019) (Dubai International Arbitration Centre; claim by contractor for wrongful termination of contract in context of IT systems integration project)
- Advising on dispute arising out of EPC contract for the construction of a power plant in the Middle East (2018)
- Acting in dispute relating to insurance cover of subcontractor in £multi-million claim arising out of defective construction of stands at sports stadium (2018)
- *Millharbour Investments Ltd v. Caddick (Mill Harbour) Ltd* (2018) (dispute between developer, purchaser and sub-purchaser relating to construction of residential apartment block in Canary Wharf; operation of long-stop contractual termination provisions; effect of alleged defects on right to insist on completion; whether latent defects cover complied with contractual requirements)
- Adjudication arising out of the joint insurance provisions of the NEC 3 sub-contract (2018)
- A £30m claim against insurers arising out of dispute between design and build contractor and employer for alleged defects in the design of a waste processing plant; alleged failure of process to pass reliability testing; whether contractually waste was “acceptable waste”; cause of catastrophic failure of one of main structural members in composting hall (2015).
- Advising building owners on defects alleged in design, specification and installation of heat exchanger units in air conditioning system in office buildings (2015).
- *Gondola Holdings v. Mersh* (2014). Claim arising from flood damage to computing equipment caused by allegedly defective design and installation of air conditioning equipment in ceiling void; HVAC engineering evidence and analysis of design of a/c drainage system.
- A multi-million pound claim by a large construction company against solicitors instructed to advise on amendments to DOM/2 and NEC3 forms of subcontract; pay-when-paid provisions in standard contractual terms
- Claim by specialist concrete contractor against insurers arising out of alleged defects in certain structures at Wembley stadium; allegations of failure of design and construction management (2011).

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.