

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

Property Damage

Neil has expertise both in breadth and in depth in relation to property damage cases. Many of his cases relate to fires or floods, whether they be claims brought against a defendant alleged to be responsible for starting a fire, or ancillary claims on an insurance policy or against a broker. He has significant experience of the technical issues that commonly arise, including investigation of the cause of the fire, issues relating to fire detection, prevention and spread, architectural/engineering questions arising out of the design of properties, compliance with building regulations, and product liability claims.

His cases in this field include:

- *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; whether insured had breached external storage condition at time of fire)
- *Bacup Holding Co Ltd v. Navigators* (2015) (claim against insurers and brokers arising out of flooding of warehouse as a result of river breaking its banks during storm);
- acting for defendant contractors in claim arising out of flood at office premises (2015);
- claim arising out of fire at factory; issues included causation of fire; whether device controlling heater defective or negligently designed (2013)
- *Jones v. Environcom Ltd* [2010] Lloyd's Rep IR 676 (claim against insurers and broker re fire at waste processing plant; issues included causation of fire; whether insured's processes in breach of health and safety regulations)
- *Mopani Copper Mines plc v. Millenium U/W Ltd* [2009] Lloyd's Rep IR 158 (preliminary issues relating to significance of deletions to construction of reinsurance slip arising out of damage done to an electrostatic precipitator in smelting plant in Zambia)
- *Bartoline v. RSA* [2007] Lloyd's Rep IR 423 (whether expenses arising out of environmental clean-up following fire covered under public liability insurance policy)
- acting for subcontractor in relation to claim arising out of significant fire at a superstore; issues included causes of fire-spread, and compliance with building regulations (2003).

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.