



NEW SQUARE

Nicholas Broomfield

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Very bright and intellectually able, and always comes up with a good solution for problems. He is also very good on his feet in court and able to change tack when circumstances demand.

- Legal 500

Nicholas Broomfield has a broad commercial chancery practice, with particular emphasis on commercial litigation, the law of trusts and real property, banking, financial and mortgage related disputes, insurance claims, professional negligence and civil fraud.

Nick is an experienced trial advocate with a reputation for his legal analysis. He relishes tackling complex points of law, both in writing and by way of submission, and is often instructed by solicitors, insurers and lay clients for his commercial, client-friendly, approach. Nick undertakes advisory and court work, regularly appearing in trials, appeals and arbitrations, either on his own or as a member of a larger counsel team.

Nick is described as a "go to" junior for banking, mortgage and property related work. His considerable experience is underlined by his appearance in a number of significant cases, including *Scott v Southern Pacific Mortgages Limited* in the Supreme Court, *Mortgage Express v Lambert* and *Pathania v Adedeji* in the Court of Appeal and *Landmark Mortgages Ltd v Bamrah* on appeal to the High Court. Nick is also a contributor to the 4th edition of *Cousins, The Law of Mortgages*.

Nick is regularly instructed to act in insurance disputes (including coverage issues, policy interpretation, non-disclosure, fraud, misrepresentation and FSMA/ICOB), recovery actions and claims following thefts and damage to property (including fires, floods and impact claims). Nick (led by Graham Eklund QC) recently acted for the successful insurers in *Bluebon Ltd v Ageas (UK) Ltd* and was instructed (led by Mark Cannon QC) in a significant dispute concerning coverage under a contractor's professional indemnity policy.

Ranked as a Leading Professional Negligence Junior by Legal 500, Nick is described as being "*exceptionally bright, tactically astute, very easy to work with and is great with clients*". He has experience of professional liability claims in the UK, the Channel Islands and the British Virgin Islands. Nick has acted in claims against lawyers (including barristers and solicitors), trust companies and trustees, valuers and surveyors, construction professionals (including architects) and engineers, agents (commercial agents and estate agents), brokers (mortgage and insurance), financial professionals (IFAs, accountants, fund managers and auditors) and management companies.

Nick is also instructed in claims arising from breaches of trust (including claims seeking to recover trust assets). His experience includes claims against trustees in this jurisdiction and offshore, and claims concerning the recovery and preservation of trust assets.

Before being called to the Bar, Nick read Jurisprudence at Mansfield College, Oxford, where he was awarded an Exhibition, the Mansfield College Essay Prize, the Worsley Prize and a number of Collections prizes. He studied for the BVC at BPP Law School



and was graded Very Competent. Nick is a member of Lincoln's Inn and has been awarded Hardwicke, Denning and Shelford Scholarships.

Privacy Policy

Click here for a **Privacy Policy** for Nicholas Broomfield.

Areas of Expertise

Commercial Chancery

Nick has a broad commercial chancery practice which includes the law of mortgages and real property, banking and financial matters, trust disputes (and claims against trustees) and the administration of estates. He has particular knowledge and experience of real property and mortgage related disputes, appearing for the successful parties in high profile appeals in the Court of Appeal and Supreme Court.

Mortgage Law

Nick has significant experience of disputes involving mortgages and the rights of mortgagees. He is regularly instructed by banks, building societies, private lenders, receivers and secured creditors to advise and act in cases at all levels from the County Court and First Tier Property Tribunal to the Supreme Court. Nick has appeared in a number of high profile cases, including *Scott v Southern Pacific Mortgages Limited* in the Supreme Court, *Mortgage Express v Lambert* in the Court of Appeal and *Landmark Mortgages Ltd v Bamrah* on appeal to the High Court, and is a contributor to the 4th edition of *Cousins, The Law of Mortgages*.

Examples of issues that have arisen in Nick's recent cases include:

- claims by mortgagees for possession of land (against mortgagors and third parties) and the recovery of secured and unsecured lending;
- enforceability of legal and equitable charges;
- overriding interests, land registration and title rectification;
- sale-and-rent-back agreements and overreaching;
- trusts of land;
- subrogation, sub-subrogation and restitution;
- mortgage fraud (by borrowers and third parties), forgery, misrepresentation, undue influence (including the implications of *Royal Bank of Scotland v Etridge (no 2)*), duress and unconscionable bargains;
- the death or insolvency of a mortgagor (including claims by and against the mortgagor's estate);
- claims against mortgagees pursuant to Financial Services and Markets Act 2000 (including claims for breach of MCOB), the Consumer Credit regime and the Equality Act 2006;
- claims against mortgagees and receivers following the sale of residential, commercial and buy-to-let properties and portfolios;
- claims against mortgagees and receivers arising from the management of properties/portfolios in possession, including resisting applications for interlocutory relief (often at short notice).

Cases

- Landmark Mortgages v Bamrah
- Mortgage Express v Lambert
- Southern Pacific Mortgages Limited v Scott

- Pathania v Adedji

Real Property

Nick acts for property owners, tenants, banks and building societies, insurers and trustees (onshore and offshore) to advise on all aspects of English property law and claims involving registered land, including:

- overriding interests;
- land registration and priority of interests in land;
- title rectification (including the rectification of leases);
- proprietary estoppel and constructive trusts;
- co-ownership, trusts of land and applications under the Trusts of Land and Appointment of Trustees Act 1996;
- claims involving fraud and equitable wrongs (e.g. forgery, misrepresentation, undue influence, duress and unconscionable bargains);
- landlord and tenant (including forfeiture and claims for possession of land);
- easements and restrictive covenants;
- the construction of leases and leasehold covenants;
- all aspects of the law of mortgages;
- Law of Property Act receiverships.

Cases

- Isaaks v Charlton Triangle
- Mortgage Express v Lambert
- Southern Pacific Mortgages Limited v Scott

Banking and Financial Services

Nick is frequently instructed to act on behalf of banks, building societies, financial institutions and finance houses in claims arising from secured lending (see Nick's CV for mortgage work), contractual disputes (including claims under guarantees), financial services (including claims for breach of MCOBs) and consumer credit agreements.

Wills, Probate and the Administration of Estates

Nick advises personal representatives, beneficiaries, solicitors and insurers on issues arising from the administration of estates, including:

- the interpretation and rectification of wills and testamentary documents;
- the removal and appointment of executors;
- statutory wills;
- gifts and donatio mortis causa;
- claims pursuant to the Inheritance (Provision for Family and Dependants) Act 1975;
- claims against third parties (including attorneys and deputies) for actions taken, and gifts given, during the lifetime of the deceased;
- claims by and against trustees and personal representatives;
- other issues arising in the administration of estates.



Qualifications & Memberships

B.A. (Oxon).

Insights

Vicarious Liability: whose liability is it anyway?

20 April 2020

Vicarious liability is "on the move", but how far has it gone? Amanda Savage QC and Nick Broomfield explore the development of the doctrine of vicarious liability in light of the recent decisions of Barclays Bank plc v Various Claimants [2020] UKSC 13 and MW Morrison Supermarkets plc v Various Claimants [2020] UKSC 12.

Mears Limited v Costplan Services (South East) Limited & Others [2018] EWHC 3363 (TCC)

10 December 2018

Simon Hale of 4 New Square represented Costplan Services (South East) Limited. The decision of Waksman J is considered by Nicholas Broomfield of 4 New Square.