



NEW SQUARE

## Nicole Sandells QC

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*Intellectually extremely bright and knowledgeable on the law and procedure.*

- Legal 500

**Nicole Sandells QC joined Chambers in 2002 having developed a successful practice at the Chancery commercial bar.**

The majority of her work falls within the general categories of Chancery, commercial dispute resolution and related professional liability, with a special emphasis on civil fraud and recoveries (both on and offshore), banking, trusts, property, and mortgage litigation.

Described as '*a mega-brain, with encyclopaedic legal knowledge and the ability to cut through complex legal issues with ease*', and '*a master tactician who is exceptionally bright and has a fantastic ability to condense significant evidential information*', Nicole is recognised as a Leading Silk for her Professional Negligence work.

In recent years Nicole has been involved in a number of high profile civil fraud and mortgage fraud related cases, including the *North East Property Buyers* litigation in the Court of Appeal and the Supreme Court (as *Scott v Southern Pacific*), where Nicole represented the successful lenders in a case with significant ramifications for the law of equitable and proprietary interests in land. Nicole's success for the Bank in the Court of Appeal in *Lloyds Bank v Markandan & Uddin* sparked a succession of cases pushing the boundaries of equity and trust law as a means of asserting beneficial ownership and recovering assets, culminating in a successful Supreme Court appearance representing the defendant solicitor in the follow up case *AIB v Redler & Co*. Nicole was also involved in the *Innovator (Brown v InnovatorOne)* and *Gaydamak v Leviev* appeals in the Court of Appeal, having been brought in to both cases for her equity and trusts expertise. Her most recent Supreme Court case, *Swynson v Lowick Rose*, drew on her extensive unjust enrichment and subrogation expertise. Success in that case has helped to define the boundaries of equitable subrogation, restitution and unjust enrichment.

As can be seen from her list of cases, Nicole is never happier than when tackling complex and difficult points of law, and relishes appellate advocacy. She enjoys finding novel ways to trace or defend assets and assert beneficial ownership, adapting traditional trust and equity principles to commercial situations. She has been involved in litigation, in England and internationally, seeking variously to recover and to defend assets for the liquidators of several failed Caribbean institutions, including appearing before the Court of Appeal of the Eastern Caribbean Supreme Court in Antigua. Nicole is currently instructed to appear as lead counsel in asset tracing litigation in several jurisdictions dealing with breach of trust, breach of fiduciary duty, restitution, tracing and the principles of accessory liability. Nicole is admitted to the BVI Bar.

Nicole's innovation, expertise and reputation is such that her cases often settle to her clients' satisfaction, even on complex and novel points of law, long before trial. Notable examples in the recent past include two multi-million pound fraud cases involving allegations of professional involvement by way of breach of fiduciary duty and trust, and professional accessory liability for knowing assistance. In both cases Nicole's clients obtained 6 figure settlements beyond expectations.

## Privacy Policy

Click here for a **Privacy Policy** for Nicole Sandells QC.

# Areas of Expertise

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## Real Property

Nicole's practice covers all aspects of real property work including:

- overriding interests
- co-ownership of land
- equitable interests in property (e.g. setting aside transactions for undue influence and other equitable wrongs, proprietary estoppel, equitable mortgages, subrogation)
- adverse possession
- rights in and over land including restrictive covenants, easements and licences
- land registration and conveyancing
- priority
- trusts of land and applications under the Trusts of Land and Appointment of Trustees Act 1996
- boundary disputes
- subsidence and nuisance claims
- options over land
- Law of Property Act receiverships
- landlord and tenant – see for example *PW & Co v. Milton Gate Investments Ltd.*

Nicole acted for the successful party in the adverse possession case *Lambeth Council v. Blackburn*, including a successful application in the House of Lords. Nicole also advised the successful party on the land law aspects of *The Queen (Lord Chancellor) v. Chief Land Registrar*. More recently she has appeared in the *North East Property Buyers* litigation in the Court of Appeal and the Supreme Court (concerning overriding interests, the proprietary consequences of exchange of contracts, beneficial interests in land and priority), in *Bank of Scotland v Joseph* in the Court of Appeal (concerning the use and interpretation of unilateral notices), in *Barons Finance v Kensington* in the Court of Appeal (concerning priority and mistake) and in *Garwood v Bank of Scotland* in the High Court (concerning re-registration of mortgages removed from the Register by mistake).

## Cases

- **Lambeth London Borough Council v. Jack Blackburn**  
Nicole acted for the successful party in this adverse possession case, including a successful application in the House of Lords
- **The Queen (Lord Chancellor) v. Chief Land Registrar**  
Advised the successful party on the land law aspects of this case
- **North East Property Buyers Litigation**  
Concerning overriding interests, the proprietary consequences of exchange of contracts, beneficial interests in land and priority.  
Nicole acted for the successful bank
- **Bank of Scotland v Joseph**  
Concerning the use and interpretation of unilateral notices
- **Barons Finance v Kensington**  
Concerning priority and mistake
- **Garwood v Bank of Scotland**



Concerning re-registration of mortgages removed from the Register by mistake

## Qualifications & Memberships

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Nicole is a member of the Chancery Bar Association, the Professional Negligence Bar Association, COMBAR and the London Common Law & Commercial Bar Association

**Education** – B.A. (Oxon) (First Class)

**Languages** – French and Spanish

## Insights

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### **P&P Property Limited v Owen White & Catlin, LLP Dreamvar (UK) Limited v Mishcon de Reya [2016] EWCA Civ. 1082**

23 May 2018

Dreamvar - revolution or reprise? Has anything really changed? by Nicole Sandells QC and Nick Broomfield of 4 New Square.