



NEW SQUARE

Scott Allen

Call: 2000

+442078222000 s.allen@4newsquare.com

Clerk: Andrew Call

a.call@4newsquare.com

+442078222038 +447788443600



He shows huge attention to detail and had a fantastic grip on the issues of the case, despite their complexity.

- Chambers & Partners

Named the ‘Professional Negligence Junior of the Year’ (2018) by Chambers & Partners UK.

Scott Allen is a recommended junior in the Legal 500 and Chambers & Partners for professional liability claims. He is committed to providing practical, commercial advice and advocacy of the highest quality, complemented by an approachable and client-friendly service.

Scott is instructed regularly in professional liability work involving solicitors, barristers, accountants/auditors, surveyors/valuers (including rights to light surveyors), insurance brokers, independent financial advisers, and administrative receivers, acting for claimants as well as defendants. The litigation from the last recession saw Scott develop a particular specialism in claims involving administrative receivers (e.g. *Bell v Long & PKF* [2008] EWHC 1273 Ch, [2008] 2 BCLC 706), as well as claims brought by lenders against solicitors and surveyors. He has also been involved in much of the litigation in respect of unsuccessful tax avoidance structures, including film finance, conditional share award, and BPR schemes. In recent years, much of his time has been spent defending solicitors and accountants in proceedings before the SDT and FRC Disciplinary Tribunal respectively. Scott is also ranked as a leading Professional Discipline and Regulatory Law junior by Legal 500.

Recognised for being “outstanding”, “a fantastic junior – hardworking, intelligent and easy to deal with” (Legal 500, 2019), “he gets it, and he gets it quickly” (Chambers & Partners, 2019). “Completely on top of absolutely everything”, “very bright, sensible and accessible” (Chambers & Partners, 2016), Scott “acts for claimants and defendants, and is known for the strength of his solicitors’ and surveyors’ negligence practice.” “He is a talented advocate who has a nice, concise way of expressing himself in clear and understandable language.” “Very approachable and absolutely sound on all aspects” (Chambers & Partners, 2015). “Personable, easy to engage with, perceptive and very bright” who “delivers quick response times, is very measured and gives clear advice that clients can easily digest” (Legal 500, 2015). His “sharp intellect and well thought-through opinions’ have made him a junior of choice on a range of professional negligence claims” (Chambers & Partners, 2013).

Recent cases of note include, *Griffith v Gourgey* [2018] 3 Costs LR 605 (an important case in respect of solicitors’ warranty of authority), *Hughes-Holland v BPE* [2018] AC 599 (with Roger Stewart QC – the most important professional negligence case since SAAMCO), *Williams v SRA* [2017] EWHC 1478 (with Patrick Lawrence QC, an important disciplinary case in the Divisional Court in which a solicitor’s dishonesty conviction was overturned), *Herring v Shorts Financial Services LLP* [2016] W.T.L.R. 1203 (in which Scott successfully resisted the extension of *White v Jones* liability to financial advisors assisting with a Will), and appearances in the Court of Appeal for solicitors in *Clydesdale Bank Plc v Workman* [2016] P.N.L.R. 18 (with Roger Stewart QC) and *Newcastle International Airport v Eversheds LLP* [2014] 1 WLR 3073 (with Ben Patten QC).



He appeared with Roger Stewart QC in the Supreme Court in *BPE Solicitors v Hughes-Holland* [2017] UKSC 21, in which the Supreme Court provided clarification of the extent to which the SAAMCO principle is to be applied to solicitors and other professionals. The court restated and provided further explanation of the SAAMCO principle, including distinction between the provision of “information” and “advice”. It overruled a series of cases which had been the source of much confusion about how the principle was to be applied to cases involving solicitors. Click [here](#) to read an article looking at the implications of the case’s decision, written by Roger Stewart QC and Scott Allen.

In addition to his professional indemnity work, in which he is often instructed for insurers, Scott is also instructed in subrogated recovery actions and specialist insurance disputes including policy wording/coverage issues and allegedly fraudulent insurance claims.

As well as his disciplinary work in the Solicitors Disciplinary Tribunal and FRC Disciplinary Tribunal, he has also advised or appeared in proceedings involving the Council of Licensed Conveyancers Disciplinary Committee and the Chartered Institute of Public Finance and Accountancy. Scott has also been able to combine his work with his love of all things involving sport, and to represent the Motor Sports Association successfully in Motor Sports Council Investigatory Tribunal proceedings against Mitsubishi Motors UK.

Scott advises and appears in construction disputes (including Party Wall Act proceedings), appearing frequently in the Technology and Construction Court in construction litigation (e.g. *Bromley LBC v Heckel* [2015] EWHC 3606 (TCC)), as well as advising and appearing in arbitration and adjudication of construction disputes.

Scott also has a considerable Chancery-based practice involving partnership disputes, international trust disputes (Cayman Islands), declarations of beneficial interest in property, general banking and mortgage work, and applications under the Trusts of Land and Appointment of Trustees Act 1996.

A major part of Scott’s practice is general commercial litigation, with a particular focus on telecommunications and information technology disputes. Scott frequently appears for telecommunications providers, and previous cases include a multi-million pound recovery action involving a wavelength capacity agreement and indefeasible rights of use. Scott has undertaken some energy work, and appeared successfully in a major commercial court trial (*Dalkia v Cetech* [2006] 1 Lloyd’s Rep 599) involving a complex contractual dispute in relation to an electricity generating turbine. Scott has also advised on a number of commercial agency cases dealing with issues of actual and ostensible authority, and the ‘effective cause’ requirement in respect of an agent’s entitlement to success-based commission fees.

Scott’s commercial work has seen him advise on pre-action and third-party disclosure applications, and successfully obtain orders pursuant to the Norwich Pharmacal jurisdiction against third parties.

Privacy Policy

Click [here](#) for a **Privacy Policy** for Scott Allen.

Areas of Expertise

Commercial Dispute Resolution

Commercial contractual disputes form a major and burgeoning part of Scott’s practice. Scott particularly enjoys his involvement in commercial disputes, and believes that his pragmatic approach and tactical awareness lends itself particularly well to the priorities and client sensitivities of commercial litigation. He is also instructed in commercial arbitration and sees this as a key area of his practice, especially in relation to arbitration involving foreign corporations.

Scott has been involved in disputes involving computer games, dentists’ partnership agreements, recruitment agreements for large bakeries, telecommunications disputes, cost saving facilitators’ agreements, an energy turbine financing and servicing agreement,



fleet maintenance agreements, lost profit claims in the nightclub industry, breach of contract in the adult film and services sector, motor sport regulation, foreign currency loan accounts, the interpretation and effect of a staged contract for the provision of landfill materials; the interpretation and effect of truck drivers' franchise agreements; the interpretation and effect of 'discretionary' bonus clauses in banker's remuneration packages; the interpretation and effect of a computer game marketing distribution and sale agreement, and the entitlement of commercial agents to commission in loan finance transactions,. He is regularly instructed to appear in the Commercial Court and in commercial arbitrations, and appeared (with Ben Hubble QC) for the successful claimant in the Commercial Court case of Amalgamated Metal Corporation Plc v Wragge & Co [2011] EWHC 887 (Comm).

Scott was also retained (with Michael Soole QC, as he then was) for the successful Defendant in the case of Dalkia v Celtech [2006] 1 Lloyd's Rep 599 in which virtually the gamut of English contractual law was debated. Key issues in that case involved the meaning of 'material breach' in a termination clause, the principles upon which the court could interfere with the drafting of a commercial contract to remedy an 'obvious mistake' by the parties, even where that involved substantial consequential amendment to several clauses, and the application of the rule against penalties to an accelerated payment clause upon termination of an energy services agreement.

Scott has advised in international commercial disputes and was involved in preparing a fascinating fraud trial in Belize involving a medical school

Qualifications & Memberships

B.A. (Oxon.)

Member of COMBAR and ARDL