



NEW SQUARE

## Scott Allen

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*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**

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### **Construction & Engineering**

Scott regularly advises and appears in construction and engineering disputes in the Technology and Construction Court, and in adjudication and arbitration proceedings. He is currently retained to advise and represent a number of defendants in the ongoing and large-scale Cavity Wall Insulation litigation.

He represented the defendant in the case of *Young v Bemstone Limited* [2004] EWHC 2651, which involved the interpretation of certain sections of the Party Wall Act and the entitlement to damages of an innocent party under that Act. He successfully represented the project manager in *London Borough of Bromley v Heckel* [2015] EWHC 3606 (TCC), persuading Edwards-Stuart J



to strike out the claim form issued against him. He also represented a group of successful claimants in a high profile multi-party claim involving the collapse of a hillside and a number of private residences in Yorkshire.

He enjoys the challenge of grappling with the technical issues raised in heavy TCC cases, which in his cases have included the reasons for the failure of: a swimming pool installation, a concrete screed floor, a piled underpinning system, a passive cooling system within a large office development, a complex steel roof, a steel-framed extension to a luxury domestic cliff-top property, the weather tightness of a new-build gothic-style mansion, the liability of M&E engineers for the late installation of an electricity sub-station, and the liability of an architect for an extension constructed over a high pressure water main.

Scott has been involved in construction disputes ranging from very large and well-known projects which have gone awry in well-publicised circumstances, to smaller scale domestic disputes. He has advised on the interpretation of key provisions of various JCT contracts including the provisions relating to nominated sub-contractors and materials. He regularly appears for and against construction professionals, including architects, surveyors, planning consultants and rights to light surveyors, structural engineers and project managers.

## Qualifications & Memberships

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B.A. (Oxon.)

Member of COMBAR and ARDL