



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**

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### **Insurance & Reinsurance**

Scott frequently advises in relation to issues arising on insurance policies, as well as in respect of insurance disputes. He was heavily involved in the subrogated recovery by insurers of payments made in relation to the Buncefield oil refinery explosion, and has advised on numerous aspects of motor insurance law, most recently on the question of how widely the compulsory insurance provisions of the Road Traffic Act 1988 are to be interpreted in light of the cases of *Dunthorne v Bentley and Slater v Buckinghamshire CC*.

Scott was retained to advise on a number of the insurance aspects arising from the Shoreham air tragedy, and had a significant



involvement for a number of years in the film contingent expense insurance litigation, and remains involved in the film finance litigation which has followed it.

As with his professional liability work, whilst the majority of Scott's work is for insurers, he has been instructed by claimants in a number of disputes where insurers have refused to pay after fire damage, flood damage, and other insured perils.

Scott has advised on the coverage effect of policy wording in relation to professional indemnity and general insurance policies, in particular in relation to the provisions which deal with when a claim is first made and which of several potential insurance policies respond to the claim in question. He has also advised in several cases on the construction of Legal Expenses Insurance policies, and successfully resisted claims against LEI insurers where policy coverage has been declined.

Scott has advised in several cases where fraud allegations have been made, as well as successfully defending a number of claims where theft losses have been wrongly inflated. He also advised upon issues arising from claims made by one co-insured against another, in partnerships as well as within companies, and the effect of fraud upon such claims.

Scott is also instructed regularly in relation to claims which are covered by Directors and Officers insurance policies, as well as claims against insurance brokers

## **Qualifications & Memberships**

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B.A. (Oxon.)

Member of COMBAR and ARDL