

OUR PEOPLE

Christopher Greenwood

CALL 2009

CHAMBERS & PARTNERS

“A talented, level-headed and hard-working barrister who gives plain, direct advice”

✉ c.greenwood@4newsquare.com

☎ +442078222085

Chris Greenwood has a commercial practice, specialising in professional liability, construction and engineering, and insurance claims.

“He’s brilliant in writing and with experts. He takes the time to explain things to clients. He’s really user-friendly and commercial” – *Chambers & Partners, 2023*

“Chris is a very capable barrister with strong client skills” – *Chambers & Partners, 2023*

“His drafting, advocacy and enthusiasm are excellent. He is also a real team player” – *Legal 500, 2023*

“A very user-friendly barrister who is very good in court and not afraid of giving tough advice” – *Chambers & Partners, 2022*

“A very impressive, very capable advocate” – *Chambers & Partners, 2022*

“High quality, very detailed work. A real team player and a pleasure to work with, which is a view shared by others working with him” – *Legal 500, 2022*

“A very personable and responsive junior” – *Legal 500, 2022*

“He stood out in a complex accountants’ tax mitigation scheme matter. He’s got a real understanding of the underlying tax matters, and produces very thorough written advice. He’s excellent in conference and is a real team player” – *Chambers & Partners, 2021*

“A very tenacious opponent” – *Chambers & Partners, 2021*

“Extremely detailed in his advice, both in writing and in conference. His particulars of claim are comprehensive and miss no point. He is extremely empathetic with clients and able to build rapport. His service to solicitors is excellent” – *Legal 500, 2021*

“A talented, level-headed and hard-working barrister” who **“gives plain, direct advice”** – *Chambers & Partners, 2020*

“A really skilled strategist and a valuable team player” – *Legal 500, 2020*

“He is very hardworking and clever, with a great legal mind” – *Legal 500, 2019*

Chris is ranked as a leading junior in Professional Negligence work by both Chambers & Partners (Band 4) and Legal 500 (Band 4), and also by Legal 500 as a leading junior in Construction (Band 4).

Chris is frequently instructed as sole counsel in High Court professional liability claims across the professions, often with pleaded values exceeding £1m, acting on behalf of claimants and defendants. He is also frequently instructed as junior counsel in high

value and high profile cases, including as specialist 'professional negligence junior' to King's Counsel from outside Chambers. Recent reported cases include:

- Representing solicitors in *Hoegh v Taylor Wessing LLP* [2022] EWHC 392 (Ch), a claim against solicitors and accountants for c.£15m concerning tax advice in respect of the remittance basis regime (led by David Yates KC).
- Representing planning consultants in *Salter Property Investments Ltd v PCL Planning Ltd* [2022] EWHC 2115 (Ch), a claim against planning consultants and counsel concerning listed buildings (led by Andrew Tabachnik KC);
- As sole counsel, representing financial advisers in *Ingenious Litigation* [2020] EWHC 235 (Ch), concerning film schemes;
- Representing mortgage brokers in the 'test case' of *Jago v Mortgage4YouLtd* [2019] EWHC 533 (QB), concerning mortgage brokers' duties in respect of interest-only mortgages (led by Neil Hext KC); and
- As sole counsel, the successful defence of a £10m claim against an insolvency professional, from which permission to appeal was refused in *Rushmer v Atkinson* [2020] EWHC 524 (Ch).

Prior to 2020, Chris was led in a number of high profile professional liability disputes, including (led by Justin Fenwick KC and Graham Chapman KC) *Gemini (Eclipse 2006-3) Plc v CBRE Limited and Warwick Street (KS) LLP*, a lender claim for damages in excess of £230m named in The Lawyer's 'Top 20 Cases of 2016', and (led by Graham Chapman KC) the series of claims beginning with *Halsall v Champion Consulting Ltd & Ors* [2017] PNLR 32, now a leading case on accountants' liability in respect of tax avoidance schemes.

Chris' construction practice typically involves claims concerning defective engineering, and claims involving both main contractors and construction professionals. Recent instructions have included acting (led by Ben Patten KC) on behalf of the employer in claims for damages exceeding £15m brought against developers, main contractors and construction professionals concerning a commercial warehouse subject to substantial settlement, and (led by Garry Borland KC) on behalf of main contractors in a multi-million pound dispute concerning the defective design and engineering of a retractable seating system. Chris has experience both as sole and junior counsel in TCC litigation, and also acting as junior counsel in arbitrations.

Chris also frequently acts as sole counsel on behalf of both insurers and commercial insureds in disputes concerning insurance policies, and is frequently sought out in coverage disputes where subsequent or concurrent professional liability claims against insurance brokers are either brought or contemplated.

Prior to joining 4 New Square, Chris spent 6 months at the Court of Appeal, working as a Judicial Assistant to Lord Justice Mummery and Lord Justice Rix.

Privacy Policy

Click here for a [Privacy Policy](#) for Christopher Greenwood.

Expertise

Professional Negligence

Chris specialises first and foremost in professional liability claims, and is ranked as a leading Professional Negligence junior by both Chambers & Partners (Band 4) and Legal 500 (Band 4). He is frequently instructed in claims against accountants, tax advisers, financial advisers, mortgage brokers, insurance brokers, solicitors, barristers, insolvency practitioners, surveyors and valuers, and property agents.

Chris often appears in the High Court as sole counsel, frequently in claims for seven-figure sums, and has been led on a number of high profile professional liability cases in recent years.

Since joining Chambers, Chris has also completed a combined six months on secondment at three leading specialist professional

indemnity firms. He is a member of the Professional Negligence Bar Association, and provides training sessions to solicitors on various areas within the field.

Chris also has a substantial practice acting in claims against construction professionals, details of which are contained in the appropriate tab below.

Accountants & Tax Advisers

Chris has a well-established practice acting on behalf of accountants and tax advisers in respect of claims concerning both tax advisory and tax compliance work. He is frequently instructed as sole counsel in High Court claims, usually against KCs or senior juniors specialising in the field, and also receives instructions as to act as junior counsel to tax-specialist silks outside of Chambers.

Having previously appeared in two of the leading claims concerning tax deferral and mitigation schemes, *Halsall* and *Ingenious*, Chris continues to receive high-value instructions in such claims, including those alleging fraud, bribery and breach of fiduciary duty in addition to professional liability claims.

Away from tax avoidance, Chris is now most often instructed in claims concerning tax compliance work, including in respect of remittances to the UK by offshore entities and the treatment and reporting of VAT on international product sales, and in claims in respect of failed inheritance tax planning and gifts with reservation of benefits. He also deals with claims concerning the handling of HMRC enquiries.

Chris has acted on behalf of a variety of international and leading national advisory practices, and combines his expertise in professional liability claims with a sound substantive knowledge of relevant areas of tax law.

Chris is also frequently instructed in claims where both tax advisers and financial advisers have been named as defendants, including the *Ingenious Litigation* [2020] EWHC 234 (Ch). Further details may be found in the appropriate tab below.

Chris is also familiar with corporate valuation issues, including the valuation of unincorporated businesses and unlisted companies, as well as companies listed on various stock exchanges.

Featured cases

- ***Hoegh v Taylor Wessing LLP* [2022] EWHC 392 (Ch)**: Led by David Yates KC (Pump Court Tax Chambers), bringing a contribution claim (on behalf of solicitors) against a major accountancy firm in a claim for around £15m, in respect of alleged defective tax compliance work and advice provided to ultra high net worth individuals concerning remittances to the UK by non-domiciled entities.
- **Claim concerning VAT on international sales**: Defending claims brought by two UK-based companies, for a combined value of over £1,000,000, in respect of allegedly careless misreporting of VAT in respect of sales of goods in European Union member states.
- **Claim in respect of alleged failure to advise client to engage in 'phoenixing'**: Defending a claim against an accountant (represented by David Yates KC), for damages in excess of £1m, concerning an alleged failure to advise a former client to engage in 'phoenixing' in order to seek to extract profits from a company without paying income tax.
- **Claim in respect of failed inheritance tax planning**: Acting on behalf of the defendant, successfully securing the discontinuance of a claim, brought by the beneficiary of a deceased client, in respect of inheritance tax planning alleged by HMRC to have fallen foul of the Gift with Reservation of Benefits provisions.
- ***Ingenious Litigation* [2020] EWHC 235 (Ch)**: As sole counsel, defending a professional adviser in 'group litigation' of claims by taxpayers following *Ingenious Games LLP v Revenue and Customs Commissioners* [2019] UKT 226 (TCC). The claims, mostly brought by celebrities and former professional sportsmen represented by Peters & Peters LLP, Stewarts Law LLP and Mishcon de Reya LLP, are brought against numerous parties including Ingenious themselves, along with banks and professional advisers.
- ***Halsall v Champion Consulting Ltd* [2017] PNLR 32 (and related cases)**: Led by Graham Chapman KC, successfully defending a claim against tax advisers, seeking damages in excess of £6m, in respect of participation in gift aid relief schemes and the Scion Sole Trader film scheme. Subsequently, defending several further claims against the tax advisers, together seeking damages and interest approaching £25m, concerning participation in gift aid relief schemes, numerous Eclipse film partnerships, and Timeless Releasing LLP.

- **Claim in respect of Special Purpose Trust, EFRBS, Alchemy and Goldfinger Schemes:** Defending accountants and tax advisers in respect of claims for over £4m, concerning various tax avoidance schemes. The claims allege breach of contract and negligence, but also breach of fiduciary duty, bribery, fraud and in respect of allegedly undisclosed commission payments.
- **Claim in respect of the E Shares, EBIPPS and Karat Schemes:** Defending an accountant in respect of claims concerning participation in E Shares Scheme, following the High Court's decision in *Chalcot Training Ltd v Ralph* [2020] STC 1537, and also the EBIPPS and Karat Schemes. The claims allege professional liability, but also breach of fiduciary duty, deceit, bribery and dishonest assistance in respect of allegedly undisclosed commission payments.
- **Claim in respect of Big Screen Productions film scheme:** Defending a leading national firm of tax advisers (and financial advisers) in respect of a substantial High Court claim, concerning investments in various Big Screen Productions film schemes, operated by Ingenious.
- **Claim in respect of Integrated Planning Opportunities property development scheme:** Defending a claim against leading national firm of tax advisers, brought by two participants (represented by Richard Vallat KC) in the Integrated Planning Opportunities property development scheme, operated by Paladin Capital Ltd.
- **Claim in respect of remuneration trust disputed by HMRC:** Defending a claim against accountants in respect of a bespoke remuneration trust, brought by a company whose claim for corporation tax relief has been disputed by HMRC.
- **Claim in respect of HMRC enquiry and termination of retainer:** Successfully defending a claim in respect of alleged negligent advice concerning an HMRC enquiry, and alleged wrongful termination of retainer, brought by the taxpayer who ultimately succeeded before the FTT in *Crown & Cushion Hotel v HMRC* [2016] UKFTT 765 (TC). The claim was dismissed following a 3-day trial in August 2018.

Barristers

Chris is instructed with increasing regularity in claims against barristers, including contribution or Part 20 claims brought by solicitors in respect of allegedly mishandled litigation. He typically represents either barristers or solicitors (or other professionals) making contribution claims against them, but also accepts instructions on behalf of lay clients in suitable cases.

Featured cases

- **Contribution claim concerning failure to advise on limitation:** Acting for solicitors who had omitted to bring a professional liability claim against a corporate client's former conveyancing solicitors, seeking a contribution from the barrister in respect of his failure to advise on the impending expiry of the limitation deadline.
- **Claim concerning alleged under-settlement of claim for pension sharing order:** Acting for solicitors, bringing a contribution claim against a co-defendant barrister, in a claim concerning alleged under-settlement of a wife's claim in matrimonial finance proceedings for a pension sharing order.
- **Claim concerning alleged settlement of matrimonial finance proceedings without authority:** Defending a barrister in a claim by their former client, concerning alleged execution of a binding settlement agreement without authority, and alleged failure to advise on the *Rose* and *Xydhias* doctrines.
- **Claim concerning alleged careless drafting and mishandling of settlement:** Defending a barrister alleged to have failed to draft adequate Particulars of Claim, and failed to advise upon and secure appropriate settlement terms.
- **Claim concerning alleged failure to advise on effect of mediation settlement agreement:** Advising claimants in proposed claims against a barrister and solicitor, concerning alleged failure to explain the structure and effect of a settlement agreement executed at mediation.
- **Claim concerning alleged failure to advise or act on enforcement issues:** Defending a barrister in a claim concerning alleged failure to advise on enforcement issues, and alleged failure to apply or advise clients to apply for injunction or freezing order.

Financial Advisers

Chris has developed a substantial practice acting on behalf of financial advisers. His practice covers a broad range of claims concerning a variety of investments, whether made directly or via personal pension schemes. He regularly deals with allegations concerning the suitability of unregulated collective investment schemes, forex investments, foreign property funds and investments, as well as more conventional products. Chris has also acted on a number of pensions switching

claims.

Chris is frequently instructed on behalf of both advisors and principals alleged to be responsible under the FSMA 2000, s.39. In addition to issues concerning the investments themselves, Chris is therefore familiar with issues concerning the scope of authorised representatives' authority, and is frequently instructed in claims where the defences on that basis are raised.

In 2020, Chris was instructed as sole Counsel on behalf of a financial adviser in the *Ingenious Litigation* [2020] EWHC 3234 (Ch), concerning investments by 300+ investors into film schemes. The tax-related elements of this work dovetail closely with Chris' well-established practice acting on behalf of accountants and tax advisers, details of which may be found under the appropriate tab above.

Chris has also benefited from several months spend on secondment at a specialist professional indemnity firm in the City. During this time, Chris worked directly for the author of the chapter on financial advisers in *Simpson: Professional Negligence and Liability*, and gained substantial experience defending claims against financial services professionals and product providers, both in the civil courts and before the Financial Ombudsman Service.

Featured cases

- ***Ingenious Litigation* [2020] EWHC 235 (Ch):** As sole counsel, defending a professional adviser in 'group litigation' of claims by taxpayers following *Ingenious Games LLP v Revenue and Customs Commissioners* [2019] UKT 226 (TCC). The claims, mostly brought by celebrities and former professional sportsmen represented by Peters & Peters LLP, Stewarts Law LLP and Mishcon de Reya LLP, are brought against numerous parties including Ingenious themselves, along with banks and professional advisers.
- **Claim in respect of Big Screen Productions film scheme:** Acting on behalf of a leading national firm of financial advisers (and tax advisers) in respect of a substantial High Court claim, concerning investments in various Big Screen Productions film schemes, operated by Ingenious.
- **Claim under the FSMA 2000, s.39, in respect of unauthorised pensions advice:** Defending a claim brought against the principal of an authorised representative under the FSMA 2000, s.39, concerning alleged (unauthorised) pensions switching advice and advice to invest pension assets into various funds, including an unsuccessful Arch Cru Investment Portfolio.
- **Claim in respect of CWMFX foreign exchange investment:** Acting on behalf of a Gibraltar-based company alleged to have recommended a £2.5m investment in the ill-fated CWMFX foreign exchange investment, an alleged to be a 'Ponzi' scheme which is currently the subject of litigation in the Grand Court of the Cayman Islands.
- **Claims under the 1930 Act in respect of the Eurocape Property Finance Fund:** Acting on behalf of an insurer in respect of aggregated claims, totalling £1m, brought under the Third Party (Rights Against Insurers) Act 1930. The claims concern allegedly negligent advice to participate in the Eurocape Property Finance Funds.
- **Claim in respect of investment in foreign property:** Successfully representing the defendant in a dispute concerning the value of a pension investment in Australian farmland, including resisting the claimant's late application to adduce expert valuation evidence.
- **Claim in respect of pensions switching advice:** Representing a financial adviser in a claim concerning alleged failure, when giving pensions switching advice, to also consider and advise upon the proposed product into which the funds would be invested.
- **Claim in respect of investment plan structured as life insurance:** Claim involving allegations of unsuitability and failure to properly advise claimants in respect of an offshore investment plan structured as a life insurance product.

Insolvency Practitioners

Chris has a growing practice acting on behalf of insolvency practitioners, and is regularly instructed to defend professional liability claims brought against them under the Insolvency Act 1986.

In 2022-23, Chris was instructed as sole counsel in a claims against the former liquidators of a wine investment scheme pursuant to s.212, brought by subsequent liquidators of the company, concerning alleged failures to investigate the company's assets, failures to prevent disposals of assets by directors, and breach of fiduciary duty in respect of the liquidators' remuneration.

In 2019, Chris also successfully appeared as sole counsel in *Rushmer v Atkinson*, a High Court claim against a trustee in bankruptcy, brought by the bankrupt, seeking damages of c.£10m. The claimant (represented by specialist counsel) alleged

that the insolvency professional failed to assign to him certain causes of action vested in the estate, and/or that those causes of action were under-settled.

The claim, pleaded in negligence, causing loss by unlawful means and for breach of the Insolvency Act 1986, s.304, was dismissed in late 2019 following a successful application for summary judgment and/or strike-out. Permission to appeal was dismissed in February 2020: *Rushmer v Atkinson* [2020] EWHC 524 (Ch).

Chris is familiar and comfortable with both the CPR and Insolvency Rules, and is well placed to represent IPs in claims where issues of both professional liability and insolvency law arise.

Insurance Brokers

Chris has a considerable practice in respect of claims brought business owners against insurance brokers, and since 2017 he has been instructed as sole Counsel in a number of Commercial Court and other High Court actions, usually in claims arising out of fire or water damage, or the construction and energy industries. Chris also acts in certain claims brought against brokers and financial advisers by private individuals, typically in respect of MPPI, life or critical illness cover.

Chris is regularly instructed in claims where the client has found itself either uninsured or under-insured, including where the insurer has successfully avoided cover on grounds of misrepresentation, material non-disclosure and breach of warranty, or where no cover or insufficient cover has been placed. He also has experience of claims where brokers are alleged to have failed in their duties once policies have incepted. In all of his commercial work, Chris has a particular interest and specialism in claims for consequential loss based on non-indemnification.

This area of work increasingly dovetails with Chris' substantial practice in claims against financial advisers, particularly in respect of critical illness and life insurance cover. Further details may be found under the appropriate tab above.

Featured cases

- **Claim by two business following major fire at warehouse:** Acting for the claimants in a multi-million pound Commercial Court claim brought by two businesses following a large fire at a warehouse in Tottenham, alleged to have been started by one of the claimants. The claims, concerned the failure to advise on and procure appropriate business interruption insurance, and the failure to place adequate public/product liability cover.
- **Claim by owner of motor trade business:** Acting for the claimant in a Commercial Court claim for over £2.5m, brought by the owner of a motor trade business damaged by fire, following the declinature of the claim on the basis of alleged misrepresentation and non-disclosure.
- **Claim concerning Blackpool hotels:** Acting on behalf of the former owners of two well-known hotels on the Blackpool Promenade in a Commercial Court claim. The matter concerned the declinature of claims and avoidance of policies in respect of the two hotels, following substantial property damage, on grounds of misrepresentation and material non-disclosure.
- **Claim concerning fire at premises in Scotland:** Defending claims in the Circuit Commercial Court for over £500k, brought by the owners of a well-known Scottish fast food chain in respect of the declinature of cover following a fire, on the basis of alleged non-disclosure, misrepresentation, failures to comply with terms of the policies, and subsequent failures to provide information to insurers.
- **Claim by shop owner concerning alleged failure to advise on policy terms:** Defending a claim by a shop owner in respect of an alleged failure to explain critical provisions in building and contents policies, resulting in the client's breach of warranty.
- **Broker's claim against a sub-broker concerning 'haystack conditions' in agricultural policy:** Defending a Circuit Commercial Court claim brought by an insurance broker, against a sub-broker, seeking to recover damages in respect of a compensation payment made to its agricultural business client, whose claim in respect of business interruption was largely rejected on the basis of breach of the applicable 'haystack condition'.
- **Claim concerning alleged failure to place 'own occupation' critical illness cover:** Defending a High Court (Business List) claim brought by a former dentist, alleging failure by a broker to place, or advise on the non-placement of, critical illness and total permanent disability cover on an 'own occupation' rather than 'any occupation' basis.
- **Claim concerning expiry of life assurance policy:** Defending a claim brought by a broker's former client, alleging that the broker owed and breached a duty to advise or remind her of the impending expiry of a life assurance policy.
- **Claim concerning alleged failure to place life insurance policy:** Claim brought by the deceased's estate and widow in

respect of the alleged failure to place a life insurance policy.

- **Claim in respect of life insurance and critical illness cover:** Defending a substantial claim against a broker, alleging fraudulent misrepresentation by forging a signature, and breach of alleged 'ongoing' duties and advisory failures in respect of life insurance and critical illness cover.
- **Claim concerning declinature of MPPI policy claims:** Claim involving the declinature of cover under a number of Mortgage Payment Protection Insurance policies, on the grounds that the insured property was not the claimant's 'main home'.

Mortgage Brokers

Chris is very frequently instructed to defend claims brought against mortgage brokers, particularly in respect of interest-only mortgages.

Chris was led by Neil Hext KC in *Jago v Mortgage4You Ltd* [2019] EWHC 533 (QB), a 'test claim' brought against a mortgage broker, in respect of an interest-only mortgage taken out in order to invest further funds into an ultimately unsuccessful property investment.

Since then, Chris has been instructed in many further claims in respect of interest-only mortgages, including claims concerning insufficient advice, and allegations that borrowers should instead have been recommended capital repayment mortgages.

In acting on behalf of defendants to these claims, Chris draws not only on his knowledge and experience acquired in the *Jago* case and his wider professional liability experience, but also his substantial practice acting on behalf of mortgage lenders themselves.

Property Agents

Chris is regularly instructed to defend property agents in claims brought by landlords, tenants, and purchasers of property. His work in this area focuses on claims brought by commercial and agricultural landlords against surveyors and property agents in their capacity as property managers and consultants, and he is familiar with the RICS standards and guidance notes applicable to this field of work.

In 2019, Chris was led by Jamie Smith KC in a claim by a landlord of agricultural property for over £4m, brought against a leading national firm of property managers, following a successful High Court claim brought against that landlord by the incumbent tenant.

Chris has also co-ordinated numerous training seminars provided by 4 New Square on this area of law, combining his approach to professional negligence work with his knowledge of substantive landlord and tenant law.

Featured cases

- **Claim by landlord of agricultural property:** Led by Jamie Smith KC, defending a claim for over £4m, brought by the landlord of a large agricultural property against a leading national firm of surveyors and property managers, following a successful claim against that landlord by the incumbent tenant. The claim was for alleged misrepresentations and breaches of tenancy by the agent on behalf of the landlord.
- **Multi-party claim in respect of the alleged mismanagement of insurance monies:** Defending a substantial multi-party claim, brought by the owner of two properties on a development in the North West, against a managing agent appointed by the management company. The claim concerned the alleged mismanagement of insurance monies, said to have been misappropriated by fraud.
- **Claim in respect of alleged negligent vetting of tenants:** Claim by landlord in respect of the agent's letting of residential property to a company, and alleged failure to properly vet incoming tenants.

Solicitors

Chris has built up a thriving practice acting both for and against solicitors. He is frequently instructed in claims with an underlying subject matter of a litigious, commercial or conveyancing nature, and increasingly also in claims concerning inheritance tax planning and the taxation of international transactions.

Chris is most often instructed on behalf of solicitors, but also regularly acts on behalf of claimants, including banks, private lenders and businesses. Chris has substantial experience of claims involving breach of trust and breach of undertaking, as well as more common contractual and tortious claims for breach of the lender's terms or CML handbook. Chris' private clients are often purchasers and lessees of commercial and residential property, but also include businesses and private clients seeking compensation for defectively handled litigation.

In all of his work, Chris has benefited from a cumulative 6 months' first-hand experience of the day-to-day work of litigation solicitors and claims handlers, having undertaken a number of secondments at leading professional indemnity firms in the City.

Chris also draws on many years of experience, in the earlier years of his practice, acting on behalf of lenders in mortgage and banking litigation, and also in more general commercial litigation.

In respect of claims against solicitors concerning tax matters, Chris' work is complemented by his substantial practice in claims against tax advisers, accountants and financial advisers, details of which may be found under the appropriate tab above.

Featured cases

- **Hoegh v Taylor Wessing LLP [2022] EWHC 392 (Ch):** Led by David Yates KC of Pump Court Tax Chambers, defending a claim brought against a major City firm, for around £15m, in respect of alleged defective advice provided to ultra high net worth individuals concerning remittances to the UK by non-domiciled entities.
- **Claim concerning advice in respect of compliance with the PPE Regulation:** Led by Jamie Smith QC, advising a major City firm in respect of a claim for damages in excess of £3m, concerning alleged negligent advice in respect of the temporary relaxation of the rules pursuant Regulation (EU) 2016/425 to during the Covid-19 pandemic.
- **Claim in respect of international gold transactions:** Defending a claim brought by the legal representatives of a UAE-based money lender for damages exceeding £1m, in respect of a commercial loan purportedly for the purpose of conducting international gold transactions.
- **Claim concerning lifetime settlement trust:** Advising a defendant to a '*White v Jones*' claim, alleging negligence in the drafting and advice in respect of a lifetime settlement trust intended to reduce exposure to inheritance tax.
- **Claim concerning alleged failed estate planning:** Defending a claim for alleged failed estate planning, including alleged failures to recommend the execution of discretionary trusts, and to identify the applicability of 'Gift with reservation of benefit' provisions.
- **Claim concerning alleged failure to issue lender claims prior to expiry of limitation:** Defending a claim for damages exceeding £1m, brought by the now-convicted illegal money lender Mr Craig LaPenna, concerning the alleged failure to issue various lender claims against his former solicitors prior to the expiry of limitation
- **Claim concerning wrongful paying away of settlement monies:** Representing a BVI-based company involved in the online betting industry, in a claim concerning the wrongful paying away to third parties of settlement monies received into the solicitor's client account.
- **Claim concerning alleged failed estate planning:** Defending a claim for alleged failed estate planning, including alleged failures to recommend the execution of discretionary trusts, and to identify the applicability of 'Gift with reservation of benefit' provisions.
- **Claim concerning alleged failure to issue lender claims prior to expiry of limitation:** Defending a claim for damages exceeding £1m, brought by the now-convicted illegal money lender Mr Craig LaPenna, concerning the alleged failure to issue various lender claims against his former solicitors prior to the expiry of limitation.
- **Claim concerning wrongful paying away of settlement monies:** Representing a BVI-based company involved in the online betting industry, in a claim concerning the wrongful paying away to third parties of settlement monies received into the solicitor's client account.
- **Claim concerning the *Whitehead v Searle* exception:** Successfully defending a claim for damages in excess of £2m, concerning allegedly undersettled and wrongfully discontinued personal injury claims, brought by a claimant who was subsequently imprisoned for murder. The claim concerned inter alia the applicability of the *Whitehead v Searle* to

cases of incarceration.

- **Claim in respect of alleged negligent advice as to break clauses:** Claim by commercial tenant of industrial property in respect of negligent advice as to 'material compliance' condition contained within a break clause. Led by David Halpern KC.
- **Claim concerning conversion of Victorian manor house:** Acting for a property investment company in respect of the failure by solicitors to advise, in respect of the conversion of a Victorian manor house, of the absence of Building Regulations documentation and new build structural warranty.
- **Claim by freeholder in respect of joint ownership planning conditions:** Claim by a commercial freeholder in respect of the alleged negligent drafting of leases of properties subject to shared ownership restrictions.
- **Lender claim in respect of wrongful execution of Certificates of Title and Execution and failure to register charge:** Lender claim against solicitors in respect of the execution of Certificates of Title and Execution, in circumstances where the borrowers were not the sole owners and had not executed any charge, and subsequent failures to protect the lender's position.
- **Lender claim in respect of wrongful paying away of mortgage monies:** Retained as sole counsel in a substantial High Court claim brought by a major high street bank in respect of the paying away of mortgage monies. Issues include the substance and interpretation of the 'default terms' of the trust which arises when a lender pays mortgage monies to a solicitor acting on its behalf, in the event that the CML Handbook and lender's standard terms do not apply, and the extent of the doctrine of subrogation to a vendor's lien.
- **Claim concerning alleged undersettlement of commercial IP litigation:** Claim concerning alleged incompetent conduct and consequent undersettlement of a complex IP dispute in the Chancery Division, said to be worth over £10m. Led by Jamie Smith KC.
- **Claims in respect of alleged undersettlement of matrimonial finance proceedings:** Representing solicitors in two claims brought by divorcees against solicitors and barrister, concerning alleged negligent advice and undersettlement of claims for pension sharing orders and spousal maintenance orders.
- **Right to Buy Litigation [2014] EWHC 4520 (Ch):** Led by Ben Hubble KC and Amanda Savage, acting on behalf of solicitors in lead cases in the *Right to Buy*.

Surveyors & Valuers

Chris has a substantial practice acting for and against surveyors and valuers in claims brought by lenders, purchasers and lessees of real property.

Chris was formerly instructed as junior counsel to Justin Fenwick QC and Graham Chapman QC, to act on behalf of CBRE in the case of *Gemini (Eclipse 2006-3) Plc v CBRE Limited and Warwick Street (KS) LLP*, a securitised lender claim seeking damages in excess of £230m.

As sole counsel, Chris has considerable experience of claims brought in respect of the overvaluation of properties. He has advised and acted on a wide range of valuation issues, including the applicability of the 'bracket' to portfolio cases and structural reports, recovery by lenders in respect of 'replacement' lending following the decision in *Tiuta*, and allegations of faulty lending practices. He also regularly deals with claims against building surveyors who are alleged either to have failed to identify structural defects in property. Chris is also frequently instructed on cases with limitation issues, including arguments under s.14A and the valuation of borrowers' covenants.

Claims against surveyors and valuers frequently also involve contribution claims against solicitors, and vice versa, Chris is regularly involved in both bringing and defending such actions. Further details may be found under the appropriate tab above.

Featured cases

- **Lender claim in respect of alleged overvaluation of industrial property:** Claim for damages of over £6,000,000, brought by a major lending institution against surveyors alleged to have overvalued industrial property let to commercial tenants. The claim, which settled in late 2016, concerned *inter alia* valuation methodology, the effect of periodic 'refinancing' or redemption of lending by the same lender, and the 'shelf life' of valuation reports. Led by Jamie Smith QC.
- **Lender claim concerning 180-day valuation of luxury residential development property:** Claim by a commercial bridging lender in respect of a 180-day valuation of a luxury residential property, allegedly purchased at a discount for development purposes. The full market valuation of the building was stated to be in excess of £5,000,000.

- **Lender claim concerning 180-day valuation of listed building:** Claim by a commercial bridging lender in respect of a 180-day valuation of a listed building in mixed commercial/residential use. The full market valuation of the building was stated to be in excess of £2,000,000.
- **Sub-prime lender claim:** Claim by a sub-prime lender, involving issues such as the treatment of 'advance interest repayments' and similar retentions, and the recoverability of abnormally high costs of funding, and hedging costs and break fees.
- **Gemini (Eclipse 2006-3) Plc v CBRE Limited and Warwick Street (KS) LLP:** Led by Justin Fenwick KC and Graham Chapman KC, Securitised lender claim seeking damages in excess of £230m. Chris was heavily involved in advising on an extensive range of issues, including statutory and equitable assignment, joinder of the original lender, duties of care, and various issues in respect of causation and loss following the Court's decision in *Titan Europe 2006-3 Plc v Colliers International UK Plc*. The claim, which concerned a property portfolio valued by the defendants at more than £1bn, was named in The Lawyer's top 20 cases of 2016.

Professional Negligence: Technology & Construction

Chris has a specialist practice in claims and construction professionals. He is ranked as a leading Professional Negligence junior by both Chambers & Partners (Band 4) and Legal 500 (Band 4), and by the Legal 500 as a Leading Junior (Band 4) in Construction.

Chris is most often instructed in claims against architects and planning consultants, concerning planning and matters, and building surveyors and engineers in respect of structural issues.

In undertaking this work, Chris benefits from having undertaken a secondment to the construction team of a leading firm of solicitors in the City, which is ranked in Chambers & Partners for both Construction and Professional Negligence: Technology & Construction.

Chris' work in these areas dovetails with Chris' construction and engineering practice, and he is often instructed in claims against construction contractors where the allegations are of negligent design or specification, or other claims with a professional liability aspect. Details of this work may be found in the appropriate tab below.

Architects & Planning Consultants

Chris has a substantial practice acting both for and against architects, planning experts or other constructional professionals. He is most often instructed on respect of planning and design matters, but also act on claims against architects or other professionals acting as contract administrators or project managers.

Claims concerning planning matters often involve legal issues, and concurrent or contribution claims against lawyers in respect of planning advice they provide. Details of Chris' practice acting in claims against solicitors and barristers may be found under the tabs above and below.

Featured cases

- ***Salter Property Investments Ltd v PCL Planning Ltd [2022] EWHC 2115 (Ch)*,** Led by Andrew Tabachnik KC, defending planning consultants in a claim concerning alleged defective advice in respect of a building alleged to be 'within the curtilage' of a listed building.
- **Claim concerning planning permission for a mixed retail/residential development:** Claim by a former member of a joint venture partnership, alleging negligence in the design and planning strategy in respect of an application for planning permission for a mixed retail/residential development on Jubilee Parade, adjacent to Woodford Underground Station.
- **Claim concerning Community Infrastructure Levy:** Claim by the owner of a large countryside residential property, in respect of the demolition of the original building and construction of a new one. The claim concerned the failure, when applying for planning permission, to apply for permission to demolish as well as alter the building, and to correctly apply for and obtain exemption for the Community Infrastructure Levy.
- **Claim concerning unauthorised works to a listed building:** A claim by the owners of a listed building, brought against a planning consultant and structural engineer, in respect of the failure to advise as to the necessity for listed building

consent in respect of internal works, the negligent design and project management of those works, and the negligent design and project management of further temporary works.

- **Claim in respect of negligent design a rural auction mart:** Claim intimated by the owner of large rural auction mart, in respect of the negligent drafting of a specification of works, and the subsequent negligent supervision and certification of the works.
- **Claims in respect of water ingress and damp issues:** Advising an employer and his building insurer in a claim for damages in respect of an architect's failure to specify an appropriate scope of works to remedy water ingress and damp issues, and acting on a claim against an architect in respect of alleged deficiencies in its approach to the restoration of a building damaged by water used to extinguish a fire.
- **Claim in respect of defective design and supervision of construction of oil tank enclosure:** A claim based on the architect's negligent design of an oil tank enclosure, failure to comply with planning requirements, selection of an unsuitable contractor, and (in their role as contract administrator) failure to properly supervise construction works.
- **Claim in respect of the non-issue of contractual notices:** Advising an employer on a claim in respect of an architect's failure, in their role as contract administrator, to issue appropriate notices in respect of liquidated damages.

Engineers

Chris has a substantial practice acting both for and against building surveyors and engineers, principally in respect of the defective design or specification of foundations, walls and roofs. Chris also acts in claims against contract administrators, project managers, and quantity surveyors.

Recent instructions in 2021/22 have included two large claims concerning commercial property, concerning (led by Ben Patten KC) a large commercial warehouse in Stoke-on-Trent, and (as sole counsel, subsequently led by Garry Borland KC) a retractable seating system at a large arena in Scotland.

Featured cases

- **Claim concerning settlement at a commercial warehouse:** Led by Ben Patten KC, acting for building owners in a claim for over £15m, brought against the developers, main contractor and consulting engineers by the owner of large commercial premises in Stoke-on-Trent, built for and occupied by a major superstore chain. The matter principally concerned the negligent design of the foundations and flooring, which were settling and suffering cracking and movement.
- **Claim concerning retractable heating system:** Acting as sole counsel (led by Garry Borland KC) on behalf of the insurers of main contractors in a multi-million pound dispute concerning the defective design and engineering of a retractable seating system at a large arena in Scotland, carried out by a sub-contractor and its instructed engineer.
- **Claim concerning skyscraper in Manchester:** Claim by the freeholder of a 47-storey skyscraper in Manchester, against insurers of a large British multinational construction company which recently entered into liquidation. The claim concerns the allegedly negligent design and specification of glass panels, which the freeholder was ordered to repair in a claim by its tenants, a well-known hotel chain.
- **Claim in respect of defective cladding and render system:** Substantial TCC claim brought on behalf of a sub-contractor in respect of an extension and partial refurbishment of a hospital in Blackburn. The claim concerns liability to the main contractor, a joint venture between two major national contractors, in respect of the faulty design by a sub-subcontractor of the external cladding and render system.
- **Co-operative Group Ltd v Birse Developments Ltd [2014] PNLR 21:** Part of the team led by Fiona Sinclair KC and Richard Liddell, in respect of the Part 20 claim by Birse Developments Ltd against its structural engineer and geotechnical design specialist.

Arbitration

Chris has experience of drafting arbitration pleadings in construction, engineering and insurance disputes, and is developing his international arbitration practice.

Chris is ranked by Legal 500 as a leading junior in Construction (Band 4), commended both for his "*high quality, very detailed*

work“, and for being “a real team player and a pleasure to work with, which is a view shared by others working with him“. He is also commended by solicitors and in the directories for Professional Negligence for his work ethic and abilities as a team player.

Chris is also happy to spend time working abroad where required, and in doing so he is able to draw on his international experience prior to the Bar, including a 10-week internship at a leading South African commercial law firm, and 5 months as a stagiaire at the European Commission in Brussels. He is therefore well suited to working in larger and smaller teams, both nationally and internationally.

Construction, Energy & Natural Resources

Chris is ranked as a leading construction junior by Legal 500 (Band 4), having built up a well-regarded practice acting both for and against employers, their insurers, building contractors and sub-contractors, increasingly in commercial contexts. He is typically instructed on cases where the allegations are of defective design or engineering, or in matters which include claims against construction professionals.

Recent instructions in 2021/22 have included two large claims concerning commercial property. In the first, Chris acted (led by Ben Patten KC) in claims brought against developers, main contractors and construction professionals concerning structural movement, sloping and cracking to the floor of a large commercial warehouse in Stoke-on-Trent. In the second, he acted (led by Garry Borland KC) on behalf of main contractors in a multi-million pound dispute concerning the defective design and engineering of a retractable seating system in Scotland.

Chris additionally acts on high value residential matters, principally those concerning defective design. He was very recently instructed as sole counsel in a claim for rescission or damages in excess of £750,000, brought against the developers of a new build property constructed over public sewage pipes, water main and mains electric cables.

Chris has also previously been led or involved in several higher profile construction disputes, including *Trustees of the Marc Gilbard 2009 Settlement Trust v OD Developments and Projects Ltd* [2015] EWHC 70 (TCC), concerning works to a high value residential property in Mayfair, and *Co-operative Group Ltd v Birse Developments Ltd* [2014] BLR 359, concerning the construction of internal flooring, external hardstanding and drainage systems at a large commercial distribution centre.

In undertaking this work, Chris benefits from having undertaken a secondment to the construction team of a leading firm of solicitors in the City, which is ranked in Chambers & Partners for both Construction and Professional Negligence: Technology & Construction work.

Chris also has a substantial practice acting in claims brought against construction professionals, further details of which may be found under the appropriate ‘Professional Negligence’ tab below.

Insurance & Reinsurance

Chris has developed a substantial practice in pure insurance matters, often in the context of claims against insurance brokers where a party’s entitlement to an indemnity is disputed, but increasingly also in standalone disputes between insurer and insured.

Chris is most often instructed in respect of claims concerning damage to commercial or industrial buildings by fire, storm or water. However, he has a growing practice in advising on coverage under professional indemnity insurance policies, and on claims arising out of ATE insurance policies.

Chris’ knowledge and experience in advising insurers on coverage matters has been enhanced by the combined six months spent on secondment at three leading City firms, undertaking professional indemnity and construction work. However, Chris is frequently instructed on behalf of commercial policyholders, including acting as sole Counsel in a number of Commercial Court claims since 2017.

Chris also deals with a wide range of claims against insurance brokers, particularly in respect of allegations of material non-disclosure, misrepresentation or failure to comply with the terms of an insurance policy. Further details of this work may be found under the appropriate ‘Professional Negligence’ tab.

Featured Insurance & Reinsurance cases

- **Claim against major insurer in respect of block notification:** Led by Roger Stewart KC, acting on behalf of a major international insurer in a dispute concerning the alleged block notification of circumstances or claims against financial advisers.
- **PII coverage advice concerning commercial construction dispute:** Advising the insurer of a commercial contractor, involved in a construction and engineering dispute in respect of water ingress to an industrial property in the North of East England, as to its ability to decline cover on ground of material non-disclosure of circumstance, misrepresentation, and subsequent failure to co-operate in respect of the provision of documents concerning the dispute.
- **Claim for payment under ATE Policy:** Acting on behalf of a Danish insurer and its assignee, in a High Court claim for payment of an ATE insurance premium following the insured's success in underlying litigation.
- **Business Interruption claim by dentistry practice:** Acting on behalf of a commercial insured in respect of Business Interruption to a dentistry practice following a fire. The dispute concerned the extent to which a reduction in business profits was attributable to the consequences of a fire as opposed to other commercial influences.
- **Broker's negligence claim concerning major fire at a warehouse in Tottenham:** Acting for a commercial building contractor, alleged by a third party to be responsible for a large fire at a warehouse in Tottenham, in a Commercial Court claim against an insurance broker. The claim included issues of pure insurance law, including the interpretation of a public/product liability insuring clause, and whether certain correspondence from the third party gave rise to a notifiable circumstance.
- **Broker's negligence claim concerning hotels in Blackpool:** Acting for the former owners of two beachfront hotels in Blackpool, which suffered storm and water damage, in a Commercial Court claim against an insurance broker for over £1m. The claim included issues of pure insurance law, in particular the meaning of a question in respect of the 'occupation' and 'closure' of a hotel.
- **Broker's negligence claim concerning a fire at premises in Scotland:** Acting in a Commercial Circuit Court claim against an insurance broker for over £500k, brought by the owners of a well-known Scottish fast food chain in respect of the declination of cover following a fire. The claim included issues of pure insurance law, including the materiality of certain previous claims, the interpretation of the duty to notify "immediately", and alleged non-cooperation following the fire.
- **Claim concerning waste processing plant:** Drafting Points of Claim in an arbitration between the operator of a waste processing plant and its insurer. The dispute concerned the proper interpretation of the insuring terms of the policy, and the interpretation and alleged non-compliance with the policy's co-operation clause.
- **Claim for declaration concerning interpretation of a 'joint insurance' clause in a commercial lease:** Acting as sole counsel in a High Court claim for a declaration, brought by the tenant under a commercial lease, concerning the interpretation of a clause requiring the insured to procure insurance in the joint names of the landlord and tenant, and the destination of any insurance proceeds in the event of a claim.

Awards



Education

University of Warwick – Law with European Law LLB (First)

Qualifications

Memberships

London Common Law & Commercial Bar Association

Professional Negligence Bar Association

Scholarships

BVC Major Scholarship (Inner Temple)
