

## Sebastian Clegg

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Education	Professional Associations	Appointments
Eton College	Chancery Bar Association	Chambers' Treasurer
Bristol University (BA, Joint Honours, Maths and Philosophy)	Northern Circuit Commercial Bar Association	Head of Chancery and Commercial Group

Areas of Specialism
Personal Injury and Clinical Negligence
Chancery and Commercial
Company & Insolvency
Real Property
Trusts, Wills & Probate
Common Law
Professional Negligence
ToLATA
Trademark and Copyright
Civil and Insurance Fraud
Travel
Common Law
Business and Property Law
Property Damage and Insurance Law

Sebastian has over 25 years' call. His practice covers a variety of business, property and common law work, including property damage and insurance law.

### Business and Property

His business and property work principally relates to insurance (including indemnity/policy avoidance and subrogated claims), contract, company/partnership, real property issues, probate, trust and inheritance/1975 Act claims. His company and partnership cases include dissolution and insolvency matters as well as fraud (diversion of profits, breach of covenants and fiduciary duties), minority shareholder's rights, complex scenarios involving partnership shares and assets, trademarks and copyright. His real property work covers TOLATA, commercial landlord and tenant, mortgages, conveyancing, registration, restrictive covenants and management charges as well as boundaries and easements.

## Property Damage

Much of Sebastian's case load falls under the umbrella of common law/property damage and insurance law and regulatory work. He is familiar with all aspects of civil local authority work. He has a particular speciality in nuisance claims/claims involving water (flooding, environmental pollution, culverts, drainage etc). His regulatory work covers financial services (FSMA), waste management, Building Act enforcement and regulatory compliance both corporate and professional (including professional discipline but not criminal cases).

## Professional Negligence

Sebastian undertakes a variety of Professional Negligence work. Mostly this involves real property (alleged negligence in the conveyancing process, valuations and the like). He also has considerable experience in professional negligence arising in a TCC setting, insurance broker's and accountant's negligence. The professional negligence work generally follows the mainstay of his practice (business, property, property damage, insurance and other common law work), but as Sebastian's pupillage and early practice focussed on Personal Injury, his Professional Negligence work is able to cover a full civil spectrum.

Sebastian has advocated in a wide variety of forums including the Court of Appeal, High Court (Business and Property Courts (Companies, Probate and Inheritance, Commercial, Insolvency, TCC, Intellectual Property and Estates, Trusts and Charities) and Queen's Bench), County Court, Arbitration, Mediation, Upper Tribunal (Lands Chamber), and First-tier and Adjudicator to HM Land Registry. His work includes emergency applications for freezing orders and injunctions.

## Notable Cases

### [Griffiths v TUI \(UK\) Ltd \[2021\] EWCA Civ 1442](#)

#### Practice Area:

Acting for TUI (UK) Ltd, as original trial counsel before HHJ Truman and first junior counsel before Martin Spencer J and then upon TUI's appeal to the Court of Appeal. The main issue before the Court of Appeal was whether the court was obliged to accept "uncontroverted" expert evidence without question, provided it met the minimum standards provided by Practice Direction 35. Appeal allowed.

### [Timberbrook Ltd \(in Liquidation\) v Grant Leisure Group Ltd \[2021\] EWHC 1905 \(TCC\)](#)

#### Practice Area:

Acting for Grant Leisure Group Ltd. The liquidators of Timberbrook Ltd took proceedings against Grant Leisure/Blackpool Zoo in respect of various invoices they found in Timberbrook's papers relating to works to construct a new great ape house at Blackpool Zoo. The claims were dismissed by HHJ Eyre QC after a 4 day trial. The evidence supporting the invoices was shown to be inadequate and the liquidators were, in any event, unable to prove entitlement to various of the payments.

### [Heathfield International LLC v McAlinneys Solicitors \[2021\] EWHC 189 \(Ch\)](#)

#### Practice Area:

Acting for McAlinneys Solicitors in respect of a claim by Heathfield International LLC for allegedly outstanding expert fees generated in bulk low value personal injury claims. The claims had purportedly been assigned a number of times until they were acquired by the claimant, a company registered in Delaware. The defendant had succeeded in obtaining orders for security for costs and the claimant sought to vary the order alleging material change in circumstances. HHJ Worster considered what might constitute a material change in circumstances and, dismissing Heathfield's application, held there was no material change in circumstance.

### [Wales \(t/a Selective Investment Services\) v CBRE Managed Services Ltd & Aviva Administration Limited \[2020\] EWHC 16 \(Comm\)](#)

#### Practice Area:

Acting for Aviva, the pension provider, in a claim by a financial adviser in respect of commissions which were clawed back after CBRE changed its pension platform. The claim involved the consideration of whether a contract could be implied and what terms might be implied including when duties of good faith arise. The claims were dismissed by HHJ Halliwell, following a trial over 4 days in the Circuit Commercial Court in Manchester.

### [Lord Chancellor \(As Successor to the Legal Services Commission\) v Farooqi & Farooqi \[2018\] EWHC 3638 \(Ch\)](#)

#### Practice Area:

Acting for the wife of a convicted terrorist on a public access basis. The Lord Chancellor sought to recover a costs order made against the husband by obtaining a final charging order against two properties in the wife's sole name. The Lord Chancellor argued that husband retained a beneficial interest in the properties. The Lord Chancellor's claim was dismissed following a 3 day trial before HHJ Hodge QC.

## Supreme Court, Falkland Islands

**Practice Area: Commissioner of Taxation v A (2017) SC/CIV/18/16**

Responding to appeal before the Chief Justice of the Falkland Islands. A resident who had to take her disabled son to the UK to continue with his education was assessed by the Commissioner of Taxation as being not-ordinarily resident in the Falkland Islands with the result that she had to pay more tax. The Chief Justice upheld the decision of the Taxation Appeal Tribunal, upon further appeal by the Commissioner, that the resident remained ordinarily resident in the Falkland Islands in the relevant tax year.

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**Richards v Cyngor Sir Ceredigion Council**

**Practice Area: Common Law**

(2017) C50CF012 – 4 day trial before HHJ Keyser QC in the High Court, TCC sitting in Swansea; acting for the Council who were being sued in respect of culvert which overtopped in a storm; breach of duty found on basis of inadequate frequency of inspections but not held to have been causative of the flood which would have happened anyway; claim dismissed

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**Group Seven Limited & Anr v Nasir & Ors**

**Practice Area: Commercial Fraud**

[2016] 2 Costs LO 303 – costs budgeting before Morgan J in £9M commercial fraud case

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**Cook v Mortgage Debenture Ltd**

**Practice Area: Corporate Insolvency**

[2016] 1 WLR 3048 (CA) – respondent in appeal before Lord Dyson MR and McCombe and David Richards LJ on the scope of the moratorium provisions in paragraph 43(6) of Schedule B1 to the Insolvency Act 1986; appeal dismissed.

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**Halsall & Ors v Oasis Land Development Ltd & Ors.**

**Practice Area: Commercial Fraud**

[2015] A30 MA037 – Trial before HHJ Bird in the High Court; acting for claimants alleging fraud induced them to invest in unbuilt holiday homes on Cayman Brac; alleged land banking; settled on day 8 of the trial.

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**Ian Morris v Blackpool Borough Council & Anr**

**Practice Area: Landlord and Tenant**

[2015] HLR 2 (CA) - Appeal before Court of Appeal, Landlord and Tenant/Local Government, interpretation of leases and the Council's rights to charge for discretionary services.

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**Coventry Project Management v Lea & Rowe**

**Practice Area: Chancery and Commercial**

[2014] 2MA 30156 - Trial before HHJ Hodge QC in the High Court; acting on behalf of 2 directors; defending a transaction alleged to have been at an undervalue by deploying the Duomatic Principle. Favourably settled on day 3 of trial.

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**Hamlington v Wrexham County Borough Council**

**Practice Area: Common Law**

[2014] 0WX00880 – 5 day trial at which Council successfully defended claim for damage by lower riparian owner alleged to have been caused by drainage works by the Council into its higher section of the watercourse.

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**Blackpool Borough Council v Cargill**

**Practice Area: Chancery and Commercial**

[2013] UKUT 0377 (LC) – appeal before the Upper Tribunal, Lands Chamber as to service charges and construction of leases

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**Williams & Williams v Madden & Ors**

**Practice Area: Chancery and Commercial**

Prescriptive Easements - Case ref: REF/2011/0988: Decision date: 17/05/2012, before HM Adjudicator to HMLR

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**Lambert & Ors v Barratt Homes Ltd & Rochdale MBC [2010]**

**Practice Area: Common Law**

[2010] B.L.R. 527 - Appeal; nuisance; flooding

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**Lambert v Barratt Homes Ltd & Rochdale MBC (2009)**

**Practice Area: Common Law**

32 EG 70 - Nuisance; flooding

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**Valentine v Khan & Ors [2009]**

**Practice Area: Chancery and Commercial**

EWHC 1632 (Ch) - Sale of business; transaction at undervalue; liability of directors; S.214 Insolvency Act 1986

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**Brooks v Young (2008)**

**Practice Area: Chancery and Commercial**

37 EG 148 CA - Rights of way

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**Valentine v Bangla TV Ltd. [2007]**

**Practice Area: Chancery and Commercial**

1 BCLC 609 - Sale of business; transaction at under value; s238 Insolvency Act 1986

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**Mehnaz v Sabre Insurance Co Ltd [2007]**

**Practice Area: Common Law**

EWCA Civ 1525 - Costs

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**Bradford & Bingley v Ross [2005]**

**Practice Area: Chancery and Commercial**

EWCA Civ 394 - Banking and finance; mortgage claims; sale to associated company at undervalue

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**West Bromwich Building Society v Crammer [2002]**

**Practice Area: Chancery and Commercial**

EWHC 2618 Ch - Bankruptcy; statutory demand; appropriation of proceeds of sale of mortgaged property

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**North British Housing Association v Sheridan [1999]**

**Practice Area: Chancery and Commercial**

2 EGLR 138 CA - Landlord and tenant; effect of statutory amendment on terms of tenancy

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**In Re Westmaze Ltd (1998)**

**Practice Area: Chancery and Commercial**

Times, July 15 - Construction of debenture; characteristics of fixed and floating charges

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## What the Directories say

Sebastian is very clever and this is demonstrated by the extremely thorough and detailed advices that he gives - ensuring all bases are covered. He will raise issues that I have not considered. As an advocate he is always well prepared and very good at cross examination and summarising the case.

*Legal 500, 2021*

He always finds the light in a case.

*Chambers and Partners, 2021*

He is a good advocate and very personable.

*Chambers and Partners, 2020*

His chancery practice incorporates company and partnership disputes, fraud and insolvency cases. He also has expertise in trusts, wills and probate matters.

He's a very nice guy, who's very engaging and polished.

He's a proficient advocate and very personable.

*Chambers and Partners*

His work mainly encompasses property matters and company and partnership disputes. He also deals with trust and probate litigation, civil fraud and insolvency work.

He was really very excellent. He has the ability to get to the point and has the courage to give clients advice they don't want to hear when needed.

*Chambers UK*

Appreciated for his plain-talking and straightforward manner.

*Legal 500*

Advises on the basis of clear reasoning.

*Legal 500*

His chancery practice incorporates company and partnership disputes, fraud and insolvency cases. He also has expertise with trusts, wills and probate matters.

Seb is very pleasant and likeable as well as fair in his cross-examination.

He covers the issues well and is an excellent negotiator. He spots flaws in any argument and deals with the issues swiftly.

*Chambers and Partners*

Enters the rankings following exceptional feedback. He is skilled at both traditional and commercial chancery work and is strong on company and partnership matters as well as probate and trust cases.

A very intelligent lawyer able to understand the intricacies of cases. He is a strong character, good in mediation and strategically very capable.

*Chambers UK*

Has gained a reputation for his commercial experience.

*Legal 500*

A sharp thinker.

*Legal 500*

He is fantastic with clients and very influential in court.

*Legal 500*

An extremely responsive, highly reliable junior, with an impressive, refined manner in court.

*Legal 500*

Advises with clarity and without wasting time.

*Legal 500*

Prepared to go out of his comfort zone to get the right approach.

*Legal 500*

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