

## Daniel Glover

2013 Lincoln's Inn

[glover@deanscourt.co.uk](mailto:glover@deanscourt.co.uk)



### Education

Royal Belfast Academical Institution  
The Kings School, Sydney  
Liverpool University, Law- First  
Class Honours  
MMU Law School- BPTC- Very  
Competent

### Professional Associations

Northern Circuit  
Personal Injury Bar Association  
Northern Circuit Commercial Bar  
Association

### Appointments

Treasury Counsel Junior Barrister  
Scheme  
Legal Advisor to Leicester-Shire &  
Rutland Sport Board  
Sports Resolution Pro-Bono Panel

### Awards

Lincolns In  
Frederick  
Scholarsh  
Deans Ex  
Year Civil

### Areas of Specialism

Personal Injury & Clinical Negligence

Chancery & Commercial Law

Professional Healthcare and Regulation

Inquests

Professional Discipline

Civil and Insurance Fraud

### Profile

Daniel is a robust junior with significant experience in litigation at both first instance and on Appeal.

He has particular experience advising Multinational Companies, NGO's, SME's, Insurance Firms, Charities and private individuals. He has also advised overseas and offshore firms on matters of jurisdiction, choice of laws and insurance disputes.

His practice is focused on commercial and insurance related disputes in both the UK, Channel Islands and further abroad.

Daniel is the Legal Advisor to the Leicester-Shire & Rutland Sport Board having been appointed to this role in December 2017.

Daniel will soon be qualified to accept instructions via direct access.

Details to follow here shortly.

Daniel welcomes instructions in the following sectors:

### **Commercial & Property Disputes:**

Daniel has a mixed commercial practice that complements each of his other areas of practices.

His experience with construction and property damage disputes, including the proper construction of contractual terms and conditions (including indemnities) is a core part of his work. He also advises and acts in all types of fire and flood claims and other disputes involving technical issues, including defective products.

Daniel is an impressive negotiator and much of his skill and experience has arisen from time spent working in the field of international arbitration.

His experience includes:

- Reported decision in *Higgins & Ors v ERC Accountants & Business Advisors Ltd* [2017] EWHC 2190 (Ch)
- Advising and acting in property damage claims in construction disputes;
- Recovery and Contribution Claims;
- Disputes concerning indemnities and guarantees;
- Consumer credit claims including PPI, Plevin and unfair relationships;

### **Chancery**

Daniel has developed a niche area of chancery work focusing predominately on contentious probate, including the validity of wills, and has a particular interest in the law of capacity.

With a financial accountancy background he is comfortable with high value claims involving the administration of Estates in a both contentious or non-contentious setting.

Daniel accepts instructions with an international element where matters of jurisdiction and/or choice of law are to be considered.

His practice also encompasses breach of trust claims, charitable trusts and related professional negligence claims.

He welcomes instructions in mediations and other forms of ADR.

His experience includes:

- Daniel was led by Chris Sokol QC in the upper Tier Tax Tribunal concerning an alleged tax avoidance scheme.
- Inheritance (Provision for Family and Dependents) Act 1975 matters relating to capacity, trusts and TOLATA claims.
- Advisory work in relation to offshore estates and trusts.
- Advice in relation to First Tier Tribunal Appeal concerning refusal to return seized goods.

### **Personal Injury & Fraud:**

Daniel has an increasingly busy Defendant based practice with a particular focus on Occupiers' Liability, Employers' Liability and Defective Product claims.

He an approachable advocate who gains the trust and confidence with both his professional and lay clients alike. This approach has led Daniel into higher value large loss and/or complex personal injury work earlier than most.

His experience includes:

- Advising and drafting counter schedules in claims in excess of £500,000.
- Advising in conference with experts across a variety of disciplines.
- Acting in a complex multi-party fatality arising out of breaches of HSE regulations.
- Advising, drafting and acting in a mediation concerning a brain injury.

Daniel is member of the Civil Fraud team and contributor to Civil Fraud Newsletter. His experience with personal injury related fraud and/or fundamental dishonesty has very much led him into commercial fraud, misrepresentation and claims of a similar nature.

His experience includes:

- Several successful applications under CPR 44.15 and 44.16 (see recent cases)
- Advising on claims for the tort of deceit.
- Matters arising out of forged documents, including CPR Part 32 Notices.
- Consumer Credit Actions relating to unfair consumer relationships and fraudulent transactions.

#### **Professional Discipline & Liability:**

Daniel has a particular focus on disciplinary work concerning sporting and medical professionals. He combines his experience in his disciplinary and commercial disputes into his professional liability work.

His recent experience includes:

- Daniel was led by Mary O'Rourke QC in a sport disciplinary final appeal against the Lawn Tennis Association which succeeded on appeal.
- Claims against solicitors and in particular limitation issues, collateral contracts and implied retainers;
- Claims against Construction professional, including Surveyors & Architects.
- Claims against insurance brokers and financial professionals.

#### **Sport:**

Within his sports practice Daniel accepts instructions relating to commercial claims, disciplinary proceedings, personal injury claims and employment related claims.

Daniel played rugby, athletics and football to a high level and has a particular passion for this particular areas of law.

He is a member of LawinSport and strong supporter of pro-bono and charitable initiatives in sport.

Recent experience includes:

- Led by Mary O'Rourke QC in a sport disciplinary final appeal against the Lawn Tennis Association which succeeded on appeal.
- Advised and acted in a Professional Rugby Club stadium dispute.
- Acted for and Defended Professional Rugby League team in a claim by a player arising from injury during training.

## Notable Cases

### Highways Act 1980/Common Law Negligence

#### **Comber v (1) Virgin Media Limited & (2) St Helens MBC (2018)**

The claim was brought against both the First & Second Defendant in common law negligence arising out alleged injuries sustained when she fell into an open electricity grid.

Following the trial the District Judge was asked to consider an application made by Mr Glover (on behalf of St Helens MBC) to have the claim against Second Defendant struck out given no right to compensation arose at common law ( *Goodes v Essex CC [2000] 3 All ER 603 applied*).

The application was successful and the claim against the Second Defendant was struck out. The judge struck out the claim pursuant to CPR 44.15 which disapproved QOCS and costs were summarily assessed in favour of the Second Defendant.

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### Professional Negligence [2017]

## ***Higgins & Ors v ERC Accountants & Business Advisors Ltd [2017] EWHC 2190 (Ch)***

The case concerned the validity of service of a claim form and whether relief could be granted to a claimant within CPR 6.15 or 6.16.

The case appeared in the Law Society Gazette.

<https://www.lawgazette.co.uk/law/judges-warning-dont-expect-opponents-to-flag-up-your-mistakes/5062892.article#commentsJump>

For a full copy of the judgment click the link below:

<http://www.bailii.org/ew/cases/EWHC/Ch/2017/2190.html>

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## **Sports Law**

### **LTA v An individual [2017]**

Mary O'Rourke QC leads Daniel Glover in Lawn Tennis Club Appeal

Acting for an individual on Appeal to an Independent Appeals Committee.

The case concerned allegations of historic sexual abuse and issues concerning notification within the remit of the LTA Disciplinary Code for the purposes of an Appeals Process.

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## **Commercial [2017]**

Advised and drafted particulars of Claim in Contribution Act proceedings concerning damage caused to a factory following a gas explosion.

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## **Professional Negligence [2017]**

Currently instructed on a claim brought against a firm of solicitors due to failure to issue personal injury proceedings in time.

Following CCMC, claim to be listed for preliminary issue trial

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## **Personal Injury [2017]**

Offshore fatal accidents claim.

Drafted Counter schedule.

Claim value in excess of £250k

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## **Personal Injury [2017]**

Employers liability claim

Drafted schedule of loss. Value 300k

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## **International and Overseas**

### **A vs A [2017]**

Advised parents who were guarantors under a tuition fee scheme.

The school sought to recover fees paid due to the student having breached the terms of their tuition grant

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## **Chancery Commercial [2017]**

Currently advising on a potential group litigation concerning the actions of several

Mortgage brokers concerning targeted loans and tactics employed which may amount to undue influence.

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## Personal Injury

### **Ellingham v Spirit Pub Company Limited [2017]**

Employers Liability claim struck out following successful application prior to trial.

Costs of the action and application recovered.

Clearway Drainage Systems v Miles Smith[2016] EWCA Civ 1258 applied.

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## Personal Injury

### **McQueen v Higgins [2017]**

(i) Following an oral application in the face of the court the Claimants claims were struck out pursuant to CPR 39.3(1)(a) given that there was no attendance at all by the Claimant.

(ii) Further to the above, an application succeeded to disable QOCS protection given the absence of the Claimant at trial, this being an obstruction of the just disposal of proceedings.

(iii) Pursuant to CPR 44.15(1)(c)(i) the judge awarded costs and such costs were recovered in full.

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## Personal Injury

### **Anon v Anon [2016]**

Claim struck out pursuant to CPR 44.15(1)(a), the court forming the view that upon hearing submissions immediately following the Claimants evidence there was no reasonable grounds to bring the claim. The Claimant had failed to prove medical causation where the accident circumstances reported in the medical report differed to those within his witness statement. The court having struck the case out, disabled QOCs protection and enforced a costs order (on an indemnity basis) against the Claimant.

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## Professional Negligence

### **Mohammed Hafiz v BPS [2016]**

Two day multi-track trial concerning claims against a firm of solicitors for professional negligence. The Claim was successfully struck out in full with costs awarded to the Defendant. The claim being struck out on the morning of Day 1 due to the claim being issued against the incorrect party for the purposes of when the cause of action arose. The court relying upon the High Court case of **Insight Group & Insight Software v Kingston Smith (a firm) [2012] EWHC 3644 (QB)**.

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## Chancery and Commercial

### **Anon -v- Several Banks [2015]**

Currently advising on several interrelated possession claims in respect of a business owners outstanding loans.

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## Chancery and Commercial

### **Re: D Linsley (Contentious Probate) [2015]**

Advised on the implications of bringing a probate claim in the High Court in relation to undue influence/ and capacity.

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## Chancery and Commercial

### **Barr -v- United Utilities Limited [2015]**

Advised on subrogated insurance claim in respect of severe flooding as a result of underground construction works.

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## Tax

### **Anon -v- The Commissioner for HM Customs and Revenue [2014-15]**

Junior to leading Counsel in Upper Tax Tribunal Appeal in respect of income tax appeal worth in excess of £5 million.

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## Inquest

### **Inquest Touching Upon the Death of Ross Waters [2014]**

Instructed to attend an Article 2 inquest representing the interests of a motorist who ran into a man along a highway following his attempt to evade an arrest. The man had been involved in a high speed police pursuit involving the Greater Manchester, Cheshire and Lancashire Police Departments. The inquest concluded with a finding of misadventure.

<http://www.dailymail.co.uk/news/>

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## Inquest

### **Inquest into the Death of Christopher Oldham [2013]**

Instructed to represent the family in relation to a death in custody. The inquest lasted just over two weeks and included several multidisciplinary expert witnesses in addition to a cumulative list of over 30 government/healthcare employees.

<http://www.blackpoolgazette.co.uk/>

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## Chancery and Commercial

### **Hanson v Zurich [2013]**

Drafting skeleton argument for a preliminary hearing on principles of accord and satisfaction for the purposes of agreed terms of settlement.

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## Chancery and Commercial

### **Sykes v Crowder [2013]**

TOLATA fast track trial focusing on the principles established Stack v Dowden [2007] UKHL 7 and the supplemental case of Jones v Kernott [2011] UKSC 53

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