



Tiffany Scott QC

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Silk: 2018

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Clerks' Details

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Qualifications and Appointments

- Degree in Classics, Oriel College, Oxford
- Oriel College Exhibitioner
- Distinction in Postgraduate Diploma in Law
- College of Law prize for best paper in Tort
- Laurence Kingsley Prize for Excellence in Drafting and Pleading, Inns Court School of Law

“She is just brilliant in Court and her legal mind is incredible.”

Chambers & Partners 2019

Memberships

- Chancery Bar Association
- Property Bar Association
- Professional Negligence Bar Association
- Combar
- Society of Trust and Estate Practitioners (STEP)
- Bar Pro Bono Panel

Publications

- [Rotrust Nominees Ltd v Hautford Ltd \(2018\) Property Law Journal](#)
- [Unreasonable refusal of consent to change of use \(2017\) Wilberforce Property Update \(Issue 3\)](#)
- Trusts and estates cases: recent developments (2016) *Trusts & Trustees* 22 (9): 982-990
- Where different legal systems collide: the decision in *Labrousche v Frey & Ors* (2016) *Trusts & Trustees* 22 (7): 741-752

Practice Overview

Tiffany is an experienced advocate specialising in commercial litigation, trusts and estates disputes, property litigation and professional liability claims. She has experience in 'business' litigation of all kinds, often with an international element, including fund and partnership disputes, shareholder disputes, claims against fiduciaries, and claims arising out of insolvency and civil fraud.

She is well-known for being "**just brilliant in Court**" (Chambers & Partners 2019) and "**a great advocate**", for her cross-examination skills and for being "**extremely good at handling appeals**". The legal directories also comment that she is "**fierce when you need her to be fierce...her legal mind is incredible**", "**a tough and tenacious advocate**" (Chambers & Partners 2019), "**a ferocious litigator cross-examiner**", that "**her style is effective as she is ruthless, yet never over the top, when exposing the limitations of her opponent's case**", and that she "**knows how to give the other side a good kicking**".

She has appeared before Courts and Tribunals at all levels, including the Privy Council. She will be appearing in the Supreme Court in May 2019 in *Sequent Nominees Ltd (formerly Rotrust Nominees Ltd) v Hautford Limited*, a case concerning the exercise of contractual discretions, and the reasonableness of withholding consent.

She enjoys working as part of a litigation team and is recognised for being "**very assured, highly realistic and someone who can manage client expectations in difficult circumstances**" (Chambers & Partners 2019), as well as for her meticulous preparation of cases, attention to detail and first-rate drafting skills. "**Her advice is always very detailed and thorough**" (Chambers & Partners 2019).

She takes care to explore issues with her clients and find creative ways to approach to the complex problems that arise in practice. "**She provides clients with excellent commercial legal solutions and is quick to get to the heart of a problem**" (Chambers & Partners 2019). Her clients range from investment banks and high net worth individuals to charities and those who need representation on a pro bono basis.

Tiffany is one of the leading names at the Bar in her fields of practice. She is recommended by the directories as follows:

- by The Legal 500 in the fields of private client – trusts and probate, professional negligence, and property litigation;



Publications continued

- [Wilberforce Legal Digest \(Issue 2\) Trust, Tax, Probate and Estates \(2015\)](#) (Editor)
- In the post-Pitt world (2014) *Trusts & Trustees* 20 (9): 871-881
- [Hill and Redman's Law of Landlord and Tenant](#) (Editor)

Practice Overview continued

- by Chambers & Partners in the fields of chancery traditional, chancery commercial and real estate litigation;
- by Chambers Global in the field of dispute resolution: commercial chancery;
- by HNW Guide in the field of chancery: traditional.

The 2019 directories state that she *"is very direct and matter of fact and has a good presence in the Court room", "demonstrates impeccable judgment and has some excellent experience for a new silk", "is very smart, very responsive and very bright", "is approachable, very friendly and has a keen eye for detail"*. In previous years she has been described as having *"an impressive intellect, and is approachable and client-friendly. Sensible, pragmatic and efficient, she is calm and collected when on her feet"*; being *"very pleasant and very bright, she has tons of experience and is very well respected by her peers and third parties alike"*; *"she can simplify the most complex arguments and she takes a firm and fair attitude to contentious matters"*; *"a great advocate who is very good at dealing with complex legal issues"*.

She has also been described as *"a brilliant, self-assured advocate who is a real asset to any team", "very persuasive and adaptable on her feet", "exceptionally bright and hard-working. She makes the advice very easy to understand when tackling subjects that are very, very difficult"*; *"very approachable. I have seen her on her feet: she's very good at cross-examination, and is very persuasive"*; *"technically very sharp and engaging with clients"* with *"an excellent grasp of complex valuation matters"*.

Professional Liability

Tiffany has an established reputation in the area of professional liability and has been recommended in this field by The Legal 500 for many years. She is ranked in Tier 1 in the 2019 edition which calls her **"superb"**. The 2018 edition described her as **"strong"**, and previous editions as **"excellent"**, **"a first-rate advocate"**, and **"very persuasive and adaptable on her feet"**.

She undertakes a wide variety of professional negligence work, whether acting for claimants or for the insured, in claims against solicitors, barristers, accountants, trustees, surveyors, construction professionals, finance practitioners (including pension advisers) and insurance brokers.

Much of her work in this area is property or trust related but she also undertakes a variety of cases with a financial services element including claims arising out of poor investment advice or mis-selling and other related actions requiring analysis of the performance of investments for the purpose of assessing damages.

She has experience dealing with claims requiring consideration of the Financial Services and Markets Act 2000 and the Conduct of Business Rules and she has also, over the years, dealt with claims involving previous regulatory regimes including the rules of FIMBRA, the Personal Investment Authority, and LAUTRO.

Recent cases include:

- *Orientfield Holdings Ltd v Bird & Bird* [2017] EWCA Civ 348, and [2015] PNLR 33 (first instance decision) – acting for solicitors in a claim alleging negligence in the course of the purchase of a residential property worth £25 million by failing properly to advise the client as to the contents of a "Plansearch". The case at first instance was listed by The Lawyer as one of the top 20 cases of 2015.
- *Pannikov v Taylor Williams Daley & Mishcon de Reya* – acting for claimants against building surveyors and real estate transaction lawyers in a claim arising out of alleged negligent advice and drafting in relation to the purchase of a redeveloped property.
- *HBB v John M Lewis* – acting for claimant property-owning company against solicitors for alleged negligent conveyancing.
- *Creative Horizon v Scott Fowler* – acting in group litigation for a group of 60 overseas investors who paid deposits for the purchase of flats yet to be built in England, seeking damages from the solicitors who advised and alleging a failure to warn about the risks of the transactions.



Professional Liability continued

- Advising a former director/shareholder in relation to the negligent drafting of an agreement for his exit from the company.
- Acting for solicitors in claim brought by landlord of a lease of a leisure park alleging negligent drafting by failing to include in the calculation of rent the income of subsidiaries and licensees who also operate from the park.
- Acting for Cayman Islands attorneys in a claim arising out of alleged negligent handling of complex trust litigation.
- Acting for the owner of a retail development in a claim against its solicitors for failing to advise it properly as to service of a notice under an agreement for lease.
- Advising solicitor defendants in lost litigation claim involving complex questions of loss of a chance.
- Advising a major institutional investor as to potential solicitors' negligence proceedings arising out of its investment in a large well-known shopping centre.
- Representing a firm of investment advisers in proceedings brought by a beneficiary of a trust alleging that negligent financial advice had been provided to the trustees.
- Advising and representing insured clients in various disputes arising out of allegedly negligent conveyancing and drafting of leases, including rectification claims, and negligent property surveys and valuations.

Trusts, Tax, Probate and Estates

Tiffany is a member of STEP and she deals with all aspects of trusts and probate work – contentious and non-contentious, offshore, onshore and multi-jurisdictional. She has been recommended as a leading name in this field by The Legal 500 (Tier 1) and Chambers & Partners for many years, the 2019 editions stating ***"her advice is always very detailed and thorough, she demonstrates impeccable judgment and has some excellent experience for a new silk"***, ***"she is very smart, very responsive and very bright"*** and she ***"has excellent attention to detail and a good calming way with clients"***. The 2018 directories stated that she is ***"very pleasant and very bright, she has tons of experience and is very well respected by her peers and third parties alike"***, and that ***"she can simplify the most complex arguments and she takes a firm and fair attitude to contentious matters"***.

She is also recommended in the HNW Guide in this field as being ***"very assured and realistic, she can manage client expectations in difficult circumstances"***, ***"exceptionally bright and hardworking ... she makes the advice very easy to understand in subjects that are very, very difficult. She breaks it down for the client in a way that is easily digestible"***; ***"she is very easy to work with. She takes a look at the bigger picture, rather than getting bogged down in the minutiae. She is definitely very good with clients, she is very approachable. I have seen her on her feet: she's very good at cross-examination, and is very persuasive."***

In addition to the specific casework mentioned below her general areas of practice include:

- contentious trust litigation between beneficiaries and trustees
- disputes involving trusts in divorce proceedings
- disputes involving construction of wills and contentious probate
- claims for the appointment and removal of trustees and executors
- claims for provision under the Inheritance etc. Act 1975
- rectification of wills and trusts
- applications under the Variation of Trusts Act 1958
- applications under the Trustee Act 1925 for enlargement of trustees' administrative powers



Trusts, Tax, Probate and Estates continued

- approval of compromises on behalf of minor children
- Re Beddoe applications

Casework includes:

- *TP v PRBP* [2018] EWHC 2433 (Fam) – acting for trustees of a £400 million trust in divorce proceedings where the wife claims that assets to which the husband is entitled under the trust should be brought into account on the divorce.
- *Labrousche v Frey (Re Olga Martin Montis)* [2016] EWHC 268 (Ch) – acting for Marquesa Soledad Cabeza de Vaca in long-running litigation brought by her son culminating in 6 week trial alleging wrongful distribution of £20 million of trust assets and excessive fee-taking by the trustees, arising out of the conversion of a Liechtenstein establishment to a foundation.
- *Skillings v Kibby* [2016] EWHC 3165 – acting for successful beneficiaries under a will in a 5 day taking of an account; an account was obtained on the footing of wilful default following misapplication of estate assets; included cross-examination on the questions whether an Old Masters painting was sold at an undervalue and whether excessive fees were paid to non-professional agents. Permission to appeal was refused after a 2 day hearing.
- *Monderer v Nevies* – acting for the executor of a settlor/trustee in ongoing claim brought by beneficiaries for an account against the estate and the current trustee and a trustee de son tort.
- Representing minor and unborn beneficiaries in an application to vary a trust to introduce a power to accumulate income and to extend the perpetuity period.
- Acting for Cayman Islands attorneys in a claim arising out of alleged negligent handling of complex trust litigation.
- Acting in ongoing complex and high value 1975 Act proceedings brought by a cohabitee against the children of the deceased.
- Acting for the Hayward family in long-running litigation in the Bahamas in relation to the family trusts of the late Sir Jack Hayward which own half the Grand Bahama Port Authority – involving injunctions to restrain distribution of trust assets and the exercise of powers of appointment; setting aside trustee resolutions removing the family as beneficiaries; seeking the appointment of a judicial trustee; and an inquiry as to whether a trustee procured the removal of its co-trustees in breach of duty
- Acting for the trustee of an overseas retirement benefit scheme with only one member, holding assets of around £60 million, as to issues that arise on the divorce of the member where his wife is challenging the exercise of the trustees' powers and seeking information about the scheme.
- Advising trustees of a family trust of valuable land as to how to impose a "clawback" provision on beneficiaries to whom they have made distributions in order to share in the profits of future development.
- Advising invalidly appointed trustees how to retire and obtain payment of their fees and expenses from the trust fund; applying to court to authorise payment of fees and to ratify the actions the trustees had taken while invalidly appointed.
- Advising on proceedings in Jersey to set aside a trust on grounds of undue influence and invalidity of the trust instrument.
- Appearing before the Court of Protection on contested applications for the appointment of a deputy and appointment of a litigation friend.
- Acting for a professional interim receiver appointed under the Mental Health Act 1983 on a claim by a disappointed beneficiary for allegedly negligent failure to procure a statutory will.



Property

Tiffany is a well-known property litigator and deals with all aspects of property litigation and advisory work including:

- Commercial and residential landlord and tenant disputes (such as lease renewals, consents to assignment, unauthorised alterations and dilapidations claims)
- Claims for rectification of leases and other agreements
- Real property matters such as rights of way, rights to light and restrictive covenants (including modification under section 84 LPA 1925)
- Interference with land such as trespass, nuisance and adverse possession claims
- Enforcement of legal charges, including mortgage possession proceedings and the appointment and removal of receivers and the exercise of their powers and duties
- Insolvency issues in the real estate and landlord and tenant context
- Disputes arising out of development agreements (including incomplete joint ventures, *Pallant v Morgan* type constructive trusts, proprietary estoppel; construction of agreements and the duties of joint venture partners, including good faith and best and reasonable endeavours clauses)

She will be appearing in the Supreme Court in May 2019 on the appeal from the decision of the Court of Appeal in *Rotrust Nominees Ltd v Hautford Ltd* [2018] Ch 603 (CA), a claim that a landlord has unreasonably withheld consent to the making of a planning application on grounds of feared enfranchisement.

She has been ranked in this field for many years by The Legal 500 (Tier 1) and by Chambers & Partners which comment that she is, "**a tough and tenacious advocate**", who "**provides clients with excellent commercial legal solutions and is quick to get to the heart of a problem**", is "**approachable, very friendly and has a keen eye for detail**" (2019), "**a great advocate who is very good at dealing with complex legal issues**", "**responsive, thorough and knowledgeable**" (2018), "**technically very sharp and engaging with clients**" (2017); "**bright and considered**" (2017); "**willing to explore issues and find creative solutions**" (2016). She is also said to have "**an excellent grasp of complex valuation matters**".

She is a member of the Property Bar Association and co-edits the chapters of Hill and Redman's Law of Landlord and Tenant dealing with maintenance of the fabric of the premises and commonhold.

Cases include:

- *Dustyhall Ltd v Gower Furniture Ltd* (2019) – acting for defendant tenant in claim alleging breach of the lease by parting with possession of the property to a group company for whom the tenant was acting as agent.
- *GE CIF Trustees v EE Limited* (2019) – acting for landlord in claim where tenant alleges breach of covenant for quiet enjoyment, derogation from grant and repudiatory breach of the lease; 3 day trial in June 2019.
- *John v Shelvex* (2019) – acting for claimants in proceedings alleging that a *Pallant v Morgan* equity has arisen, 4 day trial in June 2019.
- *Mir v Mir* (FTT, 2018) – acting for the successful defendant in a 2 day trial to determine beneficial ownership of the family home.
- *Rotrust Nominees Ltd v Hautford Ltd* [2018] Ch 603 (CA) – acting for the successful tenant on appeal and at first instance in a claim that its landlord had unreasonably withheld consent to the making of a planning application on the grounds of feared enfranchisement.
- *Kilburn v London Borough of Barnet* (2018) – acting for the tenant in 3 day trial under ground (f) of the 1954 Act, contesting that the landlord Council had shown a sufficiently clear and settled intention to redevelop where the relevant committee had not met to take a final decision.



Property continued

- *Anglia Leisure Ltd v Burlinson* (2018) – 5 day trial of a right of way dispute relating to ancillary rights to load and unload.
- *Acredart & Car Giant v London Borough of Hammersmith & Fulham* [2017] EWHC 197 (TCC) and [2017] EWHC 464 (TCC) (Costs) – acting for the successful Council in a dilapidations claim, an important decision regarding the correct approach to valuations under section 18(1) LTA 1927.
- Advising on various rectification claims relating to leases and land agreements.
- *Canary Riverside Estate Management Ltd v Circus Apartments Ltd* – acting for landlord of a block of flats in Canary Wharf worth around £35 million in proceedings brought as a preliminary to forfeiture and defending a counterclaim for unreasonable withholding of consent to assignment and subletting.
- Acting in an arbitration in which a property developer is in a joint venture dispute with a landowner over the development of an estate of houses, involving complex questions of agency and authority.
- Acting for a trustee in bankruptcy attempting to resolve long-running issues in dealing with numerous properties which the bankrupt purchased with money obtained from banks by fraud, raising complicated issues of trusts of property interests and land registration, properly registered.
- *Leslie (Ashford) Ltd v Merlion Housing Association* (FTT) [2016] – acting for a developer turning an office block into flats and seeking to terminate an agreement for sale.
- *Benjamin UK Ltd v Residents of Redwood Glade* (UT) [2016] – acting for a company using a residential property in a cul-de-sac as a home providing residential care for looked-after children in proceedings to modify a restrictive covenant.
- *Marston's Property Development v Payne* [2015] – acting for Marston's in proceedings to enforce an agreement for sale, purchase and development of land; successful application for an expedited trial.
- *Investec Bank (Channel Islands) Limited v Kamyab* [2015] – acting for the bank in a claim to recover money which the defendant alleged had been used to purchase a property held in trust for a third party.
- *Peel Land and Property v TS Sheerness Steel Limited* [2014] EWCA Civ 100 – successful appeal as to the removability of tenant's fixtures.
- *Peel Land and Property v TS Sheerness Steel Limited* [2013] EWHC 2689 – refusal of interim injunction to prevent removal of tenant's fixtures pending appeal. Advising a major national institutional investor in relation to its investment in a large well known shopping centre.
- Representing major national asset managers in an adjudication to determine whether breaches of a service partner agreement had taken place in relation to the management of a portfolio of over 250 properties across the UK.
- Representing Lincolnshire Co-Operative as landlord in 1954 Act lease renewal proceedings contested on ground (g) – defended by the Spar tenant on the basis that the 1954 Act is incompatible with the Human Rights Act 1998 in failing to provide adequate compensation.
- Advising and acting for a major international oil and gas company in relation to threatened trespass and protests at key London sites during the Olympics.
- Advising and acting for the administrators of Whittlebury Hall hotel near Silverstone (the subject of the *Sargeant v Macepark* litigation) in relation to a variety of landlord and tenant disputes including the construction of a sewage system, calculation of turnover rent and alleged unauthorised alterations and failure to redecorate.



Commercial

Tiffany has been recommended in this field by Chambers & Partners and Chambers Global for many years. The directories state that she is "**fierce when you need her to be fierce, she is just brilliant in Court and her legal mind is incredible. She is very direct and matter of fact and has a good presence in the Court room**", is "**very assured, highly realistic and someone who can manage client expectations in difficult circumstances**" (2019); she "**has an impressive intellect, and is approachable and client-friendly. Sensible, pragmatic and efficient, she is calm and collected when on her feet**" but is also well capable of being "**a ferocious litigator cross-examiner**" (2018); "**extremely good at handling appeals and a good draftsman**" (2017); "**good to work with, clever and reliable**" (2016); a "**seasoned commercial chancery litigator**" who is "**very calm and methodical ... her manner inspires confidence even in adverse circumstances. She is a brilliant, self-assured advocate who is a real asset to any team**" (2015).

She has experience in 'business' litigation of all kinds, often with an international element, including fund and partnership disputes, shareholder disputes, including s994 petitions, claims against fiduciaries, and claims arising out of insolvency and civil fraud.

She undertakes a variety of cases with a financial services element including claims arising out of poor investment advice or mis-selling, professional negligence claims in the financial services field and other related actions (such as actions by trustees or against pension providers) requiring analysis of the performance of investments for the purpose of assessing damages.

She has experience dealing with claims requiring consideration of the Financial Services and Markets Act 2000 and the Conduct of Business Rules and she has also, over the years, dealt with claims involving previous regulatory regimes including the rules of FIMBRA, the Personal Investment Authority, and LAUTRO.

Cases include:

- *Michel v Michel* - acting for the majority shareholders in an unfair prejudice petition relating to a family-run cosmetics manufacturing company and its Chinese operations.
- Acting for the majority shareholders in an unfair prejudice petition relating to a restaurant-owning company combined with proceedings seeking specific performance of buy-out provisions in a shareholders' agreement, alleging breach of a good faith provision.
- *Luitpold Immobilienverwaltung v Huber & Grothe* - acting for claimant in proceedings against judgment debtors to provide information about their assets and for committal.
- Advising as to the proposed sale of a major London hotel chain and pre-sale restructuring of its substantial property portfolio.
- Acting in an arbitration for a property developer in a joint venture dispute with a landowner relating to the development of an estate of houses involving complex questions of agency and authority.
- *Axle Holdings v Letter* - a claim for fraudulent misrepresentation and breach of warranty against the vendors of shares in a luxury vehicle company with a sale price of \$52 million.
- *Investec Bank (Channel Islands) Ltd v Kamyab* - acting for the bank in a claim to recover millions of pounds secured against various properties, where the Defendant alleged that the properties had been put into trust.
- *Vocational Health Services v BMI Healthcare* - a claim by a consortium of doctors against a major healthcare provider in relation to a failed joint venture, alleging conspiracy.
- *Garrard v Salter* - A dispute arising out of a joint venture/partnership establishing a venture capital business.
- *Taylor v Peacock Financial Management* - representing a financial services provider in negligence proceedings in relation to trust investments.



Commercial continued

- Advising and representing minority shareholders in a dispute in relation to the management of two well-known London restaurants.
- Advising a former director/shareholder as to the negligent drafting of an agreement for his exit from the company.
- Advising in relation to the breakdown of a joint venture to establish a company providing procurement solutions for the construction industry.
- Advising in a multi-jurisdictional dispute between high net worth individuals as to joint venture and loan agreements relating to the purchase, refurbishment and subsequent operation of a floating oil storage off-loading vessel in Thailand.
- Acting for Flavio Briatore in claim brought by Italian fashion designer regarding alleged joint venture to establish a worldwide fashion couture business under the 'Billionaire' trademark.
- Acting for Vivian Imerman in a high-profile dispute with Robert Tchenguiz regarding the breakdown of a joint venture for purchasing and operating Whyte & Mackay, involving allegations of breach of fiduciary duty, breach of directors' duties, dishonesty, taking of secret profits and unjust enrichment.