



Tiffany Scott QC

Call: 1998

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

“Technically very sharp and engaging with clients”

Chambers & Partners 2017

Memberships

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

Publications

- [Unreasonable refusal of consent to change of use \(2017\) Wilberforce Property Update \(Issue 3\) February 2017](#)
- [Trusts and estates cases: recent developments \(2016\) Trusts & Trustees 22 \(9\): 982-990](#)
- [Where different legal systems collide: the decision in Labrouche v Frey & Ors \(2016\) Trusts & Trustees 22 \(7\): 741-752](#)
- [Legal Digest \(Issue 2\) Trust, Tax, Probate and Estates](#) (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

Tiffany specialises 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 has appeared before courts and tribunals at all levels. In May 2012 she appeared unled in the Privy Council in *Kelly v Fraser* [2012] UKPC 25, an estoppel claim involving a Jamaican pension fund.

She enjoys working as part of a litigation team. She is known for being 'user-friendly', as well as for her meticulous preparation of cases, attention to detail and first-rate drafting skills. Her clients range from investment banks to charities, from high net worth individuals to those who need representation on a pro bono basis.

Tiffany is recommended as follows:

- by The Legal 500 in the fields of private client – trusts and probate, professional negligence, and property litigation;
- by Chambers & Partners in the fields of chancery traditional, chancery commercial and real estate litigation; she was runner-up in the "Real Estate Junior of the Year" category at the Chambers UK Bar Awards in 2015;
- by Chambers Global in the field of dispute resolution: commercial chancery;
- by HNW Guide in the field of chancery: traditional.

She is described in the current directories as *"extremely good at handling appeals and a good draftsman"; "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"; "calm, practical and good with clients"; "willing to explore issues and find creative solutions"; "takes a look at the bigger picture, rather than getting bogged down in the minutiae"; "bright and considered"; "receives praise for the insight and concision she shows in her 'very good written work'; "technically very sharp and engaging with clients."*

In previous years the directories have commented that she is *"a brilliant, self-assured advocate who is a real asset to any team", "very persuasive and adaptable on her feet", "a rising star, who is brilliant under pressure", "good to work with, clever and reliable" and "just very knowledgeable and really swift in terms of delivery"; "incisive and tactically*



Practice Overview continued

adept" with "an excellent grasp of complex valuation matters"; "accessible, down to earth, calm and very bright – she goes above and beyond for clients"; "sources emphasise her fine cross-examination skills and say 'her style is effective as she is ruthless, yet never over the top, when exposing the limitations of her opponent's case'", and she "knows how to give the other side a good kicking".

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 some years. The 2016 edition described her as "**excellent**", the 2015 edition described her as "**a first-rate advocate**", and the 2014 edition commented that she is "**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* [2015] PNLR 33 – currently acting for solicitors in a claim alleging negligence in a real estate transaction. The case was listed by The Lawyer as one of the top 20 cases of 2015. The Judge at first instance found the solicitors to have been negligent; the solicitors are appealing on the issue of causation and the appeal is due to be heard in January 2017.
- *RDC v Howard Kennedy* – currently 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.
- Currently acting 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.
- 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 property surveys and valuations.
- Advising a former director/shareholder in relation to the negligent drafting of an agreement for his exit from the company.

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. The Legal 500 2016 (private client – trusts and probate) describes her as "**calm, practical and good with clients**" and the 2015 edition described her as "**accessible, down to earth, calm and very bright – she goes above and beyond for clients**".

She is recommended by Chambers & Partners 2017 (chancery traditional), which says she has "**a wealth of experience in the full range of traditional chancery work**" and "**receives**



praise for the insight and concision she shows in her 'very good written work'; "she continues to impress people".

She is also recommended in the HNW Guide 2016 in this field as being "*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 2012 Tiffany appeared un-led in the Privy Council in *Kelly v Fraser* [2012] UKPC 25 – an estoppel claim relating to the transfer of a pension between Jamaican pension funds and dealing with general principles of ostensible authority and detriment.

Casework includes:

- *Labrousche v Frey (Re Olga Martin Montis)* [2016] EWHC 268 (Ch) – currently acting for Marquesa Soledad Cabeza de Vaca in long-running litigation brought by her son 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. The Marquesa was successful at first instance, her son is seeking permission to appeal.
- Acting for the Hayward family in Bahamian 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
- *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.
- During 2016 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.
- During 2016 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.
- General areas of practice: applications under the Variation of Trusts Act 1958, under the Trustee Act 1925 for enlargement of trustees' administrative powers and under the Inheritance Act 1975 for provision from the estate of a deceased person; approval of compromises on behalf of minor children; *Re Beddoe* applications; claims for appointment and removal of trustees and executors; rectification of wills and trusts (including acting for the defendants in *Esson v Esson* (2011)).



Property

Tiffany 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).

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 was runner-up in the "Real Estate Junior of the Year" category at the Chambers UK Bar Awards in 2015 and has been ranked in this field for many years by The Legal 500 and by Chambers & Partners which comment that she is, "**technically very sharp and engaging with clients**" (2017); "**bright and considered**" (2017); "**willing to explore issues and find creative solutions**" (2016); "**very at ease and confident, great with clients and easy to work with**" (2016); "**very, very approachable and good to work with**" (2015); "**a rising star, who is brilliant under pressure**" (2014); "**just very knowledgeable**" (2014); with "**an excellent grasp of complex valuation matters**" (2013).

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.

Recent cases include:

- *Acredart & Car Giant v London Borough of Hammersmith & Fulham (Mr Stephen Furst QC, TCC)* [2017] – acting for the Council in a dilapidations claim, cross-examining a valuation expert about the correct approach to valuations under section 18(1) LTA 1927; decision pending.
- *Hautford Ltd v Rotrust Nominees (decision of HHJ Collender)* [2016] – successfully acted for the tenant in a claim that its landlord had unreasonably withheld consent to the making of a planning application on the grounds of feared enfranchisement; permission to appeal has been given to the landlord, appeal due to be heard in 2017. The first instance decision can be found here.
- *Canary Riverside Estate Management Ltd v Circus Apartments Ltd* – currently 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.
- Currently 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.
- Currently 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.
- *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.
- *Waugh v Bank of Scotland* [2016] – acting for the bank in proceedings seeking enforcement of legal charges which had not been properly executed and had not been properly registered.



Property continued

- *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 is recommended by Chambers & Partners 2017 as **"extremely good at handling appeals and a good draftsman"**. She was ranked in the 2016 edition as **"good to work with, clever and reliable"** and in the 2015 edition as 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"**.

She has been recommended in Chambers Global for several years in the field of Dispute Resolution: Commercial Chancery, who is **"Exceptionally bright and hard-working. She makes the advice very easy to understand when tackling subjects that are very, very difficult."**

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.



Commercial continued

Recent cases include:

- *Currently acting in ESVI v Braunstone* – a joint venture / shareholder dispute between the major shareholders in a company running well-known London and national restaurants, in proceedings alleging breach of the shareholders' agreement by a failure to act in good faith, and in separate but related unfair prejudice proceedings, with each side seeking a sale of shares worth around £40 million.
- *Currently acting for the majority shareholders in an unfair prejudice petition relating to a family-run cosmetics manufacturing company and its Chinese operations.*
- *Currently 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* [2016] – 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* [2016] – 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* [2015] – A claim by a consortium of doctors against a major healthcare provider in relation to a failed joint venture, alleging conspiracy.
- *Garrard v Salter* [2014] – A dispute arising out of a joint venture/partnership establishing a venture capital business.
- *Taylor v Peacock Financial Management* [2014] – Representing a financial services provider in negligence proceedings in relation to trust investments.
- *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.*
- *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.*