

Gavin Hamilton

Year of Call: 1979
Email Address: gavin.hamilton@3pb.co.uk
Telephone: 020 7583 8055

Commercial

Professional Liability

Much of Gavin's experience both at 4 New Square until 2004 and at 3PB since then has been in professional liability claims.

His main practice area comprises claims involving solicitors, but he also regularly deals with claims involving accountants, barristers, insurance brokers, financial services advisers, surveyors, valuers, architects and engineers.

Reported cases:

Feakins-v-Burstow [2005] EWHC 1931 (QB), [2006] PNLR 6 – damages claim against solicitors for mishandling earlier civil litigation involving live sheep exports, leading unusually to the re-opening of the appeal in the original case.

McGlinn-v-Waltham Contractors Ltd. [2007] EWHC 149 (TCC), 111 Con LR 1 – Gavin represented the architects in a claim brought by their client for damages for defective design and construction of a luxury house in Jersey.

Kandola-v-Mirza Solicitors LLP [2015] EWHC 460 (Ch), [2015] PNLR 15 – claim against conveyancing solicitors for not protecting the client from the insolvency of the seller.

Luffeorm Ltd.-v-Kitsons LLP [2015] EWHC B10 (QB), [2015] PNLR 30 – claim by purchaser of public house for damages against its solicitor arising out of the solicitor's failure to advise client to seek a restrictive covenant from the seller.

Hughmans-v-Dunhill [2015] EWHC 716 (Ch), [2017] EWCA Civ 97 – acting for solicitors on claim for fees and defending counterclaim for alleged negligence in the conduct of matrimonial proceedings. A successful application for summary judgment was overturned on appeal.

Most of Gavin's cases settle and usually at a mediation, at which he is frequently instructed to appear.

Recent cases:

- Acting for claimant against his conveyancing solicitors on sale of property for their failure to protect him against fraud on part of buyer, as result of which much of the purchase price was returned to the buyer on a bogus undertaking
- Claim against solicitors arising out of failure to advise sellers of development land as to the terms of the overage agreement and negligent drafting of the clauses
- Acting for claimant against solicitors arising out of negligence in failing to advise in relation to partial surrender of commercial premises
- Claim against solicitors for failure to advise client on specific risk in settling claim arising out of lease of leisure business
- Several claims against solicitors for failing to advise joint purchasers as to the different methods of co-ownership of property resulting in loss to one of the owners on eventual sale

- Claim for damages against solicitors for failing to arrange for execution of will within the time scale of the instructions
- Claims by lenders against surveyors arising out of overvaluations of commercial and residential property
- Claims by property owners against surveyors arising from negligent surveys of residential property
- A claim by a commercial landlord against a surveyor acting under a rent review clause
- A claim against a surveyor acting as an expert witness in a boundary dispute
- Advising taxpayers on the recovery of tax paid unnecessarily, due to accountant's failure to advise
- Acting for taxpayers and accountants in claims to recover penalties and interest due to delays in preparation and filing of accounts and tax returns
- Acting for a company against its auditors for failing to identify thefts by an employee
- Acting for accountants resisting a claim by taxpayer for tax paid because no claim made to foreign domicile
- A claim against an architect for not providing proper advice about the absence of planning permission
- Acting for an engineer who advised on piling works for a domestic project
- Acting for an architect in the successful defence of a claim by developer concerning the restoration of a mediaeval timber-framed building
- Acting for architects on claims brought by employers arising out of extensions to domestic and commercial premises
- Defending an engineer in complex multi-party litigation about a landfill site
- Defending ground investigation contractors on a claim by the developer for loss and expense arising out of delays to housing development.

Trading and business finance

Sale of goods and services

Gavin regularly advises businesses and consumers on contractual disputes concerning the sale and supply of goods and services. These include disputes about contractual interpretation and exclusion and indemnity clauses.

Guarantees, indemnities and bonds

Gavin was instructed for the defendant in **Close Brothers Ltd.-v-Ridsdale [2012] EWHC 3090 (QB), [2012] All ER (D) 156** in claim arising out of a guarantee given in connection with a property development.

Insurance

Gavin has acted in fire claims against insurers, professional negligence claims against insurance brokers and has advised on policy and coverage points concerning non-disclosure and breach of warranty, particularly for professional liability policies and legal expenses insurance policies.

He acted for the insurers in **Pine-v-DAS Legal Expenses Insurance Co. Ltd.-v-Pine [2011] EWHC 658 (QB), [2012] Lloyd's Rep IR 346.**

Partnership and business entities

Gavin advises on various types of disputes for partnerships including farmers, solicitors, doctors, dentists and orthodontists.

Reported cases include:

Travelnet & Tours Ltd.-v-Patel [2012] EWHC 1438 (QB) - where Gavin acted for a defendant who had set up a company with a similar name to the claimant.

Kyaw-v-Claasen [2015] EWHC 3337 (Ch) in which he was instructed in a dispute about an expenses-sharing agreement between dentists and successfully resisted an application for an injunction compelling the defendant to join in an application for a new lease of the surgery from which the parties operated.

Articles

Scope of Duty and Causation of Loss: What can we learn from the Supreme Court about scope of duty & causation of loss? BPE Solicitors-v-Hughes-Holland [2017] UKSC 21 & Globalia Business Travel SAU-v-Fulton Shipping [2017] UKSC 43

To read Gavin Hamilton's analysis, please click below.

View Article

Commercial update: pay the correct issue fee or limitation may not stop running by Gavin Hamilton

View Article

Recommendations

Gavin Hamilton is ranked in the London Bar 2025 for Professional negligence

'Gavin is very good on detail, explaining issues clearly to clients and a good advocate on his feet in court, very experienced.'

Legal 500 2024/Professional Negligence/Leading Juniors/London Bar

'He has a sharp legal mind and is very astute. Exceptionally user friendly - responsive, clear and pragmatic. An excellent advocate.'

Legal 500 2023/Professional Negligence/Leading Juniors/London Bar

Gavin Hamilton is ranked in the **Legal 500 2022**/Professional Negligence/Leading Juniors/London Bar

'He is client friendly, bright and considers the finer detail well.'

Legal 500 2021/Professional Negligence/Leading Juniors/London

'A very hardworking junior.'

Legal 500 2020

'He always gives prompt, accessible and pragmatic advice, cutting through to the heart of the case.'

Legal 500 2018/19

'Very experienced and a thoughtful professional negligence specialist.'

Legal 500 2017

'Approachable and a persuasive advocate.'

Legal 500 2016

'Bright and hardworking.'

Legal 500 2014

'Gavin Hamilton is noted for his 'meticulous attention to detail''.

Legal 500 2013/14/Commercial, insolvency and property

Academic qualifications

- BA Jurisprudence (Oxon)

Professional qualifications & appointments

- Accredited Mediation Advocate

Professional bodies

- Chancery Bar Association
- London Common Law & Commercial Bar Association
- Professional Negligence Bar Association (PNBA)
- Property Bar Association
- Western Circuit