



Christopher Snell

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Practice Overview

Chris has a broad practice encompassing, primarily, commercial litigation, banking and financial services, excise and taxation, property and trusts.

He is a frequent contributor to LexisNexis PSL, both as author of regular commercial case updates and as a "Panel Expert" for property and taxation issues.

Recent cases of note include advising Duff & Phelps, as joint liquidators of the Connaught Income Series 1 Fund, following the collapse of an unregulated collective investment scheme worth in excess of £100m. The most recent FCA statement can be found [here](#).

In addition, Chris frequently acts for a number of well-known retail and investment banks in diverse contentious disputes ranging from guarantees and factoring through to derivative products and allegations of fraud.

Commercial Litigation

Commercial Litigation

Chris's practice covers all aspects of commercial litigation; although most frequently involves contractual disputes, banking and finance and restitutionary claims. In addition to Court work Chris has also been instructed in a number of arbitrations, arising out of (amongst other things) the dissolution of partnerships and disputes relating to the provision of energy (electricity).

Recent and on-going instructions include:

- ▣ Acting for HSBC Bank PLC at the trial of its claim for realisation of a security asset following the administration of one of its customers.
- ▣ Advising Bank of Scotland on the enforcement and recovery of historic facility arrears when the debtors' only assets were situated in Kenya.
- ▣ Representing Western Power Distribution at the trial (and as Respondent to the subsequent appeal) of its claim for contractual and tortious damages as a result of damage sustained to a large electricity distribution unit.
- ▣ Advising and representing Volvo Group UK at its application for Summary Judgment against a former senior employee.
- ▣ Advising and representing Severn Trent Water as Defendant to a claim arising under the Water Industry Act 1991 following a major outage of domestic water supply.

Excise and Taxation

In addition to commercial litigation, Chris has significant experience of advising and representing clients in relation to both contentious and non-contentious taxation issues.

Frequently, such matters relate to indirect taxation (primarily VAT); taxation arising out of the cross-border supply of goods and services; the seizure of goods at the border and subsequent excise duty assessments; and condemnation and forfeiture proceedings.

He is currently acting as junior counsel (led by Geraint Jones QC) for a business with a turnover in excess of £100m in its appeal against an HMRC decision to: (i) withdraw its WOWGR licence as a result of allegations of fraud; and (ii) to raise two substantial VAT assessments. A number of the reported interlocutory decisions appear variously at [2018] UKFTT 252 (TC); [2017] UKFTT 650 (TC); [2017] UKUT 181 (TCC) and [2017] UKFTT 143 (TC). Trial is expected to last 6-8 weeks.

Chris also appeared unled for 2 of the Appellants in a conjoined appeal to the Divisional Court concerning the correct interpretation of forfeiture provisions contained in the Customers and Excise Management Act 1979: reported at [2016] Lloyd's Rep. F.C. 391; [2016] 1 W.L.R. 1889. The decision clarified the law relating to preparations for fraudulent evasion of excise duty and appears in the most recent editions of *Archbold Criminal Pleading Evidence and Practice*.

Civil Fraud

A significant amount of the commercial litigation work that Chris undertakes includes allegation of fraud. As a result, he is well versed in applications for interim remedies including applications for worldwide freezing injunctions.

Recent experience includes:

- ▣ Acting for the 2nd and 5th Defendants in *Solid Property Grundstucks Gmbh v Singh & Others* [2018] EWHC 960 (QB), an application for the continuation of a £3.5m worldwide freezing order.
- ▣ Acting for one of a number of Defendants in preliminary hearings prior to the decision in *The Republic of Angola v Perectbit & others* [2018] EWHC 965 (Comm), an application to discharge a number of proprietary injunctions and worldwide freezing orders in relation to a fraud estimated to be in excess of \$500m.
- ▣ Obtaining a freezing injunction in support of foreign proceedings (Germany and the Netherlands) following the alleged misappropriation of a significant amount of alcohol (led by Richard Jones QC).

Aside from interim relief applications, Chris has experience of and is involved in claims relating to allegations of dishonest assistance in breach of trust; knowing receipt and breach of fiduciary duty. He is presently instructed by the owners of a large collection of classic cars in a claim for breach of trust following the administration and liquidation of a well-known sales garage.

He acted (as junior Counsel) in the first ever committal application in respect of an NCA Officer's Part 8 witness evidence in Civil Recovery Proceedings, a case which the NCA unsuccessfully sought to strike out. The committal application is reported at [2017] EWHC 570 (QB).

Much of Chris's practice in contentious tax involves allegations of involvement in fraudulent activity designed to cheat the public revenue; or constructive knowledge of such activities. To this end he was retained as junior Counsel (led by Adrian Keeling Q.C) in a 2 month trial during Summer 2017 in which HMRC sought to establish a large scale conspiracy to cheat the public revenue. The case attracted mainstream press interest ([view article](#)).

Property

Chris has a broad experience of property related disputes and he has appeared before both the Courts and the specialist property tribunals on many occasions.

Although well versed in claims for forfeiture, possession (predominately to enforce contracts of guarantee) and TOLATA claims, he is frequently instructed in matters relating to registration and claims relating to competing interests in land. This includes successfully representing a Defendant Company incorporated in Belize in defeating a claim for a declaration that it was entitled to equitable charges over land transferred to the Company by a large developer that had entered into administration.

Chris also appeared for the successful Respondent in *Orchard Investment Properties Ltd v Violante* [2013] EWHC 2558 (Ch) which continues to be included in the White Book (25.13.13) as one of the key authorities governing the

Court's discretion to grant security for costs outside of the scope of the usual Part 25 procedure.

Insolvency

Chris has expertise in both corporate and personal insolvency matters.

He has acted for and against directors in relation to claims for misfeasance, wrongful trading, transactions at an undervalue and preferences.

A significant amount of Chris's insolvency instructions overlap with property disputes and involve issues such as the rights of a freeholder to forfeit a lease following an administration order; or applications for vesting orders when an inferior lease has passed bona vacantia following the dissolution of a corporate tenant.

Additional Information

Qualifications / Education

- LLB (Hons), University of Birmingham
- BVC (Outstanding), College of Law

Awards

- Jules Thorn Scholarship (Middle Temple)
- Certificate of Honour (Middle Temple)
- Jules Thorn Prize, Finals (University of Birmingham)

Public Access

Yes

Cases

Zuberi v Lexlaw Limited

Reference:

Date: 14 Jan 2021

Court: Court of Appeal

Christopher Snell acted for the successful Respondent in a dispute relating to a Damages Based Agreement, in Zuberi v Lexlaw Limited,

In its judgment handed down on 14 January 2021 the Court of Appeal has unanimously upheld the validity of a Damages Based Agreement ("DBA") which included a clause providing that – in the event of early termination of the DBA by the client – the client was liable to pay the solicitors' time charges at an hourly rate for time spent working on the claim together with the costs of instructing third parties (such as Counsel) and other disbursements.

Since the inception of the DBA Regulations 2013 (the "Regulations") the widely held view was that the charging of termination fees was prohibited by the Regulations; such that a DBA including a provision allowing solicitors to charge for work done in the event of early termination was unlawful and any DBA including such a provision unenforceable.

The result, as recorded by Lewison LJ at §21 of the judgment, has been to cause "considerable uncertainty in the legal profession; and a widespread fear that if a client terminates a retainer, the lawyer will end up not being paid anything for what might have been months or even years of work" such that "neither the Bar Council nor the Law

Society has provided a model form of DBA.

Click [here](#) to read the full judgment.

Judge: LJS Lewison; Newey; Coulson

Practice Area:

Woodward & another v Phoenix Healthcare Distribution Limited

Reference: [2019] EWCA Civ 985

Date: 12 Jun 2019

Court: Court of Appeal

On 12 June 2019 the Court of Appeal, consisting of Lord Justice Bean; Lady Justice Asplin and Lady Justice Nicola Davies, handed down Judgment in the case of Woodward & anor. v Phoenix Healthcare Distribution Limited (“Phoenix”).

The appeal to the Court of Appeal was a second appeal; HHJ Hodge QC (sitting as a Judge of the High Court), having previously allowed Phoenix’s appeal against the 1st instance decision of Master Bowles whereby the Master acceded to the Appellants’ application to retrospectively validate steps taken to serve Phoenix with the claim form pursuant to CPR 6.15(1) and (2).

The central question that the Court of Appeal was asked to consider was in what circumstances is it appropriate, on an application for retrospective validation of service under CPR 6.15, to allow a defendant to take advantage of a mistake on the part of a claimant giving rise to defective service where any new claim would be time-barred.

That question arose because the Appellants, who at the material time were represented by Collyer Bristow, had issued a claim form on 19 June 2017 pursuing causes of action that were potentially time barred as of 20 June 2017. In accordance with CPR 7.5(1), the Appellants thus had until midnight on 19 October 2017 to serve the claim form on Phoenix (represented by Mills and Reeve). On 17 October 2017 Collyer Bristow purported to effect service on Phoenix by posting the claim form, particulars of claim and annexes to Mills and Reeve. The same documents were also emailed to Mills and Reeve on 17 October 2017 and a read receipt was received on the same day.

The claim form expired at midnight on 19 October 2017. On 20 October 2017 Mills and Reeve wrote to Collyer Bristow stating that service on them had been defective as they were not instructed to accept service; and neither Mills and Reeve nor Phoenix had ever confirmed in writing to Collyer Bristow that Mills and Reeve were instructed to accept service on behalf of Phoenix. Consequently, the claim form had expired and with it the proceedings by efflux of the limitation period.

View judgment [here](#)

Judge: Lord Justice Bean, Lady Justice Asplin, Lady Justice Nicola Davies

Practice Area: Commercial Litigation

Publications

Date	Title	Contributors
13 May 2020	CASE ANALYSIS - Lexis@PSL Dispute Resolution: Case analysis (Ref 1819). Out of time challenge to jurisdiction results in default judgment (Plekhanov v Yanchenko)	Christopher Snell

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