

## 3PB Barrister Profile



### Gavin Hamilton

Call 1979

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#### Academic Qualifications

BA Jurisprudence (Oxon)

#### Professional negligence

Gavin Hamilton moved to 3PB in 2004. He handles claims concerning many different professions.

#### Lawyers

Gavin deals with:

- claims by disappointed beneficiaries and mishandled probate
- lost and/or mishandled litigation claims
- claims by buyers and lenders concerning freehold and leasehold property
- mishandled ancillary relief claims on divorce and co-habitants? disputes
- claims arising from mishandled business sales

Reported cases include:

*Young v Purdy* [1997] PNLR 130 (CA)

*Hooper v Fynmores* [2002] Lloyds Professional Negligence LR 18 (Ch)

*Boateng v Hughmans* [2002] Lloyds Professional Negligence LR 864 (CA)

*Feakins-v-Burstow* [2006] PNLR 6 (QB)

#### Surveyors and Valuers

Gavin has acted in:

- claims by lenders against surveyors arising out of overvaluations of commercial and residential property
- claims 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 an expert witness in a boundary dispute

### **Accountants and Auditors**

Gavin has handled a wide range of claims including:

- 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 auditors for failing to identify thefts by an employee
- acting for a charity in claim arising from accountant's failure to claim exemption from VAT
- acting for accountants resisting claim by taxpayer for tax paid because no claim made to foreign domicile

### **Insurance Brokers and Agents**

He has advised, and acted for and against, brokers in claims for failure to implement the correct insurance cover, and for brokers in a claim to account for commission.

### **Architects and Structural Engineers**

Gavin's cases have included:

- 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

Reported cases:

*Brown v Gilbert Scott* (1992) 35 Con LR 39

*McGlenn v Waltham Contractors* (2007) 108 Con LR 43, 111 Con LR 1, 112 Con LR 148

### **Professional Disciplinary Bodies**

Gavin also has experience in the area of disciplinary proceedings. He has:

- appeared for solicitors before the Solicitors Disciplinary Tribunal
- represented an insurance broker before his professional body
- advised a chartered surveyor in relation to proceedings before the Professional Conduct Committee of the Royal Institution of Chartered Surveyors

### **Professional Qualifications and Appointments**

- Accredited Mediation Advocate

### **Professional Bodies**

- Chancery Bar Association
- London Common Law and Commercial Bar Association
- Professional Negligence Bar Association (PNBA)

- Property Bar Association