

NICHOLAS EVANS

Call 2018

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Nicholas Evans is a member of the [Commercial](#) and [Property & Estates](#) teams.

He is regularly instructed to appear as sole counsel in the High Court, County Court and First-tier Tribunal, and is also often instructed to act as junior counsel in more complex matters.

Along with [Commercial](#) and traditional Chancery work, Nicholas also has considerable advisory and litigation experience in [Financial Services](#), regularly helping to advise the Financial Conduct Authority, firms and private individuals on consumer credit and retail banking issues.

Nicholas has been ranked as 'Rising Star' in Chancery, tax and probate in the 2025 Legal 500.



Expertise

Real Property

Nicholas has acted for clients in a range of Real Property matters, including Landlord & Tenant (commercial, residential and rural), easements and profits, restrictive covenants and boundary disputes. This extends to property disputes in an insolvency context.

Nicholas has litigation and advisory experience in the following key areas:

- Building Safety Act 2022 disputes
- Service Charges and dilapidations

- Landlord and tenant (residential) including private and social housing as well as those included under the Renting Homes (Wales) Act 2016
- Landlord and tenant (commercial) including protected and unprotected tenancies
- Landlord and tenant (rural) including all matters relating to the Agricultural Holdings Act 1986 and the Agricultural Tenancies Act 1995.
- Boundary disputes and adverse possession
- Trespass, nuisance and other property torts
- Easements (rights of way and other rights)
- Restrictive and other land covenants
- Rural Landlord & Tenant: All matters relating to the Agricultural Holdings Act 1986 and the Agricultural Tenancies Act 1995
- Mortgage disputes and possession proceedings
- Land registration and land charges

Recent cases include:

- An application seeking a Remediation Contribution Order pursuant to section 124 of the Building Safety Act 2022 in relation to fire safety.
- Advising on claim with an estimated value of circa £1.75 million which considered the effect of a section 25 notice under the 1954 Act where the landlords were the executors under a will as well as the landlords' entitlement to rely on section 30(1)(g) of the 1954 Act in opposing the grant of a new lease.
- Appearing in the First-Tier Tribunal (Property Chamber) successfully acting for a local authority in an appeal by a commercial landlord and developer against financial penalty notices made pursuant to section 249A of the Housing Act 2004.
- Advising on and appearing in a High Court claim for injunctive relief seeking to enforce *inter alia*, an arbitration award relating to a dispute in relation to a service charge dispute between circa 24 leaseholders and the builder/developer of two blocks of flats.
- A two-day trial concerning a possession claim with a value of circa £2m in relation to agricultural finance secured over land subject to development proposals.
- Drafting particulars of claim in relation to an agricultural right of way.
- Advised and acted in a mediation involving a dispute over the inheritance of a 100-acre farm run by a partnership of the deceased, and the two parties.
- Advising and drafting in case in the First-Tier Tribunal (Property Chamber) concerning the declaration of a boundary following a sale from a residential development plan.

Featured Real Property cases

Hamilton v Attorney-General [2022] EWHC 2132 (Ch) [2022] BPIR 1427

Nicholas was led by Stefan Ramel in a claim by trustees in bankruptcy and a Guernsey company for a vesting order in relation to a castle in North Somerset. The case raised complex issues of international company, insolvency and property law including in relation to the consequences of dissolution of a company, bona vacantia and escheat.

Trusts, Wills & Estates

Nicholas has considerable experience in handling cases regarding wills, inheritance and trust disputes. This extends to probate disputes in an insolvency context and insolvent estates.

Nicholas has litigation and advisory experience in the following key areas:

- Contentious and non-contentious probate;
- Interpretation of wills and trust documents;
- Applications for a declaration of presumed death under the Presumption of Death Act 2013;
- Cohabitation disputes and trusts of land
- Proprietary estoppel
- Claims under the Inheritance (Provision for Family and Dependents) Act 1975
- Appointment, removal and substitution of personal representatives and trustees
- Duties and powers of personal representatives and trustee

Recent cases include:

- Advising executors on claim with an estimated value of circa £1.75 million which considered the effect of a section 25 notice under the 1954 Act where the landlords were the executors under a will as well as the landlords' entitlement to rely on section 30(1)(g) of the 1954 Act in opposing the grant of a new lease.
- Advising on and acting in a will dispute valued at circa £1.5m where it was alleged the deceased lacked capacity, had been unduly influenced and/or was subject to fraudulent calumny.
- Advised and acted in a mediation involving a dispute over the inheritance of a 100-acre farm run by a partnership of the deceased, and the two parties.
- Advising, drafting and acting in a successful mediation of an Inheritance Act dispute which also included claims concerning proprietary estoppel and constructive trusts.
- A two-day trial concerning a will dispute that included issues of intestacy, partial intestacy, half-secret trusts, proprietary estoppel, constructive trusts and *donatio mortis causa*.

Featured Trusts, Wills & Estates cases

Tucker v Felton-Page [2025] EWHC 530 (Ch)

Nicholas successfully argued that, following discontinuance of the Claimant's claim seeking that a later will be propounded for, no order as to costs should be made pursuant to CPR 57.11(2)(a) for the period up until the expert's report which considered that the deceased lacked capacity. The court was persuaded that the one of common law exceptions to the general costs rule applied, namely that it had been reasonable for the Claimant to pursue the matter, as recently set out in *Leonard v Leonard* [2024] EWHC 979 (Ch). Further, that this rule applied to a Claimant, rather than just a Defendant.

Khilji v Mehers & Ors [2025] EWHC 548 (Ch)

Nicholas acted for the successful Second Respondent. The case gives helpful guidance on what it means for a bankrupt to inform their trustee in bankruptcy ("TiB") of an interest in a property, or for that TiB to become aware of the interest pursuant to s.283A(5) of the Insolvency Act 1986 ("IA 1986") under the so called "use it or lose it" provisions. In dismissing the appeal, Richards J approved the decision of DICC Judge Curl KC below in *Khilji (In Bankruptcy), Re* [2023] EWHC 298 (Ch) that under s.283A(5) there is no single guide to the sufficiency of information necessary that could be applied in all cases and that a fact-sensitive enquiry is needed.

Khilji (In Bankruptcy), Re [2023] EWHC 298 (Ch)

Nicholas acted for the successful administrator of an estate where the deceased had died intestate. The case concerned whether beneficiary's residual interest vested in her on the death of the deceased and whether that residual interest was an interest for the purposes of s.283A(1) IA 1986. The case also raised for the first-time what knowledge a trustee in bankruptcy was required to have before time began running pursuant to s.283A(5) IA 1986, the so call "use it or lose it" provision.

Hamilton v Attorney-General [2022] EWHC 2132 (Ch) [2022] BPIR 1427

Nicholas was led by Stefan Ramel in a claim by trustees in bankruptcy and a Guernsey company for a vesting order in relation to a castle in North Somerset. The case raised complex issues of international company, insolvency and property law including in relation to the consequences of dissolution of a company, bona vacantia and escheat.

Commercial Dispute Resolution

Nicholas has a diverse commercial practice focusing on breach of contract disputes which often include a property dimension, such as mortgage disputes. Nicholas also regularly advises on and acts in cases concerning professional negligence including claims against solicitors, barristers, surveyors, architects, insurers, veterinarians, estate agents and conveyancers.

Nicholas has litigation and advisory experience in the following key areas:

- Disputes concerning mortgages, guarantees and indemnities, in both regulated and unregulated contexts
- Agricultural finance
- Professional negligence
- Transactions defrauding creditors
- Shareholder disputes
- Arbitrations under the Arbitration Act 1996 and other bodies, including appeals
- Debt claims and asset recovery

Recent cases include:

- Acting for the directors of a company in an unfair prejudice petition with a value of circa £900,000.
- A two-day trial concerning a possession claim with a value of circa £2m in relation to agricultural

finance secured over land subject to development proposals.

- An application to set aside judgment in relation to hire-purchase agreements, guarantees and indemnities in respect of high value Rolls Royce vehicles with a value of circa £150,000.
- Advising and drafting in relation to a claim against negligent solicitors when drafting wills.
- Advising and drafting in relation to a claim against a negligent building surveyor who had failed to identify Japanese Knot Weed causing significant financial loss to the clients' property.

Featured Commercial Dispute Resolution cases

Lord v Kinsella [2023] EWHC 2748 (Ch)

Nicholas was successfully led by Hugh Sims KC in a complex multi-million pound arbitration concerning an unincorporated associated members club. The matter involved construction of constitutional documents and complex questions on the circumstances in which an agent will act as a fiduciary, the extent of those duties and what remedies are available if an agent had acted in breach of their fiduciary duties. Nicholas also assisted on the appeal and subsequent costs arguments.

Regulatory & Discipline

Nicholas is a specialist in consumer credit and the financial services regulatory regime. Nicholas undertakes work in relation to regulated credit agreements, regulated mortgage contracts, payment services and crypto currencies. Nicholas is able to advise on perimeter and regulatory issues as well as act in litigation for both lenders and borrowers.

Consumer Credit

Nicholas has litigation and advisory experience in the following key areas:

- Matters relating to claims under s.140B CCA 1974 (including HCST credit, mis-selling and secret commission cases).
- Regulated and exempt credit and credit hire agreements (including enforcement).
- Helped advise the FCA regarding its approach to schemes of arrangement including *ALL Scheme Limited, Re* [2021] EWHC 1401 (Ch) (24 May 2021) (Amigo); and *Provident SPV Ltd, Re* [2021] EWHC 2217 (Ch) (Provident Financial).
- Helped advise the FCA on the regulatory consequences of *Kerrigan & 11 ors v Elevate Credit International Limited (t/a Sunny) (in administration)* [2020] EWHC 2169 (Comm).
- Helped draft and advise on the temporary consumer credit and coronavirus guidance for firms published by the FCA (September 2020).
- Helped draft initial wording of the new "Consumer Duty" that came into force on 31 July 2023.

Mortgage and Home Finance

Nicholas has litigation and advisory experience in the following key areas:

- Issues concerning the implication of the Mortgage Credit Directive.
- Advising on regulated and exempt mortgage contracts.
- Enforcement of regulated mortgage contracts.
- Advising on the interrelationship with the consumer credit regulatory regime.
- Advising on regulated home finance products and buy to let lending products.
- Helped draft and advise on the temporary mortgages and coronavirus guidance for firms published by the FCA (September 2020).
- Helped draft and advise the FCA on PS/20/11 Mortgages: Removing barriers to intra-group switching and helping borrowers with maturing interest-only and part-and-part mortgages (October 2020).
- Advising the FCA on the approach to be taken where complaints and/or claims are made against regulated firms by so called “freeman of the land”

Payment Services and Cryptocurrency

Nicholas has advisory experience in issues arising under the following key regulatory framework areas:

- Payment Services Directive and the Payment Services Regulations 2017
- Electronic Money Regulations 2011

Fifth Money Laundering Directive and Money Laundering Regulations 2017 & 2019

Education

- Kitchener Scholarship
- BPTC, City University London
- GDL, City University London
- AKC, King’s College London
- BA (First Class), King’s College London