

# 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.

## Expertise

### Property, Trusts & Estates

Nicholas has acted for clients in a range of Real Property and personal property matters, including Landlord & Tenant (commercial, residential and rural), easements and profits, restrictive covenants and boundary disputes. Nicholas also has considerable experience in handling cases regarding wills, inheritance and trust disputes. This extends to property disputes in an insolvency context.

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

- Wills, inheritance and trusts
- Service Charges and Dilapidations
- Landlord and tenant (residential) including private and social housing
- 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

- Mortgage disputes and possession proceedings
- Land registration and land charges

## Featured Property, Trusts & Estates cases

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### **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.

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### **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

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Nicholas has a diverse commercial practice focusing on breach of contract disputes which often include a property dimension, such as construction disputes. Nicholas also regularly advises on and acts in cases concerning consumer rights.

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
- Debt claims and asset recovery
- Consumer rights and unfair terms
- Sale of goods and services

## Featured Commercial Dispute Resolution cases

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Nicholas has recently been 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.

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## Regulatory & Discipline

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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