

NICHOLAS EVANS

CALL: 2018

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Nicholas 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 tribunals and is often also 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 FCA, firms and private individuals on consumer credit and retail banking issues.

PRACTICE AREAS

- Property
- Trusts and Estates
- Commercial
- Financial Services

PROPERTY

Nicholas has acted for clients in a range of real and personal property matters, including landlord and tenant (commercial and residential), easements/profits, restrictive covenants and boundary disputes.

Nicholas recently acted for a residential landlord successfully resisting a claim for a Rent Repayment Order on the basis of unlawful eviction and harassment in the First-tier Tribunal (Ref No 2020/0002).

Nicholas also assisted another member in the Court of Appeal on a complex case concerning fencing rights.

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

- Service Charges and Dilapidations;
 - Landlord and tenant (residential and commercial);
 - 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; and
 - Land registration and land charges.
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TRUSTS AND ESTATES

Nicholas has a broad range of experience in dealing with disputes on behalf of beneficiaries, trustees or personal representatives. This includes claims seeking relief under the Trusts of Land and Appointment of Trustees Act 1996 and related matters such as claims for an equitable account.

Nicholas also regularly advises on matters such as constructive or resulting trusts and claims under the Inheritance (Provision for Family and Dependents) Act 1975.

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

- Interpretation of wills;
 - Formal and substantive validity of wills (formalities, testamentary capacity, knowledge and approval, undue influence);
 - Cohabitation disputes and trusts of land;
 - Duties and powers of personal representatives and trustees;
 - Contentious and non-contentious probate;
 - Issues arising in the administration of estates;
 - Breach of trust disputes;
 - Appointment, removal and substitution of trustees; and
 - Family provision claims under the Inheritance (Provision for Family and Dependents) Act 1975 (including adult children, spouses and dependants).
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COMMERCIAL

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:

- Debt claims and asset recovery;
 - Disputes concerning mortgages, guarantees and indemnities;
 - Consumer rights and unfair terms;
 - Sale of goods and services;
 - Professional negligence; and
 - Transactions defrauding creditors.
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FINANCIAL SERVICES

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); and

- Helped draft and advise on the temporary consumer credit and coronavirus guidance for firms published by the FCA (September 2020).

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); and
- 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).

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; and
- Fifth Money Laundering Directive and Money Laundering Regulations 2017 & 2019.

EDUCATION:

BA, King's College London (1st Class)

AKC, King's College London

GDL, City University London

BPTC, City University London

Kitchener Scholarship

RECENT NEWS

- Our first ever Podcast has gone live!

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