

Daniel Searle

Call: 2015

Contact Daniel Directly: 020 7353 6802 or clerks@goldsmithchambers.com



Daniel has a wide-ranging practice, which encompasses the full spectrum of civil law. Clients praise him for his pragmatic and sound advice with detailed cost-benefit analysis and robust case preparation. Clients and opponents have referred to his cross-examination as “*excellent*”. He has an increasingly international practice and has been instructed by clients with disputes concerning the jurisdictions of Saudi Arabia, Iraq, Poland, St Helena, Monaco, Ghana, Cyprus, India, Canada and the United States. His clients have ranged from multi-national corporations to gold medal Olympians. He is counsel of choice for numerous solicitors.

Daniel is Direct Public Access qualified and is able to accept instructions directly from members of the public.

Commercial

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Daniel deals with a range of commercial matters spanning numerous sectors, including claims for breach of contract, economic torts, restitution and unjust enrichment. He has experience of construction matters, having been instructed for over three years on the Grenfell Tower Inquiry where he analysed the cladding and Building Control inspections. Daniel has particular experience of claims arising from the provision of utility services, being counsel of choice for a national supplier of gas. He is building a practice in claims involving financial mis-selling and consumer credit arising from the non-disclosure of commission taken by major banks and insurers when selling policies to consumers.

S v N

Successfully represented the Claimant in a multi-track trial concerning a breach of contract arising from an investment made by way of a forex platform.

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Apex Global Management Ltd & Or v Global Torch Ltd [2017] EWCA Civ 315 (Court of Appeal)

Junior counsel in the Court of Appeal in an important case for international litigation concerning the scope and effect of jurisdiction agreements in English and Welsh law. The matter involved a long-standing dispute between the parties over payment of \$9.1 million, which included two Saudi Arabian Princes and allegations of terrorist funding.

Johnson v Basha & Ors (High Court)

Acted as sole representation in an application which was determinative of a claim for £2.5 million. The matter involved allegations of complex fraud against the recipient of an investment from a benevolent organisation.

Chancery

Daniel keeps a broad traditional chancery practice which includes claims for conversion, bailment, contested probate and disputes over trusts. Daniel has particular experience of advising in Japanese knotweed matters, including niche arguments concerning causation in nuisance claims and professional negligence claims against surveyors.

Gombera & Anor v Brookes-Nandara (High Court)

Sole counsel in successful and repeated applications for emergency interim injunctions to prevent a funeral and to give effect to the wishes of the deceased's family on the grounds of human rights and inherent jurisdiction of the High Court.

M v B

Successfully acting for the Claimant in a claim concerning civil fraud and tortious deceit. The Defendant had fraudulently held himself out to be a solicitor and had attempted to transfer the Claimant's title to property to himself.

R v L

Advising the Defendant in a claim seeking to vitiate a will due to a purported lack of testamentary capacity and undue influence.

Hollins v Hollins

Represented the Defendant in a two-day multi-track hearing concerning a claim made in restitution and undue influence. The matter arose out of a dispute between two brothers, one alleging that the other had made a series of withdrawals from their now deceased mother's bank account. The evidence at Court centred around a forensic examination of the parties' bank account statements and a complex family history.

P v D

Acting for the Claimant in a long-standing multi-track dispute regarding a breach of a Tomlin Order and conversion.

Costs

Daniel has experience in the field of solicitor-client costs. He advises on the formal requirements of the Solicitors Act 1974 and the delivery of interim, final and *Chamberlain* bills, along with various defences and common law assessments.

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I v N

Advising, drafting and obtaining a very favourable settlement in a proposed claim for unpaid legal bills in excess of £1m.

Y v R

Acting for the Defendant against a claim for unpaid legal bills exceeding £150,000; requesting common law assessment.

B v D (Deceased)

Acting for the Claimant in a claim in respect of £125,000 of unpaid bills. Issues involved *Chamberlain* bills and further advice provided on the procedure to adopt where a Defendant is deceased.

B v Father4Justice

Successfully defended a claim in respect of fees incurred by a caseworker.

LC v A

Acting for the Defendant in a claim for £35,000 of unpaid legal bills.

Articles

Civilwatch update: Asda v Brierley (Equal Pay; Supreme Court)

COVID-19: Health & Safety Measures and Discrimination in the Workplace

A Beginner's Guide to Insolvency (Webinar)

COVID-19 and Supervening Events in Commercial Contracts

Practice Note: Unlawful Detention and False Imprisonment

Land & Property Disputes

Daniel's established property practice covers residential and commercial possession proceedings (together with claims for rent arrears and mesne profits), boundary disputes, TOLATA matters and claims in respect of service charge (both in respect of claims for arrears and for determinations of the reasonableness of such charges). Daniel has extensive experience of applying for extensions of time in which to register charges and rectification under the Companies Act 2006.

Fidelity Bank v A (High Court)

Enforcement action for the sale of a property following a Ghanaian judgment registered in the UK in excess of £1.7m.

M v M (High Court)

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Acting in a claim for rectification of the register in relation to a property worth over £2m.

Port of Tilbury v S

Advising the occupier of a port in respect of possession, lease extension and an injunction.

Gilal London Ltd v Wolverhampton Lifting Ltd

Successfully appeared against a Deputy District Judge and obtained possession for the Claimant, arguing that the Defendant was a tenant-at-will such that the notice requirements of the LTA 1954 did not apply.

S v V

Acting for a group of leaseholders in a boundary dispute.

B v H

Successfully represented the Claimant in his claim for unlawful eviction, harassment and restitutionary damages, obtaining an award in excess of £40,000.

The Mortgage Business Plc v A

Acting for the Defendant against a claim for possession. The matter concerned the validity of a “sale and rent back” scheme and proprietary estoppel.

Insolvency

Daniel deals with both individual and corporate insolvency. He regularly attends the County Court and High Court in winding-up petitions, bankruptcy petitions, applications for set aside and annulment and advises in matters concerning reviewable transactions.

S v B

Representing the purported debtor in a matter considering the scope and effect of diplomatic immunity in respect of bankruptcy petitions.

B v SS

Acting for a well-known chain of cafés in applications under sections 112 and 155 of the Insolvency Act 1986.

Defamation

Daniel accepts instructions in claims for defamation and malicious falsehood. His cases often involve a cross-border element. He is able to provide holistic advice and utilise his experience in cross-over topics such as harassment and

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negligent misstatement. He acts for both individuals and companies in order to secure effective reputation management.

C v B (2020) (High Court)

Advising and drafting (led by Anthony Metzger QC) in a multi-million pound claim for malicious prosecution and defamation. The matter involved allegations that the Claimant banker had syphoned millions of pounds from an investment bank. The Claimant was subjected to a decade-long prosecution which ultimately led to an acquittal.

C v D (2020) (High Court)

Representation in a claim for defamation arising from an allegation of sexual assault made in the US. The allegations attracted significant press attention, being widely reported on VICE and Forbes. Issues included jurisdiction (and the enforceability of foreign judgments), single publication rule and loss of congenial employment.

N v N (High Court)

Acted for the Claimant in a successful claim for defamation arising from allegations made of sexual assault.

P v (1) A; (2) Google LLC

Advising in respect of allegations of sexual abuse made in the US against a Pastor residing in Angola. Matters concerned jurisdiction and procedure for serving claims out of the UK.

M v S

Successfully represented the Claimant in a claim for harassment concerning repeated allegations of fraud.

S v R

Represented the Claimant in a claim concerning allegations of mismanagement of a business and wrongful interference with a contract.

Employment

Daniel is well-versed in representing clients in lengthy Employment Tribunal claims and has appeared in cases of unfair and wrongful dismissal, various forms of discrimination under the Equality Act (including disability discrimination) and holiday pay disputes. He has appeared in the Employment Appeal Tribunal and has assisted in matters in the Court of Appeal and Supreme Court. He has recently provided advice on a matter in the Supreme Court of St Helena and secured a settlement at judicial mediation, obtaining in excess of £300,000 for his client.

Daniel also has a busy paper-based practice advising clients on prospects of success and negotiation (including with regard to restrictive covenants). Daniel is also able to advise on other matters relating to employment, such as professional discipline, tax (including international tax advice for overseas workers) and pensions.

Notable Cases

Idrees v Home Office

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Successfully represented the Claimant in a 5-day Employment Tribunal trial, establishing race discrimination and unfair dismissal.

G v Boots Opticians Professional Services Limited

Successfully acted for the Claimant in establishing continuity of employment during the course of a three-day unfair dismissal trial.

(1) A; (2) B v C

Advising in a proposed claim concerning unilateral changes made by an employer to the employees' substantial benefits and bonuses which sought to reduce payment to the Claimants in excess of £400,000.

G v W

Advising on a matter in the Supreme Court of St Helena.

(1) A; (2) B v C Solicitors

Representation in a claim for unfair dismissal and discrimination on the grounds of race listed for eight days; obtaining a substantial award for the Claimants.

S v The London Borough of Camden (2017) (Employment Appeal Tribunal)

Representation in an appeal concerning whether, by refusing to engage in correspondence with an employee's solicitors, the employer failed to make reasonable adjustments for the Claimant's disability.

NRPSI v N R-L

Assisting in the successful resistance of disciplinary proceedings brought against an interpreter by her regulator.

HK v Royal Mail Plc

Assisted in the successful claim of unfair dismissal, wrongful dismissal and indirect (disability) discrimination; obtaining damages in excess of £40,000.

Flynn v Warrior Square Recoveries Ltd

Sole representation in a four-day trial; cross-examining partners of an international law firm and witnesses abroad via video-link.

Gosalakkal v General Medical Council [2015] EWHC 2445 (Admin)

Assisted in a clinician's appeal against suspension from the register.

Flynn v Warrior Square Recoveries Ltd [2014] EWCA Civ 68

Assisted in the above Court of Appeal matter concerning the correct legal test to be applied to time bar in whistleblower claims.

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Civilwatch update: Asda v Brierley (Equal Pay; Supreme Court)

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Personal Injury

Daniel regularly attends Court in fast- and multi-track matters, appearing in both the County Court and High Court. He has extensive trial experience (including on matters where fundamental dishonesty is alleged) and is well-versed on advising in respect of both quantum and liability. He also accepts instructions in CCMCs and interlocutory applications.

Notable Cases

Athanasios Sophocleous & Ors v (1) Secretary of State for Foreign and Commonwealth Affairs; (2) Secretary of State for Defence [2018] EWHC 19 (QB)

Junior counsel in a claim by 34 claimants who complained of assaults, beatings, rape and other acts of violence and torture allegedly inflicted from 1956 to 1958 in Cyprus during the 'Cyprus Emergency' by agents of the United Kingdom government and of the then Colonial Administration of Cyprus (<https://www.bbc.co.uk/news/uk-46978271>).

Z v Barts Health NHS Trust

Successful claim regarding a late diagnosis of appendicitis.

A v University Hospital NHS Foundation Trust

Claim in respect of a negligently performed mastectomy.

H v Home Office

Advising a client who suffered personal injury as a result of his detention at the Penally asylum camp.

Public Law

Daniel has extensive experience in Public Law which has ranged from challenges under general Judicial Review principles, to more specific challenges such as breaches of private life and unlawful delegation. Daniel is a specialist in discrimination law, drawing on his experience of employment matters, and has represented clients in a number of successful claims.

Daniel has experience of representing clients both at the First-tier and Upper Tribunals in matters brought under the Immigration Rules, on Human Rights grounds and in accordance with the Immigration (European Economic Area) Regulations. He also has experience of appearing in the High Court in emergency injunctions to prevent removals.

Notable cases

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The Grenfell Tower Inquiry

For over three years, Daniel was instructed on the Grenfell Tower Inquiry, assisting in the analysis of construction-related matters, specifically investigating the cladding and Building Control inspections. Daniel assisted in the drafting of the cross-examination plans for some of the key witnesses called to give evidence.

Z v H

Advised and drafted pleadings in a proposed group claim by prisoners detained in a British Overseas Territory prison (described by the Equality & Human Rights Commission as having “*the poorest physical environment of any prison within the UK’s responsibilities*”) for a breach of their human rights, including their right to life, freedom from inhuman and degrading treatment and protection of private life.

R (on the application of P, G, W and Krol) v The Secretary of State for the Home Department & Ors [2017] EWCA Civ 321 (Court of Appeal, before Sir Brian Leveson)

Junior counsel in the above Court of Appeal matter which challenged the police regime of disclosure of previous convictions and other relevant information. It was found in the linked appeal that there had been non-compliance with the Human Rights Act, specifically the right to privacy.

Apollo Engineering Ltd v The United Kingdom Application No.: 22061/15 (ECHR)

Assisted in representing the Applicant’s challenge against the United Kingdom in the European Court of Human Rights. The matter considered whether, by preventing a director from representing a company, the United Kingdom was in breach of its duty to afford access to fair trials.

R (Phuong & Ors) v Glyndŵr University [2014] EWHC 908 (Admin)

Assisted in a claim made by over 90 Claimants against the decision to withdraw their immigration sponsorship.

R (Syed and Kamran) v Secretary of State for the Home Department [2014] EWCA Civ 196

Assisted in a test case on the status of ACCA professional qualifications as equivalent to degrees and unlawful delegation to UK NARIC.

Memberships

Human Rights Lawyers Association

Employment Law Bar Association

Awards

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Lyons Davidson Award for Best Advocate (2013) (Winner of the Cardiff University Moot, held in the Supreme Court before Lord Lloyd-Jones)

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