Daniel Searle

Call: 2015

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Daniel Searle has a broad civil practice, with a particular emphasis on commercial, chancery and property matters.

Clients praise him for his pragmatic and sound advice with detailed cost-benefit analysis and robust case preparation. Clients and opponents alike have remarked on his "excellent" cross-examination. Many of his cases have included an international element. His clients have ranged from multi-national corporations to gold medal Olympians.

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

Areas of Expertise

Commercial

Daniel deals with a range of commercial matters across numerous sectors, including claims for breach of contract, economic torts and unjust enrichment. Given Daniel's background in employment law, he is also able to act in matters involving restrictive covenants, confidentiality and intellectual property. Many of his cases have included an international element.

Notable Commercial cases

A v A

Acting for the Defendant in a company dispute concerning loss of office, equitable constraints and unpaid dividends valued at £3m.

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 trading 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.

Purchasers of Development v Conveyancers

Providing advice and drafting pleadings in a proposed claim by the purchasers of a property development against their conveyancers for professional negligence, which concerned a novel point as to a failure to advise that the marketing material differed from the contract terms. Led by Giles Mooney KC.

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.

U v I

Advising in an urgent matter concerning whether a settlement sum of £300,000 should be paid or whether the agreement could be set aside; instructions received and advice provided a matter of hours before the deadline for payment.

Re: Q

Advising a tech start-up providing AI products on a contemplated claim in respect of dissemination of trade secrets, breach of confidence and copyright infringement of coding.

Chancery

Daniel keeps a broad traditional chancery practice which includes claims for conversion, contested probate and disputes over trusts. Daniel is also experienced in professional negligence matters, particularly in claims against solicitors, conveyancers and surveyors (including niche arguments relating to causation in respect of Japanese Knotweed matters).

Daniel also 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.

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Notable Chancery cases

S v B (High Court)

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

B v SS (High Court)

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

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.

M v G

Representation in a claim for removal of an executor pursuant to s50 of the Administration of Justice Act 1985, undue influence and breach of fiduciary duty based on allegations that the executor had removed significant sums of the estate for personal gain.

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.

H v H

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.

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Property

Daniel's established property practice covers commercial and residential 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.

Notable Property cases

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)

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.

County Council v J Ltd

Advising a county council on a proposed claim against a property development company for breach of a transfer deed. Issues included whether the company had made reasonable endeavours to obtain a s38 adoption agreement in respect of an access road.

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.

D v K

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Obtaining a very favourable outcome at an on-site mediation in respect of 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.

D v P & P

Acting for the Claimant in a successful multi-track trial concerning a boundary dispute (including the extent of land adopted by a council – successfully establishing a ransom strip) and harassment.

Construction

Daniel accepts instructions in a wide range of construction matters. Having been instructed for over three years on the Grenfell Tower Inquiry where he analysed the cladding and Building Control inspections (including assisting in the drafting of cross-examination plans for some of the key witnesses in these areas), Daniel has a thorough understanding of the Building Safety Act 2022 and accepts instructions in building safety matters.

Notable Construction cases

K v B

Provided advice in a multi-million pound construction dispute concerning a novel argument as to whether delays caused by a contractor resulted in a loss to the developer due to a downturn in the market.

R v K

Represented the Defendant in a construction matter concerning significant sums of unpaid invoices together with a counterclaim for negligently performed construction of a domestic dwelling.

County Council v J Ltd

Advising a county council on a proposed claim against a property development company for breach of a transfer deed. Issues included whether the company had made reasonable endeavours to fulfil their obligations under a s38 adoption agreement.

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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). He 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 Employment cases

Idrees v Home Office

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

G v W

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

(1) A; (2) B v C

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

R v S

Acting for the Claimant in a matter in the Labour Regulating Authority in 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 amount for the Claimants.

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

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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.

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.

Public Sector & Human Rights

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 Public Sector & Human Rights cases

UK COVID-19 Inquiry

Instructed by the Department of Health and Social Care to assist with their preparation for Module 6 (Care Sector) and Module 8 (Children and Young People).

Rwanda Policy

Instructed by the Government Legal Department to provide advice and assistance in respect of the Government's implementation of the UK and Rwanda Migration and Economic Development Partnership and the Safety of Rwanda (Asylum and Immigration) Act 2024.

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

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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. Sir James Eadie KC appeared on behalf of the Government.

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 utilises his experience in cross-over topics such as harassment and negligent misstatement. He acts for both individuals and companies in order to secure effective reputation management.

Notable Defamation cases

C v B (High Court)

Advising and drafting (led by a leading Silk) 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 (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 Forbes and VICE. 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

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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.

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.

Notable Costs cases

I v N

Advising, drafting and obtaining a very favourable settlement in a proposed claim for unpaid legal bills in excess of £1m (instructed by Kobre & Kim).

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.

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LC v A

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

Education

- BPTC, City University
- LLB, Cardiff University

Notable Cases

- The Grenfell Tower Inquiry
- Apex Global Management Ltd & Or v Global Torch Ltd [2017] EWCA Civ 315
- R (on the application of P, G, W and Krol) v The Secretary of State for the Home Department & Ors [2017] EWCA Civ 321
- S v The London Borough of Camden (Employment Appeal Tribunal)
- UK COVID-19 Inquiry

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