

BOB MOXON BROWNE QC

Call 1969

Silk 1990

Get in touch

rmb@2tg.co.uk

+44 (0)20 7822 1200



**"completely
bulletproof"**
(Chambers UK)

Practice Overview

Described by Chambers UK as *"an amazing court room presence"* and *"a fantastic leader"*, Bob is very well known as a commanding advocate in the heaviest commercial, industrial and insurance cases.

With over 25 years' experience as a successful silk, Bob has the depth of experience and strong personality needed to deal effectively with difficult cases, often involving intricate facts coupled with novel points of law.

Known as *"a ferocious cross-examiner"* and *"a real fighter"* (Legal 500) Bob is a popular choice with insurers and others faced with major conflicts of evidence, or the need to mount the determined pursuit of allegations of malpractice or dishonesty. In all his work, an amiable and relaxed manner belies a capacity for meticulous application to the detail of complex cases, coupled with a lively and vigorous forensic style.

The list of Bob's more recent reported cases, many of them decisions from the Court of Appeal, attest to the depth and width of his experience, and to the success which he enjoys as a top-rated Queen's Counsel.

Insurance & Reinsurance

Described by Chambers UK as *"a warhorse of the insurance Bar"* and *"a popular choice for the meatiest insurance and reinsurance cases"*, Bob Moxon Browne is very experienced in all areas of insurance law and practice, including subrogated recoveries involving fires, flooding and other catastrophic events, the role of insurance brokers (including at Lloyd's), policy construction questions and repudiation for breach of warranty and fraud. He retains a special interest in life and health insurance issues, and is often counsel of choice for the insurers and reinsurers interested in these risks.

Practice areas

Insurance & Reinsurance
Professional Negligence
Property Damage
Life & Health Insurance
Commercial Dispute Resolution

Memberships

PNBA
COMBAR
TECBAR
Western Circuit

Qualifications

BA (OXON)

Education

University College, Oxford
University



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Professional Negligence

A joint head of the professional negligence group at 2TG, Bob has for many years been recognised as a leader at the Bar in this area by the Legal 500 and Chambers UK, who acknowledge him as “*a fantastic leader*” and an “*impressive Silk*” in this specialism. He is often instructed in cases involving allocation of responsibility within multi-disciplinary professional teams or where professional negligence is alleged to have deprived the claimant of a commercial chance. Described by Chambers UK as “*excellent on coverage issues*”, Bob has long experience of professional indemnity policies and their proper construction. He regularly advises insurers on policy response issues especially in the case of solicitors facing claims arising out of allegations of dishonest conduct, and has extensive experience of arbitrating coverage issues, both as an advocate and as an arbitrator.

Property Damage

Recognised by Chambers UK as a widely respected property damage silk who is incredibly experienced in this practice area, Chambers UK also say Bob is “*very approachable, knowledgeable and practical*”. He has extensive experience of fire, flood and subsidence cases and has a special interest in causation questions arising from the failure of fire and flood protection devices. He was leading counsel in *BMG v Galliford Try Construction*, *Sainsbury’s v Broadway Malyon*, *Sahib Foods v PKS*, and the ING warehouse fire litigation, all concerned with the legal consequences of the failure of fire protection devices to contain the spread of fire.

Life & Health Insurance

Noted by Chambers UK as the frequent choice of reinsurers in life insurance disputes, Bob is an acknowledged expert on issues such as non-disclosure, ante-selection, fraud, forfeiture following death caused by the insured’s criminal act, death by suicide, and issues involving joint policies and trusts of policy proceeds. He has extensive experience of the jurisdiction of the Financial Ombudsman in this area, and is a frequent speaker on topics of current interest to the insurers and reinsurers of these risks. In 2017 Bob was successful in mounting a rare challenge to the jurisdiction of the Financial Ombudsman Service in a ground breaking life insurance case.

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Commercial Dispute Resolution

Bob's special areas of expertise are in banking and bank lending, property valuation and investment, mortgages and mortgage fraud and the roles played by accountants and auditors in valuing corporate assets in the context of loans, mergers and acquisitions and he has been involved in numerous Court of Appeal cases in these areas.

As leading counsel for the successful respondents in *Allied Maples v Simmons & Simmons* (1995) 1 WLR 1602, Bob is an acknowledged expert on the application of "loss of a chance" doctrines to commercial situations.

Significant Cases

Bluebon Ltd v. Ageas (UK) Ltd and Ors (2018) LI. Rep. IR plus 36 [Construction of warranties in fire insurance policies].

Shepherd v Byrne & Partners (2018) LI. Rep. FC7 [Solicitor specialising in white collar criminal law: scope of professional duty to give advice on tax matters].

R (ex p. Aviva Life and Pensions (UK) Ltd v Financial Ombudsman Service (2017) LI. Rep. IR. 404 [Leading current authority on jurisdiction of FOS to disregard the law and industry practice in their insurance decisions].

Zurich Insurance Plc v. Maccaferri Ltd (2017) Lloyds Rep IR Plus 12 [Leading Court of Appeal authority on notification clauses in public liability insurance].

Re Perepilichnyy decd and Sec. of State for Home Dept. v. HM Senior Coroner for Surrey (2016) EWCH 3001 (Administrative Court) [Home Secretary's claim for Public Interest Immunity against disclosure of documents to the Senior Coroner, on national security grounds, upheld by the High Court].

Great Lakes Reinsurance (UK) SE v Western Trading Ltd (2016) EWCA 1003 [Court of Appeal authority on the measure of the insurance indemnity when a derelict heritage building is destroyed in a fire].

Maccaferri Ltd v. Zurich Insurance Plc (2015) LI Rep I.R. 504 [Commercial Court consideration of notification clauses in public liability insurance].

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Western Trading Ltd v. Great Lakes Reinsurance (UK) Plc (2015) EWHC 103 [Measure of damages following burning of listed building].

Co-op Group v. Birse Construction (2014) EWHC 530 [leading authority on limitation in construction contracts].

BMG (Mansfield) Ltd v Galliford Try Construction Ltd and Anor (2013) All ER 185 [relative responsibilities of architects and building contractors for spread of fire – alleged “expert shopping”].

IG Markets Ltd v. Crinion (2013) All ER 272 [Court of Appeal consideration of Financial Services Authority control of investment in contracts for stock market differences; need for independent judicial reasoning].

Royal and Sun Alliance v Singh (2012 EWHC) [successful defence of insurers following fraudulent property damage claim].

Gemini v Lonsdale & Ors (2011 EWHC) [£4m recovery from Lloyds Underwriters and brokers following unjustified repudiation of Lloyd's certificate].

Keystone & Ors v Total UK (2011 EWHC) [successful multi-million pound insurance recovery following catastrophic damage to McDonald's distribution network caused by Buncefield explosion].

Nayyar v Advani and Denton Wilde Sapte (2010) PNLR 15 [defence of senior solicitor alleged to have acted in corrupt travel agency deal with Air India].

Amsprop v Hobart UK (2009) All ER 32 [recovery action by insurers of Lord Sugar's property portfolio following fire at Hard Rock Cafe].

Scottish Coal v Royal and Sun Alliance and Ors [2008] LI Rep 718 [recovery of damages from insurers who had wrongly avoided cover following a major mining collapse in Scottish Coal's Longannet coal mine].

Smith v Southampton University NHS Trust (2007) All ER 228 [application of Bolam test to surgeon's negligence, successfully overturning High Court Judge's findings of fact in Court of Appeal].

Horton v Lloyds Pharmacy Ltd (2007) PNLR 2590 [relative responsibilities of doctor and pharmacist for catastrophic consequences of misprescribing].

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Minai v Roiter Zucker (2005) All ER 5 [successful defence of solicitors alleged to have committed the claimant to the purchase of a £7m London mansion without instructions].

Thames Water Authority v London Transport (2004) 95 Con LR 127 [acting for London Transport and their insurers in claim for £20m water damage caused by burst water main].

Gaca v Pirelli (2004) 1 WLR 2693 [landmark Court of Appeal insurance case establishing the circumstances in which collateral insurance benefits may be deductible from personal injury damages].

Drake v Provident (2004) QB 601 [landmark Court of Appeal insurance case establishing post- contractual duty of good faith in claims handling].

New Hampshire Insurance Co v. Whitely and Ors 2003 All ER 57 [insurers refuse underwriters right to conduct audit – reasonableness of “without notice” search order].

Pedley v. Avon DC (2003) All ER 565 [garage fire – origins, cause and responsibility].

Resource America v Platt Site Services (2003) All ER 143 [Court of Appeal case establishing liability of contractors for warehouse fire, in negligence, nuisance and Rylands v Fletcher].

Sahib v PKS 2003 Con LR 1 [relative responsibility of architects and factory owners for lack of fire protection leading to spread of fire and consequent £20m loss].

Withers v Ambic Equipment CA (2002) 3 All ER 385 [the current leading Court of Appeal authority for the need for judicial reasoning].

James Budgett Sugars Ltd v Norwich Union (2002) LI Rep 480 [construction of product liability insurance policy].

Sharif v Garrett (2001) CA LI Law Rep PN 751 [Court of Appeal guidelines for applying loss-of-a chance doctrines to the lost chance to pursue litigation].

Beckett v Midland Electricity (2001) 1 WLR 282 [catastrophic fire and statutory interpretation; this is the leading Court of Appeal authority on the admissibility of ministerial statements as aid to statutory interpretation].

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Fennelly v Connex SE (2001) CA 1 WLR 281 [Court of appeal decision on vicarious liability for criminal conduct].

Habib Bank v Abbeypearl CA (2001) All ER 185 [Court of Appeal authority on striking out when banking fraud alleged].

Ball v Banner & Ors. CA (2000) LI L Rep PN 1 [Court of Appeal authority for relative responsibility of solicitors and surveyors for enterprise zone investment prospectus].

MacAreavy v Coal Authority CA (2000) 80 P&CR 41 [Court of Appeal authority on statutory interpretation].

Grave v GA Bonus Plc (1999) LI Rep 716 [successful defence of fraudulent claim against insurers following destruction of a hotel by arson by the insured].

Burns v Shuttleworth (1999) 1 WLR 1449 [Court of Appeal authority on application of Third Party Rights Against Insurers Act].

Housing Loan Corporation v Win Browne (1999) LI L Rep PN 185 [successful defence of chartered surveyors in Court of Appeal case concerned with the relative responsibilities of surveyors, solicitors and bank lenders for loan fraud].

Routestone v Minorities Finance (1997) BCLC 97 [successful defence of chartered surveyors in case concerned with relative duties of receivers and surveyors to those interested in equity of redemption].

Sainsburys v Broadway Malyan 61 Con Law Rep 32 [relative duties of architects and engineers for spread of fire following failure of incompetent firewall, and application of "loss of chance" principles in this situation].

Virgin Management Ltd v De Morgan Group PLC 45 Con Law 28 [successful defence of chartered surveyors in Court of Appeal case concerning relative responsibilities of surveyors and solicitors for misdescription of property in a commercial lease].

Allied Maples v Simmons & Simmons (1995) 1 WLR 1602 [landmark Court of Appeal decision applying loss-of-a-chance principles to breaches of solicitor's duty in take over negotiations].

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Recommendations

"An excellent communicator who provides first class written advice... a sharp mind"

Chambers UK 2020

"Very experienced at dealing with insurance coverage and claims repudiation"

Chambers UK 2020

"A widely-respected property damage silk... especially well-known for expertise in catastrophic fire cases"

Chambers UK 2020

"A real fighter"

Legal 500 2020

"Widely respected..."

Chambers UK 2019

"Very approachable, knowledgeable and practical"

Chambers UK 2019C

"Cool, calm and collected in Court"

Chambers UK 2019

"Bullish, to the point and very client focussed"

Legal 500 2018

"a very astute and canny operator"

Chambers UK 2018

"An extremely capable silk"

Chambers UK 2018

"Especially well known for his experience in catastrophic fire cases"

Chambers UK 2018

"Exceptionally experienced"

Chambers UK 2018

"Displays great attention to detail and explains things in a simple, understandable way"

Chambers UK 2018

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"A man of great integrity and a gentleman in Court"
Chambers UK 2018

"Formidable"
Legal 500 2017

"Extremely helpful and pragmatic"
Chambers UK 2017

"First-rate... he's seen everything and been everywhere"
Chambers UK 2017

"A warhorse... fantastic with clients"
Chambers UK 2016

"Incredibly experienced and streetwise"
Who's Who Legal 2015

"Breathtaking..."
Chambers UK 2015

"He is always a pleasure to work with"
Chambers UK 2015

"Hugely experienced... a renowned cross-examiner"
Legal 500 2015

"His judgment is second to none"
Chambers UK 2014

"An imposing presence in Court"
Chambers UK 2013

"You are glad he is on your side"
Chambers UK 2013

"Completely bullet proof"
Chambers UK 2013

"A determined advocate who works at speed and covers every angle"
Chambers UK 2013

"Hugely experienced... a vast legal brain"
Legal 500 2013

"Renowned..."
Legal 500 2012

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"A fantastic leader"
Chambers UK 2012

"An impressive Silk"
Chambers UK 2012

"Has been involved in numerous heavyweight cases"
Chambers UK 2012

"A popular choice for the meatiest insurance and reinsurance cases"
Chambers UK 2012

"Praised for his adept handling of lay clients"
Chambers UK 2012

"A ferocious cross-examiner... one of the most experienced litigators about"
Legal 500 2011

"An amazing Court room presence"
Chambers UK 2010

"It's obvious that he immerses himself in and is passionate about every case he handles"
Chambers UK 2010

"He commands the Court room"
Chambers UK 2009

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