



serle court

Raises the bar in Chancery & Commercial

# Serle Court Property Conference 2019

*Trouble at Mall*

## WHEN

Tuesday, 25<sup>th</sup> June 2019

Registration and Networking Lunch  
1.15pm - 2.15pm

Drinks reception  
6.05pm – 7.00pm

## WHERE

Lincoln's Inn Old Hall  
16 Old Buildings, Lincoln's Inn,  
London WC2A 3TL

chancery  
& commercial



**the most  
commercial  
of the  
chancery sets**

Chambers & Partners



# Our Expertise

Serle Court has a well-deserved reputation in property litigation, being recognised as one of the leading sets in the UK.



The property team is ranked by both Chambers and Partners and The Legal 500 for property law with The Legal 500 identifying that Serle Court is “*challenging established property chambers, matching them with legal acumen, while exceeding them in adaptability and delivery of service.*”

Members of Chambers of all levels of seniority regularly advise on both contentious and non-contentious property matters. Members represent a diverse range of clients including individuals, companies and public authorities in the High Court, the County Courts, the First-Tier Tribunal (Property Chamber), the Upper Tribunal (Lands Chamber), the Upper Tribunal (Tax & Chancery Chamber) and the Appellate Courts, as well as in arbitration.

Real Property issues dealt with on a regular basis include easements, restrictive covenants, boundary disputes, rights of light, mortgage possession actions, mortgage charges, registration of title, conveyancing disputes, co-ownership and beneficial interests, licences, options, overage, adverse possession and injunctive relief.

Members also deal with the full spectrum of both commercial and residential landlord & tenant issues, including 1954 Act renewals, service charge disputes, consents, assignments, breaches of covenant, forfeiture, break notices, dilapidations and possession actions.

Chambers has particular specialisms in the law relating to water and waterways, rights of light and restrictive covenants.

A particular strength of chambers is the ability of members of chambers to deal not simply with real property and landlord and tenant matters, but also with complementary areas of practice. Members are experienced in dealing with cases that present issues in company law, insolvency (such as CVAs), and civil fraud and trusts issues including beneficial ownership.

**Examples of recent cases include:** *Marden v Lowe* [2019]; *Habberfield v Habberfield* [2019]; *Lamble v Buttaci* [2018]; *Hennessey v Kent* [2017]; *Ravenscroft v Canal & River Trust* [2017]; *Port of London Authority v Mendoza* [2017]; *Loose v Lynn Shellfish* [2016]; *Phillips v Francis* [2015]; *Thomas Pocklington Trust v Aikman* [2018]; *Humphrey v Rogers* [2017]; *Aurora Developments v Delta Holdings* [2018]; *Nathu Ram Puri v John Michael Gibney* [2017] and *Poon Tip v Lawrence* [2017].



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- 1.15 Registration commences in Old Hall, Lincoln's Inn
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- 1.30 Networking Lunch
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- 2.15 Welcome and introductory remarks: **Christopher Stoner QC**
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- 2:20 **Session 1: Real Property Topics**  
**Andrew Francis:** Not a lot of people know that: Applying to the Upper Tribunal (Lands Chamber) to discharge or modify restrictive covenants in leases.  
**Thomas Braithwaite:** Knot a clue: knotweed, nuisance, trespass, non-disclosure and negligence.  
**Dan McCourt Fritz:** Is winter coming? The freezing of Serle Mall.  
**Amy Proferes:** DJ's delight: a practical guide to mortgage possessions.
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- 3.40 **Session 2: Junior Update: recent cases on easements**  
**Eleni Dinenis & Gregor Hogan** will provide case updates on *Regency Villas Title Limited v Diamond Resorts (Europe) Ltd* [2018] UKSC 57 and *Taurusbuilt Limited v McQue* [2019] UKUT 81 (LC).
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- 4.00 Tea Break
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- 4.15 **Session 3: Landlord & Tenant Topics:**  
**Lance Ashworth QC & Matthew Morrison:** CVAs: part of the modern retail scene?  
**Christopher Stoner QC:** Some managerial musings: enforcing positive covenants; forfeiture and recovery of fees.  
**Michael Edenborough QC:** Cats and Dogs and other IP considerations.  
**Andrew Bruce:** Frustration: not another Brexit talk.
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- 5.25 **Keynote Speaker**  
**Chief Master Marsh:** The Disclosure Protocol: How it is working and some tips on what to do and what not to do.
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- 6.00 **Closing Remarks**
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- 6.05 Drinks Reception



## Keynote Speaker: Chief Master Marsh

Chief Master Matthew Marsh was admitted as a solicitor in 1977. He became a Fellow of the Chartered Institute of Arbitrators in 1990 and was appointed a Recorder in 2001. He was made a Chancery Master in 2012 and appointed Chief Master in 2014.

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### Lance Ashworth QC

Lance is a chancery, commercial and insolvency silk, whose practice takes in both UK and international cases. His clients hail from the USA, Ethiopia, Saudi Arabia, Bahrain, Malaysia, Jersey, Cayman and Australia as well as many in the UK. He is very happy to travel abroad to meet clients. Legal directories describe him as having *“remarkable clarity of thought, and picks up points others miss.”* *“Lance is an authoritative advocate who commands respect from the bench.”* *“Very hardworking, fantastic on detail and unquestionably a fighter.”*

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### Christopher Stoner QC

Chris specialises in and has extensive experience across the full spectrum of property litigation work, encompassing both landlord and tenant and real property work as well as related fields, such as professional negligence in property matters. He has appeared extensively in the High Court, the County Court, specialist tribunals and also in arbitrations. Chris has a particular specialism in the law of property relating to waterways and well as having extensive experience of representative actions in a landlord and tenant context. Chambers UK Bar 2019 describes Chris as *“very accessible, easy to understand in his advice notes and someone who always takes a pragmatic and practical approach.”* Whilst The Legal 500 2019 identifies Chris as *“a robust and reliance advocate who gives a good performance.”*

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### Michael Edenborough QC

Specialist in infringement and invalidation matters concerning trade marks and passing-off, copyright and designs, and patent and confidential information. D.Phil. in Biophysics from the University of Oxford. Author of Contentious Trade Mark Registry Proceedings (2018) and Organic Reaction Mechanisms (2nd Ed, 1999), and Consultant Editor of Butterworths 13th edition of the IP Law Handbook.

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## Andrew Francis

In the law of real property, Andrew's main areas of expertise include restrictive covenants, rights of light, rights of way, easements and party walls. The Legal 500 says that *"he is one of the very few experts at the Bar who can deal with the complexities of the law of light and is consulted by surveyors who specialise in that area of law."* He has authored a number of publications on these topics demonstrating that he has a very high degree of knowledge and experience in these fields. He was a member of the Law Commission's Advisory Board on the reform of the law of easements and covenants which led to the Report and draft Bill published in June 2011. He was also a member of the Law Commission's Advisory Board which examined the reform of rights of light and remedies for their breach, which led to the Report and draft Bill published in December 2014.

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## Andrew Bruce

Andrew is a highly-regarded senior junior who specialises in all forms of real property litigation. He has been described as *"an exceptional talent in the property sphere"* and as *"technically brilliant and also straightforward, approachable and clear in his advice"*. Andrew is a past committee member of the Property Bar Association and was appointed a Judge of the First-Tier Tribunal, Property Chamber (formerly Deputy Adjudicator to HM Land Registry) in 2008. Andrew's recent significant cases include *Howard & ors v (1) Chelsea Yacht and Boat Co Ltd*; (2) PLA [2018] EWHC 1118 (Ch); *Hennessey v Kent* [2017] UKUT 243 (LC) and *Humphrey v Rogers* [2017] EWHC 3681 and he regularly advises land-owners, land-promoters and public authorities. Additionally he has a niche art litigation practice for which he is recommended in Chambers' High Net Worth & Chambers' London Bar.

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## Thomas Braithwaite

Property disputes form a significant part of Tom's practice, and he is highly regarded for his work in this area of the law. He acts in both real property and L&T disputes, and has appeared at all levels from the Supreme Court to the FTT. He has particular experience in more arcane real property issues, including manorial franchises, rent charges and foreshore rights. However, most of his cases nowadays seem to involve industrial estates in the less celebrated parts of Essex.

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## Matthew Morrison

Matthew has a broad commercial chancery practice, with a particular emphasis on civil fraud, company and partnership, insolvency, and trust litigation. Matthew has been instructed as sole counsel on matters before the High Court, the Court of Appeal, the Grand Court of the Cayman Islands and the Cayman Islands Court of Appeal. He is also regularly instructed as junior counsel in large-scale commercial and chancery litigation both onshore and offshore. Matthew is recommended in the legal directories for civil fraud, commercial chancery, commercial litigation and company. They have recently described him as a barrister who *“has moments of genius and always has a fresh approach to a case”* who *“fights his corner hard and knows what will play well with judges”*.

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## Dan McCourt Fritz

Dan has a broad commercial chancery practice with a particular focus on domestic and international commercial and commercial fraud disputes, often involving alleged defaults by trustees or other fiduciaries. He is one of a handful of juniors listed in Who's Who Legal: UK Bar (Fraud Civil). In addition to his core fraud practice, Dan has a growing company law practice, and has developed specialist interests in civil contempt proceedings and breach of confidence claims. Dan has substantial experience handling trials and heavy applications in both the Chancery Division and the Commercial Court as sole or lead counsel, but is equally comfortable working as part of a larger counsel team.

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## Amy Proferes

Amy has a broad commercial Chancery practice. She appears regularly in the County Courts and High Court, with a focus on property, wills and probate, insolvency, and civil fraud. Amy has a particular interest in property. She regularly advises on and appears in relation to matters such as restrictive covenants, easements, applications to alter or rectify the Register, boundary disputes, and possession actions.

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## Eleni Dinenis

Eleni joined chambers in 2016 and is developing a broad commercial and chancery practice across most of Serle Court's areas of expertise. Eleni's property practice covers a range of work including landlord and tenant, boundary disputes, mortgages and charges, and work for the Canal and River Trust. Prior to beginning her practice, Eleni spent a year working as the judicial assistant to Lord Reed and Lord Hughes, assisting them with a number of high profile cases in the Supreme Court and Privy Council.

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## Gregor Hogan

Gregor is a junior tenant at Serle Court practising in all areas of Chambers' expertise. He regularly appears in the High Court, where he is instructed in his own right on interlocutory matters, and in the County Court. Gregor has a particular interest in property, contentious trusts and probate work, as well as Chambers' commercial specialisms including company and civil fraud. Gregor's practice includes offshore work (Channel Islands, Isle of Man, BVI and Cayman) and he was recently instructed in relation to a construction dispute in the DIFC. He is currently working on a multi-million dollar claim arising from an environmental disaster in Brazil, which involves complex jurisdictional and foreign law issues.

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serle court

Don't just take our  
word for it...

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*"Noted for its good bench of juniors and silks in property law."*

*"an excellent set which is smart, efficient, responsive and commercial."*

*"Serle Court has barristers of top quality, regardless of the type of commercial dispute."*

*"The set has particular expertise in restrictive covenants, rights of light and the law relating to waterways."*

*"Members specialise in a range of areas such as commercial and residential landlord and tenant matters, rights to light, restrictive covenants and party wall cases."*

*"The customer service we get is excellent."*

*"The clerks respond quickly and understand the needs of a solicitor in instructing counsel."*

*"Barristers of top quality, regardless of the type of commercial dispute."*

Recent quotes from  
The Legal 500 and Chambers UK



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