



## Christopher Stoner QC

Year of Silk: 2010 Year of Call: 1991

*“Clever, hard-working and hugely impressive.” “  
An excellent team player, who is great with  
clients and really good on his feet.”*

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## Practice Overview

Chris specialises in both property litigation and the regulatory/disciplinary aspects of sports law.

Chris undertakes work in all aspects of property litigation encompassing real property, and both residential and commercial landlord and tenant work.

In the field of real property Chris has developed a particular specialism in the law relating to canals and water, which work often involves consideration of difficult issues relating to riparian rights and ancient title documentation as well as the understanding and application of aged private Acts of Parliament. Chris has acted extensively for British Waterways, now known as the Canal & River Trust, but also for other public authorities, including the Port of London Authority, as well as for private individuals on canal and water based matters.

Chris also regularly advises and litigates on registration, option, easement and covenant issues. As a corollary of his work relating to waterways, Chris also has expertise in advising on Human Rights issues relating to property interests.

In the field of landlord & tenant Chris has particular expertise in service charge disputes (especially in the context of representative actions for large numbers of tenants) as well as extensive experience of matters such as the 1954 Act, dilapidations claims, options and the construction and enforcement of tenant covenants.

In sports law Chris has many years of experience in appearing before various tribunals, from small domestic disciplinary hearings to the Court of Arbitration for Sport in Switzerland as well as in High Court litigation.

Chris is particularly well respected for his work in relation to selection issues and Paralympic classification issues. In respect of both he has drafted, litigated and presented at conferences.

Chris has acted for numerous governing bodies in sports as diverse as football, swimming, diving, cricket, tennis, rugby and boxing and as well as prosecuting (or defending) regulatory and disciplinary matters, Chris has extensive experience of drafting many regulations covering matters such as anti-doping, on field etiquette and selection matters.

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## Areas of Expertise

### Property

#### Property (litigation)

Chris has considerable experience of litigating both real property and landlord and tenant matters in the High Court, the County Court and forums that now form part of the First - Tier Tribunal (Property Chamber).

*Leigh Ravenscroft v Canal & River Trust [2017] EWHC 1874*: the principal issue was as to the meaning of 'main navigable channel' for the purposes of the British Waterways Acts and the consequent management of the inland waterways by the Canal & River Trust.

*Port of London Authority v Mendoza [2017] UKUT 146 (TCC)*: established that the 'mere' mooring of a vessel, without more, was insufficient to establish adverse possession of the river bed (namely the River Thames).

*Jones v Canal & River Trust [2017] 3 WLR 516*: consideration of the correct approach to article 8 claims by the courts when boaters raise an article 8 defence to a claim for removal of a vessel from the waterway.

*Stapleford Frog Island (Rainham) Limited v Port of London Authority [2017] UKUT 444 (TCC)*: proper construction of a lease and whether that prevented a claim for adverse possession.

*Phillips v Francis [2015] 1 WLR 741*: decision by Court of Appeal as to the correct approach to the consultation requirements contained within the Landlord & Tenant Act 1985 and accompanying Regulations in respect of the recovery of service charges for qualifying works. Also important issues relating to the interpretation of a management charge clause.

*M P Kemp Limited v Bullen Developments Limited [2014] EWHC 2009 (Ch)*: issues over the construction of an option agreement and an expert determination clause and whether the expert determination should be restrained pending a High Court determination of the construction issues.

*R Square Properties Limited v Nissan Motors (GB) Limited - Chancery Division 13th March 2014*: Upholding the trial Judge's determination that exclusive parking rights were properly classified as easements.

*Cooke & Cooke v Venulum Property Investments [2013] EWHC 4288*: Obtaining determination that the Court did not have jurisdiction to grant a freezing order effectively as security for costs and obtaining the discharge of the injunction with indemnity costs.

*Phillips v Francis [2013] 1 W.L.R. 2343*: (Appeal before the Chancellor) construction and application of the consultation requirements contained within the Landlord & Tenant Act 1985 in respect of service charge recovery.

*Moore v British Waterways Board [2013] 3 W.L.R. 43*: (Court of Appeal) riparian rights – established that a riparian owner could not moor a vessel alongside their land simply by virtue of riparian ownership; construction and application of the British Waterways Acts.

*Port of London Authority v Muggoch & Others*: Preliminary issue in Land Adjudication proceedings on whether the Port of London Authority could establish paper title to part of the River Thames.

*British Waterways v Devere & Mason*: Land Adjudication proceedings on whether British Waterways ownership of

the Grand Union Canal in Brentford was limited to a certain width pursuant to statute.

*Thornhill v Nationwide Metal Recycling Limited [2011] EWCA 919*: resisting claim for injunction arising from alleged noise nuisance caused by a working scrap yard.

*BOH Limited & Another v Eastern Power Networks (formerly EDF Energy Networks (EPN) plc) [2011] 2 EGLR 105 (Court of Appeal)*: issues relating to the continuation of a tenancy in circumstances of a split reversion including merger and whether service of a s.25 notice as to part was valid.

*Greatorex v Newman [2009] 1 P & CR DG13 (Court of Appeal)*: What inferences could properly be drawn by the trial judge when seeking to construe an express easement from a time when there was little evidence relating to actual user.

*Geronimo Limited (1) British Waterways Board (2) v Brentford Yacht & Boat Company Limited [2008] EWHC 3140 (Chancery Division)*: dispute relating to the ownership of part of the canal bank of the Grand Union Canal involving consideration of historic documentation and issues of adverse possession.

*Scottish & Newcastle plc v Raguz [2008] 1 W.L.R. 2494 (House of Lords)*: whether valid notice served pursuant to section 17 of the Landlord & Tenant (Covenants) Act 1995 and whether the original tenant's financial support for the occupying tenant disentitled it from relying on the covenant of indemnity implied by section 24 of the Land Registration Act 1925.

*Kilmartin SCI (Hulton House) v Safeway Stores [2006] 1 EGLR 59 (Chancery Division)*: Construction of the RICS Code of Measuring Practice in the context of an application for specific performance of an agreement for lease.

*Hawksbrook Leisure Ltd v Reece-Jones Partnership [2004] 2 EGLR 61 (Chancery Division)*: Whether a non-profit making company limited by guarantee was carrying on a business for the purposes of the Landlord & Tenant Act 1954.

*Pound v Ashford Borough Council [2004] 1 P & CR 2 (Chancery Division)*: whether an omission to register the fact a building was listed as a local land charge entitled the Claimant to seek compensation pursuant to section 10 of the Local Land Charges Act 1975 when planning permission was granted for neighbouring land which may not have been granted had the listed building status been known.

*Barclays Bank plc v Savile Estates Ltd [2002] L & TR 17 (Chancery Division)*: rent review: whether a tenant could make time of the essence when the lease had no provision requiring the landlord to refer the matter to an expert.

*Ipswich Borough Council v Duke & Moore [2001] EWCA Civ 2173 (Court of Appeal)*: Riparian rights, including rights of mooring. Interpretation of statutes to determine whether Ipswich Borough Council could charge for mooring.

## **Property (advice)**

Chris also has considerable experience on advising on a wide range of property matters covering all aspects of real property and landlord & tenant. Chris' clients are broad ranging including individuals, developers and public authorities.

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## **Sports, Entertainment & Media**

### **Sports Work (litigation)**

CAS 2015/A/4189: Acted for British Swimming, Adam Peaty, Francesca Halsall, Jemma Lowe and Chris Walker-Hebborn against World Governing Body FINA and successfully obtained ratification of world records which FINA had previously refused to ratify because of administrative errors.

Retained by British Paralympic Association to assist on any matters arising during the Paralympic Games in Rio in 2016.

Acting on 3 separate CAS matters (in 2016-2017), including the drafting of Appeal Briefs; advice on interlocutory applications and drafting in respect of the interlocutory applications.

Selection Appeal, acting for the Governing Body in respect of an athlete's non-nomination for the World University Games.

Funding Appeals: acting for the Governing Bodies in respect of challenges to the loss of their elite level funding.

*Club Eskisehirspor v Kris Boyd (CAS 2012/A/2910)*: successfully upheld decision of the FIFA Dispute Resolution Chamber relating to the termination of Kris Boyd's contract and the sums due to him consequent upon that termination.

London 2012 Selection Appeal hearings: *Roberts v British Swimming; Couch v British Swimming; Renshaw v British Swimming*. Successfully represented British Swimming on various appeals against non-nomination for selection as members of Team GB for the London 2012 Olympics and Paralympics.

*Leeds Rugby Limited v Iestyn Harris (1) Bradford Bulls Holdings Limited (2) [2005] EWHC 1591*. Preliminary issue on whether agreement between the Claimant and Iestyn Harris was unenforceable as being an unlawful restraint of trade.

*International Cricket Council v Odumbe*: first successful prosecution by the ICC Anti-Corruption and Security Unit, resulting in a 5 year ban for the Kenyan captain, Maurice Odumbe.

*International Tennis Federation v Mazzacani, International Tennis Federation v Tamazawa; International Tennis Federation v Tachibana*: Chairman of Appeal Panels on issues of classification in Wheelchair Tennis.

*Fulham Football Club (1987) Ltd v BMB Conseils Espagne, SL*. Acted for FIFA Licensed agents in High Court action relating to the transfer of Steve Marlet. Action settled.

*Athens 2004 Selection Appeal hearing: AFGB v Mark Foster*: successfully represented the ASFGB on a selection appeal against non-nomination as a member of the team for the Athens Olympics.

*FA Premier League v Mark Curtis*: successfully prosecuted agent Mark Curtis for regulation breaches relating to the transfer of Jermaine Pennant from Notts County to Arsenal.

*FA Premier League v Christian Ziege*: retained by the FA Premier League to investigate the transfer of Christian Ziege from Middlesbrough to Liverpool and thereafter to (successfully) prosecute both Christian Ziege and Liverpool FC for breach of FA Premier League Regulations.

*Hearing before RFU*: successful submissions to 56 members of the RFU, acting for the 57th member who had been elected but whose ability to take his seat was being challenged.

*Korda v International Tennis Federation (t/a International Tennis Federation) The Independent 21st April 1999 CA*. Whether there was a contract between parties relating to anti-doping provisions. Ability of ITF to pursue appeal to the Court of Arbitration for Sport.

*Korda v International Tennis Federation (CAS hearing)*. Successfully upheld ban on Petr Korda for doping violation.

*Wilander & Anor v Tobin & Anor (No2) [1997] 1 Lloyd's Rep 195 CA*. Enforcement of anti-doping provisions.

*Wilander & Anor v Tobin & Anor (No1) The Times 8th April 1996 CA*. Amendments/Strike out application.

Various unreported domestic doping cases.

Intervened into King v Warren litigation on behalf of an American boxing promoter, Cedric Kushner, to facilitate a fight pending the outcome of the litigation.

Acted for British Boxing Board of Control.

## **Sports Work (advice/drafting)**

Advising British Swimming on potential selection appeals re World Championships 2013.

Various confidential advice given to British Swimming (especially on Regulatory & Classification Issues)

Various confidential advice given to International Cricket Council (especially on Code of Conduct Issues)

Confidential advice to the owner of a Premier League Club relating to the regulatory implications of investment in a second club in another jurisdiction.

Confidential advice given to a Premier League Club relating to regulatory implications of new investment.

Confidential advice on sponsorship agreements given to leading golfers.

Advice to the International Rugby Board on anti-doping regulations.

Various advice given on the application of the Football League Insolvency Policy.

Confidential advice on the enforcement of image rights contract.

Various confidential advices on the application of regulations to F A Premier League contracts.

Advice on possible CAS appeal in respect of the doping of a horse.

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## **Professional Negligence**

Chris has extensive experience of acting in a number of property related professional negligence claims, principally against solicitors and surveyors. Chris has acted for both claimants and the indemnified in such actions.

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## **Regulatory and Disciplinary**

As a corollary to Chris' extensive experience in the field of sports law on regulatory and disciplinary matters (see Sports, Entertainment and Media), Chris also has experience of acting in non-sports matters, including in the Solicitors Disciplinary Tribunal and before the Royal College of Veterinary Surgeons, the Royal College of Psychologists and the Council for Licensed Conveyancers.

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## **Administrative and Public Law**

As a corollary to Chris' work for British Waterways/the Canal & River Trust and also his Regulatory & Disciplinary work Chris has been instructed in a number of Judicial Reviews.

Recent cases include *R (on the application of David Frank Devere) v Land Registry and Canal & River Trust (Interested Party)* [2013] EWHC 2477, acting for the CRT in resisting the grant of permission and *R (on the application of Nick Brown) v Canal & River Trust* (unreported), acting for the CRT in an application where the Claimant discontinued after the first morning of argument.

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## Arbitration

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### Recommendations

Real Estate (*Who's Who Legal: UK Bar 2020*)  
Property Litigation, Sport (*The Legal 500*)  
Sports Law, Real Estate Litigation (*Chambers & Partners*)  
Real Estate (*Who's Who Legal: UK Bar*)

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### Quotes

*"He always goes above and beyond with both his work and his engagement with the client." "Really good on his feet." "Has vast experience, knowledge and real gravitas."* (Chambers & Partners, 2020)

*"A hugely talented barrister with an ability to grapple the most difficult legal problems".* (The Legal 500, 2020)

*"a very effective silk" with a "persuasive courtroom manner."* (Who's Who Legal, 2019)

*"Excellent knowledge of football regulatory matters." "Excellent oratory skills." "He is simply an expert in sports law ."* (Chambers & Partners, 2019)

*"He is very accessible, easy to understand in his advice notes and someone who always takes a pragmatic and practical approach."* (Chambers & Partners, 2019)

*"A robust and reliable advocate who gives a good performance."* (The Legal 500, 2019)

*"Particularly good at arguing before non-English panels."* (The Legal 500, 2019)

*"Clever, hard-working and hugely impressive." "An excellent team player, who is great with clients and really good on his feet."* (Chambers & Partners, 2018)

*"He is confident, approachable and effective." "He is very experienced, thorough and quick to respond."* (Chambers & Partners, 2018)

*"Knowledgeable, efficient and a clear advocate." "Easy to work with a real team player, he's extremely thorough and impressive on his feet."* (Chambers & Partners, 2017)

*"He has the perfect blend for a barrister in that he's both authoritative and approachable. He gives very clear advice that I'm happy to rely on, and my clients are too."* (Chambers & Partners, 2017)

*"A hugely talented lawyer with an enormous capacity for hard work."* (The Legal 500, 2017)

*"He has experience of Paralympic classification disputes."* (The Legal 500, 2017)

*"He is reassuringly calm with as very authoritative court presence." "He's commercial, he's practical, he's calm and he's unruffled."* (Chambers & Partners, 2016)

*"He grasps issues very quickly and distils complicated advice into a form which the lay client can understand."* (Chambers & Partners, 2016)

*"He displays meticulous attention to detail in his written opinions, and is a powerful and persuasive presence in court." "His work is clear, concise and considered."* (Chambers & Partners, 2015)

## **Publications**

'*Easements of recreation: a new species*' Solicitors Journal, August 2019

## **In the Press**

'*What is a salary cap in sport and are Financial Fair Play rules working in football?*' This is Money Podcast, 11 March 2019.

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## **Education & Qualifications**

LLB (First Class), University of East Anglia

## **Appointments**

Appointed to Sports Resolutions panel of arbitrators

Appointed a Bencher of Lincoln's Inn (2016)

Appointed by the Bar Council as an external examiner for Bar Vocational Course.

Editorial board member and regular contributor on sports law issues for Sport law Administration and Practice.

## **Memberships**

Chancery Bar Association

Property Bar Association

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