



Thomas Braithwaite

Call: 1998

One of the cleverest people you will come across. He cuts through the chaff and gets to the point.

CHAMBERS & PARTNERS

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Thomas Braithwaite practises in all main areas of chancery commercial work, but is particularly highly regarded in partnership, company, and property disputes.

Tom is recognised in the main directories in these fields and is described as “extremely robust”, “technically excellent” and “highly effective”.

Expertise

Property

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 has particular experience in more complex real property issues, including manorial and foreshore rights, in respect of which he has frequently been called upon to advise by major riparian landowners.

Recent Cases

- *Clifford v Grosvenor Estate* [2022] – Claim concerning allegations of nuisance to a high-end Mayfair mews house.
- *Bett v Crown Estate* [2020] (FTT) – Whether the movement of the high-water mark on the Norfolk coast constituted an accretion or an avulsion.
- *Arabi v Arabi* [2017] EWHC 1384 (Ch) – Claim of beneficial interest in property following alleged joint venture between brothers.
- *Loose v Lynn Shellfish* [2017] AC 599 (Supreme Court) – Intervention on behalf of the Crown Estate in a case concerning

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prescriptive rights over the foreshore of the Wash and the doctrine of accretion. The court accepted the Crown's submissions on the correct analysis to apply when two sandbanks merged, each area having been subject to opposing rights.

- *Lictor Anstalt v Mir Steel UK* [2014] EWHC 3316 (Ch) – Successful claim on behalf of the owners of a steel mill who had failed to protect their rights on the land register and lost their title due to the mill's annexation to the land. The court held that the sale of the mill by administrators was a breach of contract, procured by the purchasers, and that such claims survived despite non-registration at HMLR.
- *Faulkner Investments v Nassif* [2012] – Claim concerning the status of occupation of a discretionary beneficiary of an offshore trust.
- *Amin v Amin* [2009] EWHC 3356 (Ch) – Acting for family and minor partnership interests in a wide-ranging partnership dispute, including claims to a constructive trust interest in the family home.
- *Volta Developments v Waltham Forest Friendly Society* [2008] EWHC 1295 (Ch) – Construction of grant of right of way.
- *Crown Estate v Roberts* [2008] 4 All ER 828 (Ch) – Acting for the Crown Estate to defeat various manorial claims over the foreshore and seabed of Pembrokeshire based upon the supposed ancient rights of the Lord Marchers (led by Frank Hinks QC).
- *Roberts v Swangrove Estates & Others* [2007] 2 P&CR 17 (Ch) and [2008] Ch 439 (CA) – Successful claim by the Crown Estate to adverse possession of the bed of the River Severn, including a determination of the constitutional ability of the Crown to acquire title by adverse possession. Upheld on appeal (led by Frank Hinks QC on appeal).

Partnership

Tom acts in all kinds of partnership and LLP disputes, and frequently advises solicitors, doctors and other professionals. He is the author of the LLP section in the 9th edition of *Morse on Partnership and LLP Law* (OUP, 2020). He has been a contributor to *Whitaker & Machell, The Law of Limited Liability Partnerships*, for the last 3 editions. In addition to acting in several confidential arbitrations and mediations, he has advised professional firms on disciplinary and procedural matters and has carried out internal investigations on their behalf.

Recent Cases

- *Re Bell Pottinger LLP* [2022] – Acting for former members of an LLP facing claims to recoupment of drawings.
- *Backos v WFW* [2019] EWHC 243 (Ch) – Scope of arbitration clause in LLP Agreement.
- *Prevezer v WFW* [2018] (Comm) – Former LLP member's claim for consultancy remuneration.
- *Hanlon v Human Capital Investment Group* [2013] (Ch) – Dispute concerning the acquisition of a recruitment agency, in which the claimants attempted to assert the existence of a joint venture.
- *Norbrook v Robson* [2012] (QB) – Questions of ownership of documents held by the secretary of an unincorporated association.
- *Metrobrook v Highland* [2011] (Ch) – Dispute concerning shopping centre developments, in which the claimants attempted to set aside expert determinations and to assert the existence of a joint venture.

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Trusts & Probate

Tom has acted in both domestic and international trust and wills disputes, in jurisdictions including the Bahamas, Bermuda, Jersey and Hong Kong.

Recent Cases

- *Marcus v Marcus* [2025] EWHC 1695 (Ch) – Meaning of the word “children” in a settlement, and whether it included someone the settlor mistakenly believed to be his biological child but was in fact the product of another relationship.
- *Re Goff* [2021] – Interpretation of a home-made will.
- *Brocket Hall (Jersey) Ltd v Dykes* [2019] – Concerning the ownership of chattels at Brocket Hall.
- *Patel v Patel* [2017] EWHC 2247 (Ch) – Proceedings for contempt of court following a finding of forgery of a will.
- *Re Kung* [2014] HKCA 170 (Hong Kong) – Proceedings to determine the true construction and effect of a home-made will of reputedly the wealthiest woman in Asia (led by Frank Hinks QC).

Commercial Litigation

Tom often acts in commercial cases in the Business and Property Courts, for clients ranging from FTSE 350 companies to private individuals. He has also advised on commercial disputes in foreign jurisdictions, including the Bahamas and Hong Kong. He has handled cases involving a wide variety of complex technical issues, from gas extraction and storage to maritime collisions, and from steel processing to aircraft hull loss. In early practice, Tom acted as registrar on a number of UNCITRAL and LCA international arbitrations.

Recent Cases

- *DNANudge v Jabil* [2023] EWHC 1255 (Ch) – Claim for delivery up of manufacturing equipment.
- *Oliver Grace v James* [2021] (Comm Ct) – SPA warranty claim arising from the sale of a waste processing facility.
- *Backos v WFW* [2019] EWHC 243 (Ch) – Successfully resisted an appeal against an arbitrator’s jurisdiction award based on the proper construction of the arbitration agreement.
- *Simmons Gainsford Corporate Finance v PSP Facilitating* [2019] (Merc) – Whether a claim for introducer’s success fee survived termination of an agency agreement.
- *St Vincent v Robinson* [2018] EWHC 1230 (Comm Ct) – Acting for a number of Defendants in a multi-jurisdictional fraud claim, resolved by an application to strike out the claim on the basis that the damages claimed constituted reflective loss.
- *Trimulgherry Investments v Locke* [2018] (Merc) – Construction and rectification of share sale agreement.
- *Vestey Group v Steller Packing* [2018] (Ch D) – Obtaining peremptory order for delivery up of stock; assertions of lien.
- *The Cape Bari* [2016] 2 Lloyd’s Rep 469 (Privy Csl) – Advised the successful appellants on a case involving the construction of a clause in an Oil Terminal’s standard terms purporting to exclude the Maritime Limitation of Liability Regime.

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Company

Tom's work in this field includes unfair prejudice petitions, actions against directors and claims in insolvency.

Recent Cases

- *Kulkarni v Gwent Holdings* [2025] EWCA Civ 1206, [2024] EWHC 1357 (Ch) – Successful defence of a claim to enforce share forfeiture provisions in a shareholders' agreement on the grounds of commission of a material or persistent breach, the court holding that breaches were capable of being remedied even if repudiatory in nature (with Jonathan Crow KC & Justin Higgo KC).
- *Lunar Holdings v Lunar Caravans* [2020] EWHC 3415 (IPEC) – Successful defence of a summary judgment application on the basis that a company's assignment of its trademarks was void because it amounted to an unlawful return of capital to its shareholders.
- *H v O* [2012] (Ch) – Acting for Isle of Man trustees with respect to claims by liquidator under the Insolvency Act to recover company property.
- *Re A* [2011] (Ch) – Acting for shareholders with respect to allegations against a receiver as to the sale of company property.

Insolvency & Restructuring

Tom acts in both bankruptcy and corporate insolvencies and has experience with cross-border insolvency issues.

Recent Cases

- *Re St Joseph's Hospital* [2020] (Ch) – Whether administrators could be compelled to take steps to recoup a third party's assets from a pre-pack purchaser when those assets were alleged to have been included in the sale.
- *Opus Property Finance v Vantreen* [2015] (Ch) – Successful appeal against an order setting aside statutory demand on the basis that the debt was a penalty and liable to be varied under the Consumer Credit Act.
- *Ryan v Tiuta International* [2015] BPIR 123 (Ch) – Application to set aside statutory demand against guarantor on the basis of allegations of lawful act economic duress.
- *Lictor v Mir Steel* [2014] EWHC 3316 (Ch) – Successful claim of procuring breach of contract brought against a purchaser of assets from a company in administration, the court rejecting a claim that the defence of justification should be available to the purchaser of assets from a company in administration (with **Dan McCourt Fritz KC**).

Professional Negligence

Tom has considerable experience with professional liability claims, particularly involving solicitors, barristers, accountants and company directors.

Recent Cases

- Claim against solicitor for alleged breach of trust in payment of sale proceeds.

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- Interpleader application on behalf of solicitors allegedly holding trust monies.
- Alleged negligence in the negotiation of a complex share buyout.
- Concurrent claims in England and Jersey against advocates and barristers for alleged mishandling of trust litigation.

Testimonials

"One of the cleverest people you will come across. He cuts through the chaff and gets to the point."

Chambers & Partners

"Thomas Braithwaite is a very good advocate, who offers excellent analysis of a case. He works very hard and provides great client service."

Chambers & Partners 2026

"Thomas Braithwaite is one of the cleverest people you will come across. He cuts through the chaff and gets to the point."

Chambers & Partners 2026

"Thomas Braithwaite is a clear thinker, who gives clear and robust advice."

Chambers & Partners 2026

"Thomas is so good on his feet; he is a very economical, efficient and an excellent advocate."

Chambers & Partners 2026

"Thomas provided excellent service at short notice with clear understanding of client needs and how to manage tricky clients to get the best result."

Chambers & Partners 2026

"Thomas Braithwaite has the ability to simplify the complex very quickly and provide clear advice. He is also a formidable advocate."

Chambers & Partners 2025

"He provides excellent and very straightforward advice."

Chambers & Partners 2025

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"Tom is very robust in the way he goes about matters, and his cross-examination is very good."

Chambers & Partners 2025

"Tom is technically excellent, has great attention to detail, and is very robust in court but also very straightforward. His advocacy is very punchy and straightforward."

Chambers & Partners 2025

"Tom is a highly effective advocate. His advice is always clear and presented in a logical and easy-to-understand way for the end client."

Chambers & Partners 2025

"Tom is super-smart and experienced, his advocacy is excellent in an understated yet intelligent way, and he clearly has the ear of the judge."

Legal 500 2025

"Tom is extremely robust in court, and provides advice in a clear and unfussy way."

Legal 500 2025

"Thomas' strategic thinking is first class."

Chambers & Partners 2023

"He's formidable - a class act."

Chambers & Partners 2023

"Thomas Braithwaite is very good and very robust. You can have complete confidence in him because he really knows his stuff."

Chambers & Partners 2023

"Thomas Braithwaite is a breath of fresh air - he is quick on his feet, tenacious and puts clients at ease."

Chambers & Partners 2023

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Recommendations

- Partnership, Real Estate Litigation (Chambers & Partners)
- Property Litigation, Partnership (The Legal 500)
- Company & Partnership (Lexology Index)

Publications

- Contributor, Whitaker & Machell, The Law of Limited Liability Partnerships (6 ed., 2026 forthcoming)
- Morse & Braithwaite, Partnership & LLP Law (9 ed., 2020)
- The Blame Game – Secretary of State v Geohegan (Lexology, 2021)
- Advance to Pall Mall – Easements and Allodial Land (Lexology, 2021)
- Time & Tide (2017) 167 NLJ 13
- Rentcharges: The Land that Time Forgot? [2016] Conv 466

Memberships

- Property Bar Association
- Chancery Bar Association
- Commercial Bar Association

Education, Qualifications and Awards

- Thomas More Bursar, Lincoln's Inn
- Kennedy Scholar, Lincoln's Inn
- CJ Hamson prize for Obligations, Cambridge University
- George Long prize for Roman Law, Cambridge University
- MA (Double First Class), Jesus College, Cambridge

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BSB Registration

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