Radcliffe Chambers



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Barrister

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Simon Williams has a property, commercial and professional negligence practice consisting of advocacy, drafting, advisory work and mediating in a range of property and business-related matters. More than 30 years at the Bar have equipped Simon with the sort of experience which for some time has been recognised by the leading legal directories. As an advocate he appears frequently in the Business and Property Courts of England and Wales, in the Court of Appeal, in the First Tier and Upper Tribunals, and in mediation and arbitration. In February 2009 he appeared in one of the last cases to be heard by the Judicial Committee of the House of Lords.

PROPERTY

Simon's property practice extends to disputes relating to title, easements, boundaries, covenants, trusts of land, nuisance, conveyancing, landlord and tenant (commercial and residential), leasehold enfranchisement, mortgages, construction contracts and property-related insolvency.

He is instructed by or on behalf of private individuals, companies, institutional clients and a variety of property professionals and is frequently to be found in the domestic courts and tribunals where property disputes are heard whether on applications, including for urgent interlocutory relief, at trial or on appeal, or alternatively in mediation or arbitration.

Simon is recommended as a leading junior for his property litigation expertise by both Chambers UK Bar and The Legal 500 UK Bar. The directories say that he is *"a calm, considered and well prepared advocate"* (Property Litigation, *Legal 500 UK Bar 2023*), *"has a great breadth of property litigation knowledge"* (Real Estate Litigation, *Chambers UK Bar 2022*), and is *"very approachable, delightful to work with, responsive and great with clients."* (Property Litigation, *Legal 500 UK Bar 2022*)

He has appeared in a number of significant property cases including:

- *Knight v Fernley* [2021] EWHC 1343 (Ch) – Acting for the Respondent to an appeal by the Claimant whose claim to an overriding interest in property was dismissed on the basis that it was overreached by the payment of the consideration to two trustees, and that the eventual registration of the claimant as proprietor of the property was therefore a mistake which

justified the rectification of the register.
- *Woodhead v Witt* [2020] UKUT 319 (LC) – Acting for the Appellant seeking to overturn the determination of a property boundary by the First Tier Tribunal when the Upper Tribunal gave further important guidance on the jurisdiction of that tribunal on such applications.
- *Baxter & Others v Stancomb* [2018] EWHC 2529 (Ch) – Acting in relation to a TOLATA application in the High Court concerning a property which was part only of a large estate and whether it should be ordered to be sold to enable the sale of the whole estate to go ahead
- *Food Converters Ltd v Newell* [2018] EWHC 926 (Ch) – Acting for the Appellant who was seeking to overturn the trial judge's conclusion that, on the particular facts of the case, he had not taken factual possession of land in question and had not therefore dispossessed the paper title owner of the land for the purposes of the transitional provisions of the Land Registration Act 2002
- *Squarestone Ltd v Bishop* (2017) (Ch) – Obtaining a mandatory injunction for his client compelling a purchaser of commercial property to remove an improperly obtained official search certificate from the title of the property at HM Land Registry
- *Moorjani v Durban Estates Ltd* [2016] 1 WLR 2265 – Appearing on behalf of the Appellant long lessee in a case concerning the basis of the assessment of damages for breaches by the landlord of covenants to maintain the common parts and to insure the building
- *Smart v The London Borough of Lambeth* [2014] HLR 7 – Acting for the Appellant who claimed title to property by adverse possession where the issue was to what extent L expressly or impliedly consented to his occupation of the property when it put in place a scheme for the upkeep of that and a number of its other properties
- *Islam v Al Sami* [2011] EWCA Civ 32 – Acting in an appeal concerning the validity of an equitable charge allegedly given in return for the loan of a significant sum of money
- *Ofulue v Bossert* [2009] 1 AC 990 HL – Appearing in the House of Lords in this seminal authority on whether an admission of ownership in a pleading in earlier proceedings is a continuing or any acknowledgement of title for the purposes of section 29 of the Limitation Act 1980 and whether the contents of without prejudice correspondence are admissible as an acknowledgement of title.

Simon has also recently appeared:

- at trial on behalf of one of two property investors seeking a declaration that she held a 50 per share in the properties registered in the name of her partner on the basis of a common intention constructive trust to that effect and orders for sale of all fifteen properties in the portfolio and the division of the net proceeds accordingly
- at trial on behalf of the tenant of commercial (restaurant) premises whose landlord was seeking to forfeit his lease for alleged unlawful structural and other alterations and other alleged breaches;
- at trial on behalf of a landowner claiming title by adverse possession of several other neighbouring pieces of land and/or prescriptive rights over them;
- at trial on behalf of the landlord of a converted townhouse in which the tenant of the upper maisonette was seeking a declaration that it had unreasonably withheld consent to substantial alterations to it on grounds of the fire safety of the building as a whole when he had obtained building regulation approval for the alterations.

He is also currently advising:

- the proprietor of land with the benefit of a right of way over the driveway which gives access to it as to the extent of that right of way and whether the acts of the proprietor of the driveway amount to a substantial interference with his right of way over it

- the head-lessee of a mansion block whose landlord is seeking to forfeit his lease for alleged breach of the covenants to provide a caretaker/not to use the basement flat other than to house a caretaker, the head-lessee seeking to defend on the basis that the positive covenant does not run with the land and the negative covenant is obsolete and liable to be modified/discharged upon application to the Lands Chamber of the Upper Tribunal
- a vendor of land seeking specific performance of a contract made in a private auction over the telephone which the purchaser says is unenforceable because it does not satisfy the requirements of section 2 of the Law of Property (Miscellaneous Provisions) Act 1989
- a landlord of a building as to its options where it has let the building to a housing association on a business tenancy which it intends to sublet in parts to assured shorthold tenants but in respect of which there is substantial disrepair and the building is currently unoccupied and boarded up.

COMMERCIAL DISPUTES

Simon advises and acts on behalf of individuals and corporate clients in a variety of disputes in this area, including those concerned with contracts for the sale of goods, contracts for the supply of goods and services, employment contracts, insurance contracts, partnerships, securities, and the management and control of companies, including rights of minority shareholders and breaches of directors' duties.

He appears regularly in the Commercial, Business, TCC, Insolvency and Companies lists of the Business and Property Courts of England and Wales on both interlocutory matters, including applications for urgent interim relief, and at trial, and in the Court of Appeal. He also appears regularly in mediation and arbitration.

He has recently acted for:

- A surety defending a multi-million-pound claim based on his guarantee of loans to a related property development company
- A judgment creditor seeking to enforce a substantial judgment against one of two former partners in a business who claimed not to have been a partner at the material time
- An educational trust being sued by a school to which it was allegedly heavily indebted following a complex management arrangement
- Respondents to a claim under a litigation funding agreement which was the subject of an LCIA arbitration
- Estate agents in their claim for commission on the sale of an £8 million apartment
- A claimant claiming the beneficial ownership of a light aircraft which had been acquired by a single purpose vehicle of which he was the majority shareholder
- The defendant to a Part 20 claim who was alleged to have been a partner in a horse racing syndicate the subject of the main claim.

He is currently advising a group of investors whose funds have been misappropriated as a result of an unlawful means conspiracy as to their potential remedies and against whom to commence proceedings, if necessary.

Some of Simon's significant reported cases include:

- *Thomas & O'Reilly v Mariner Properties Ltd & Others* [2017] BPIR 598 – Appearing in a case where the court considered whether it looks to substance rather than form when tracing assets through transfers of bank money
- *Therium (UK) Holdings Ltd v Cable Plus BV & Others* [2016] EWHC 2421 (Comm) – Acting in committal proceedings arising out of alleged breaches of asset preservation and asset transfer orders and of a worldwide freezing injunction

- *Good v Onsette Limited* [2013] EWHC 3447 (Ch) – Acting in a case concerning a party's entitlement to beneficial ownership of shares in and a dividend declared by a mining/overseas exploration company
- *Filobake Ltd v Rondo Ltd and Frampton International Ltd* [2005] EWCA Civ 563 – Acting for the Appellant who sought a favourable construction of the performance obligation in a contract for the supply of a commercial pastry making machine
- *Savills v Kibble* [1998] EGCS 170 (CA) – Resisting an appeal by an estate agent seeking to have the commission clause in its contract construed in its favour.

PROFESSIONAL LIABILITY

Simon advises and acts, mainly in the Business and Property Courts of England and Wales and in mediation, for both claimants and defendants in claims against a variety of professionals including accountants, solicitors, barristers, surveyors, architects and insurance brokers.

He has recently acted for:

- A company whose workshop was flooded following the admitted negligence of a contractor involved in the renovation of adjacent pipework
- A purchaser of property whose conveyancing solicitor failed to protect her interest in the property pending a delayed completion resulting in part of the property being conveyed to a third party.
- Purchasers of property whose solicitor negligently failed to advise them of the existence of a report about damp in the building in which the property was situated.

Current instructions include those on behalf of a group of investors whose professional advisors negligently failed to oversee the project in which their multi-million pound investment was being deployed resulting in the loss of the investment.

For many years Simon has been recommended as a leading junior for professional negligence work by the Legal 500. Clients quoted in the 2021 edition noted his *"very detailed analysis of the law and issues"* and described him as *"very precise and great to work with, as well as being very commercial."*

Selected significant reported cases include:

- *Scott v Kennedys Law & Vertex Law* [2011] EWHC 3808 (Ch) – Appearing in an important case before Vos J (as he then was) regarding the method of assessment of loss on the no transaction basis
- *Joyce v Bowman Law Ltd* [2010] PNLR 22 – Acting in a further important case before Vos J on causation and computation of damages in a claim against negligent conveyancers for loss of a chance to develop land.

MEDIATION AND ARBITRATION

Simon is an experienced and well-regarded mediator of property and commercial disputes, having conducted numerous mediations in these fields since accreditation by the ADR Group in February 2006. He is registered by the Civil Mediation Council and recommended as a leading mediator in the current edition of *The Legal 500 UK Bar*. In July 2018, he was inducted into *The Legal 500 Hall of Fame* for his work as a mediator.

His expertise covers a range of disputes including the following:

- Commercial, construction and insurance contracts
- Companies and shareholders
- Partnerships
- Landlord and Tenant (commercial, residential and agricultural)
- Rights of way, restrictive covenants, adverse possession and boundaries

- Trusts and probate
- Professional negligence.

Simon's goal in all his mediations is to assist the parties to reach a lasting settlement of their dispute. He has a calm yet purposeful approach and can be practical and pro-active where necessary. He brings to his mediations a wealth of dispute resolution experience and, where appropriate, a commercial edge from more than 30 years' practice at the Commercial Chancery Bar.

Comments by professional clients include the following:

• *"Very good with clients, calm and persuasive; he works hard to achieve an outcome"* (Mediators, *Legal 500 2023*)
• *"Very bright and personable, has the right temperament for a mediator"* (Mediators, *The Legal 500 2019*).
• *"Your tactful and sensitive dealing with the personalities was a significant contribution to us reaching settlement"*
• *"Your conduct of the mediation was exemplary. This matter would not have settled without your professional and non-partisan approach. I have no hesitation in recommending your services in the future"*
• *"You immediately put the client at ease which no doubt contributed to the satisfactory conclusion of the dispute"*
• *"There would have been no resolution of this matter without your patience and quiet determination to bring it about."*

His experience as a mediator feeds into all areas of his practice in which he appears in mediations on behalf of his clients. He also appears in and prepares written submissions on behalf of clients in arbitrations of a variety of property and commercial disputes.

RECOGNITION

Simon is recommended as a leading junior for property litigation in the latest editions of both *Chambers UK Bar* and *The Legal 500 UK Bar*. He is also recommended as a leading junior for professional negligence work and as a leading mediator in the current edition of *The Legal 500 UK Bar*. In July 2018 Simon was inducted into *The Legal 500 Hall of Fame* for his work as a mediator.

Recent directory comments have included:

- *"He has a great combination of intellect and sound commercial sense. A great team player, his advocacy is always very clear, unfussy and extremely persuasive."* (Professional Negligence, Legal 500 UK Bar 2026)
- *"Simon is the type of barrister who remains calm and brings assurance to clients in stressful situations. His ability to grasp the issues quickly has been invaluable."* (Real Estate Litigation, *Chambers UK Bar 2026*)
- *"Simon is very patient with the client and explains matters to them effectively. He is very smart and his analysis of legal arguments is clear."* (Real Estate Litigation, *Chambers UK Bar 2025*)
- *"He is very smart and his analysis of legal arguments is clear."* (Real Estate Litigation, *Chambers UK Bar 2025*)
- *"Simon breaks down the complicated in to simple and clear ways for the lay client to understand the merits of its case and likely prospects. As an advocate Simon does not get wound up but rather remains calm and concise."* (Property Litigation, *Legal 500 UK Bar 2024*)
- *"A calm and collected mediator, who is approachable and clear."* (Mediators, *Legal 500 UK Bar 2024*)
- "Simon is clear and concise in his approach." (Real Estate Litigation, *Chambers UK Bar 2024*)
- *"Simon Williams takes a practical approach and is a confident advocate."* (Real Estate Litigation, *Chambers UK Bar 2023*)
- *"Very good with clients, calm and persuasive; and he works hard to achieve an outcome"* (Mediators, *Legal 500 UK Bar 2023*)
- *"Both practically and commercially minded, Simon understands the*

procedure and what is best for his clients. He is a calm, considered and well prepared advocate." (Property Litigation, *Legal 500 UK Bar 2023*)
- *"He has a calm and measured approach to everything, provides the clients with understandable advice and provides immeasurable support."* and *"He is a very safe pair of hands and experienced. He has a great breadth of property litigation knowledge."* (Real Estate Litigation, *Chambers UK Bar 2022)*
- "*A good, hardworking advocate, he is very approachable, delightful to work with, responsive and great with clients.*" (Property Litigation, *Legal 500 UK Bar 2022*)
- *"He is a delight to work with and very approachable."* (Real Estate Litigation, *Chambers UK Bar 2021*)
- "*Very detailed analysis of the law and issues – very precise – and great to work with, as well as being very commercial, which is key."* (Professional Negligence, *Legal 500 UK Bar 2021*)
- "*A good, hardworking advocate, he is very approachable, delightful to work with and very responsive.*" (Property Litigation, *Legal 500 UK Bar 2021*)
- *"Very user-friendly and has an innate ability to remain calm during a crisis." "Simon is thorough, inventive and always communicates in a clear and unfussy way."* (Real Estate Litigation, *Chambers UK Bar 2020*)
- *"He has in-depth knowledge of property law and is a persuasive advocate."* (Property Litigation, *The Legal 500 UK Bar 2020*)
- *"Simon Williams was accredited by the ADR Group in 2006. He has significant experience in mediating property and commercial disputes."* (Mediators, *The Legal 500 UK Bar 2020*)
- "*Very user-friendly and has an innate ability to remain calm during a crisis*." "*Simon is thorough, inventive and always communicates in a clear and unfussy way*." (Real Estate Litigation, *Chambers UK Bar 2020*)
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- *"Produces excellent pleadings and manages clients very well in conference."* (Real Estate Litigation, *Chambers UK Bar 2019*)
- *"He is sound, clear and analytical."* (Professional Negligence, *The Legal 500 UK Bar 2019*)
- *"Brilliant with clients, he never fails to deliver."* (Property Litigation, *The Legal 500 UK Bar 2019*)
- *"Very bright and personable, has the right temperament for a mediator."* (Mediators, *The Legal 500 2019*)
- *"An extremely impressive barrister with a friendly and highly professional attitude, whose strengths are his attention to detail, his commitment to clients and his strong sense of the commercial realities of a case."* (Real Estate Litigation, *Chambers UK Bar 2018*)
- *"Very approachable and great with clients."* (Property Litigation, *The Legal 500 UK Bar 2017*)

PUBLICATIONS AND SPEAKING

Simon is a frequent lecturer at seminars and presenter of webinars on topics within his sphere of practice.

He has spoken recently on rights of first refusal under the Landlord and Tenant Act 1987, the right to manage and commonholds under the 2002 Act, various aspects of enfranchisement under the 1967 and 1993 Acts and the assessment of damages on the no transaction basis in professional negligence disputes.

His recent webinars have covered topics including the mediation of construction disputes and the determined boundary jurisdiction of the First Tier Tribunal.

QUALIFICATIONS

- LLB Hons (Soton) 1983
- Called to the Bar by the Inner Temple 1984
- ADR Group Accredited Mediator 2006

MEMBERSHIPS

Chancery Bar Association; Property Bar Association; Professional Negligence Bar Association; Civil Mediation Council.

OTHER DETAILS

- Read Simon's Privacy Notice, Data Protection Policy and Disposal Policy.
- VAT Registration Number: 524117576
- Bar Membership Number: 20286