



Simon Williams

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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 all 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 has "*in-depth knowledge of property law and is a persuasive advocate*" (Property Litigation, *The Legal 500 UK Bar 2020*), "*very user-friendly and has an innate ability to remain calm during a crisis*" and "*thorough, inventive and always communicates in a clear and unfussy way.*" (Real Estate Litigation, *Chambers UK Bar 2020*).

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

- *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 a farm owner seeking relief against the trespassing owner of neighbouring woodland and, in another case, against a neighbour seeking to assert a right of way over woodland adjoining the owners’ property
- at trial on behalf of a client whose property was severely damaged when a fire which started accidentally in a neighbour’s pottery studio spread to her property
- at trial on behalf of a property owner on the question whether a wall in which she had inserted a window and a boiler flue was a party wall and therefore whether what she had done amounted to a trespass and/or a nuisance and, if so, whether the appropriate remedy was a mandatory injunction or damages or both.

He is also currently advising:

- the occupants of premises whose neighbours are conducting a business which gives rise to a potential nuisance
- developers of land the subject of a restrictive covenant concerning the types of building permitted on the land
- a vendor of land seeking specific performance of the contract by the purchaser who claims that the contract is unenforceable because it does not satisfy the requirements of section 2 of the Law of Property (Miscellaneous Provisions) Act 1989
- a number of landlords of mixed commercial/residential premises as to the need to serve notices on their tenants under section 5 of the Landlord and Tenant Act 1987 giving them rights of first refusal in the event of a sale of the freehold
- two different long lessees of flats on their remedies against both their landlords and/or other occupants of the buildings in which their flats are situated arising out of the activities of those occupants of the building.

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 recently acted for a surety who successfully defended a multi-million-pound claim based on his guarantee of loans to a related property development company and is currently acting for a judgment creditor seeking to enforce a substantial judgment against one of two former partners in the business who claims not to have been a partner at the material time.

He is also currently acting for an educational trust being sued by a school to which it is allegedly heavily indebted following a complex management arrangement and recently acted for respondents to a claim which was the subject of an LCIA arbitration.

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 and is currently acting for 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.

He has also recently acted on behalf of 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 litigant whose solicitor failed to

advise him as to the inadequacy of a statement prepared by him for a trial which resulted in an order for costs thrown away to be paid to the other side, significant wasted costs on his own side and other consequential losses.

Simon is again recommended as a leading junior for professional negligence work in the latest edition of *The Legal 500* which describes him as “*sound, clear and analytical*”. The 2015 edition of the *Legal 500* reported the comment from clients that “*He is first class and really knows what he is doing*”

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 a member of 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 20 years’ practice at the Commercial Chancery Bar.

Comments by professional clients include the following:

- “*Very bright and personable, has the right temperament for a mediator*” (Mediators, *The Legal 500 UK Bar* 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 is very responsive, very bright and very personable. He is excellent with clients."* and *"A polished advocate."* (Real Estate Litigation, *Chambers UK Bar 2022*)
- *"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*)
- *"He is an experienced mediator in property and commercial disputes. His expertise covers commercial, construction and insurance contracts; companies and shareholders; partnerships; landlord and tenant issues; rights of way, restrictive covenants, adverse possession and boundaries; trusts and probate; and professional negligence."* (Mediators, *Legal 500 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 is experienced in professional negligence disputes."* (Professional Negligence, *The Legal 500 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."* (Real Estate Litigation, *Chambers UK Bar 2020*)
- *"Simon is thorough, inventive and always communicates in a clear and unfussy way."* (Real Estate Litigation, *Chambers UK Bar 2020*)
- *"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 UK Bar 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 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.

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.

OTHER DETAILS

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