



**Five Pump
Court Chambers**

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Chris Payne

Barrister

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Practice overview

Chris specialises in property and commercial litigation with a growing insolvency and company law practice. He is sought after for his persuasive representation and comprehensive advice as well as his meticulous pleadings.

He is excellent at working with solicitors and clients and places proactivity and communication at the fore of his practice, always making himself available to clients in the run-up to hearings. He has sound judgment and is able to balance the legal and practical realities of a given case to get the best outcome for his clients.

Property

Chris conducts a mix of court and written work in property law with a particular focus on matters arising out of the landlord and tenant relationship in both a residential and commercial context, including forfeiture and lease renewal, disrepair and defective premises including EPA prosecutions, dilapidations, service charges, rights of way and easements. Chris is regularly instructed by both tenants and institutional landlords.

Chris also has a thriving TOLATA practice where he has extensive experience advising on trust relationships both express and constructive. In particular Chris has substantial experience involving disputes between beneficiaries relating to trusts of land and estates of the

deceased.

Some recent examples of Chris' cases, which are far from exhaustive, include:

Persuading the court to strike out a claim for possession and rent arrears as an abuse of process where he was able to elicit at trial that the tenancy agreement had been forged in a bid to disguise payment of a tenancy deposit

Advising and representing a business owner, including drafting various pleadings and applications, in a complex dispute relating to a business sale and related possession of an HMO above a public house where the previous HMO licence holder was continuing to masquerade as the landlord including defending against numerous specious defences and counterclaims arising from the business sale

Advising on, drafting a Defence and ultimately negotiating a favourable settlement in a claim relating to a right of way and whether a gate to a private road should be open or shut at night

Advising on an application for registration of a right of way over agricultural including complex elements of factual and historical research

Representing a widow where the family home was alleged to have been beneficially owned by her late husband but was legally in the name of an associate who was now asserting total ownership after being silent for some 25 years

Advising and representing a housing association in a disability discrimination services claim where it was alleged the lift had not been repaired in a reasonable period of time and obtaining a very successful settlement arising out of nuanced limitation arguments

Commercial

Chris has a broad and wide-ranging commercial practice covering a range of topics and complemented by his property practice. He is regularly instructed to appear in court and to advise and draft pleadings in a range of matters including breach of contract claims, professional negligence, property damage and building disputes.

Chris has particular experience in solicitor's professional negligence ranging from more innocent errors through to serious misconduct.

Chris is also sought after for commercial disputes where there is an employment law element to which Chris can contribute his substantial experience in that area.

Examples of Chris' recent cases include:

Advising and drafting pleadings in a professional negligence claim where solicitors failed to

withdraw an old Part 36 offer on issuing a claim resulting in a prospective £200,000 claim being compromised for a payment of negligible costs

Advising on the likely interpretation and termination of an IT services contract where there were potentially at least 3 applicable sets of terms including complex arguments relating to novation and partial contracts

Advising on a professional negligence matter where a solicitor had committed multiple negligent acts including misleading the client and failing to tell the client he was suspended until the day before being due to represent them at a crucial hearing

Advising, drafting a Defence and representing a client at trial involving complex arguments around agency where a rogue employee had entered into a contract for services costing in excess of £150,000 without any authorisation

Advising on an asset purchase agreement of an insurance business where the terms of the agreement relating to price were capable of being exploited by the purchaser

Advising and representing a Defendant in a factually complex proceedings relating to a claim and counterclaim arising from a building dispute to convert a property into an HMO involving a substantial dispute over the terms of an oral contract

Advising a football club on the terms and termination of a licence agreement to rent out their state-of-the-art pitch which did not include an express termination clause

Advising on a complex but ultimately specious counterclaim for a declaration of trust and £165,000 including advising on and drafting an application for strike out and summary judgment

Representing a solicitor's firm against an ex-client and ex-employee in complex proceedings involving allegations of deceit, breach of trust and unpaid solicitor's fees

Insolvency and Company

Chris has a growing insolvency and company law practice. He has frequently appeared in the Insolvency and Companies Court on a range of matters.

Recent examples of cases Chris has appeared in include:

Acting on behalf of a petitioner and managing to keep the petition alive despite numerous defects with the petition and with service of the same

Acting for a petitioner resisting an application to restrain advertisement of a winding-up petition where a construction company had failed to return a £250,000 deposit on

termination

Advising in respect of a breach of trust agreement in respect of shareholdings with a director acting in breach of trust and taking control of the company, including the director starting insolvency proceedings in Germany

Representing a director and sole shareholder and successfully rectifying the register and proving that he had been fraudulently removed as a director on the strength of written evidence alone and using the Defendant's own evidence against them where they were seeking to allege a beneficial interest in the shares of the company

Acting for a recently divorced wife where she had a declaration from a court that she beneficially owned a property the legal title being held by a company the subject of a winding up petition

Civil

Chris also has experience in a range of other matters not readily falling within his other areas of practice including Inheritance Act claims, discrimination claims and employment law disputes.

Some examples of other cases:

Advising and representing the Defendant in an inheritance act claim where the Defendant received some £5m of properties under the will as against just £20,000 received by the Claimant

Acting for a Respondent in a constructive unfair dismissal claim following a protected conversation 'gone wrong', the claim was settled for nothing after the second day of trial following cross-examination of the Claimant completely undermining his claim and losses

Drafting a Defence and acting for an employee of an after-school club who was a named respondent to a multi-party services discrimination claim, ultimately resulting in a settlement whereby the employee had to pay nothing to the claimants

Representing a Claimant sports therapist who was dismissed for allegedly treating his own clients at the private hospital where he worked without an agreement, the claims for unfair dismissal and wrongful dismissal succeeded with the tribunal ultimately finding that there had been an agreement of some sort in place which had not been properly investigated

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Chris also has a thriving TOLATA practice where he has extensive experience advising on trust relationships both express and constructive. In particular Chris has substantial experience involving disputes between beneficiaries relating to trusts of land and estates of the deceased. He is experienced in advising on contentious probate and Inheritance Act disputes.

Some recent examples of Chris' cases include:

- Persuading the court to strike out a claim for possession and rent arrears as an abuse of process where he was able to elicit at trial that the tenancy agreement had been forged in a bid to disguise payment of a tenancy deposit;
- Advising and representing a business owner, and ultimately securing over £100,000 in use and occupation charges and interest in respect of an HMO above a commercial property. The previous HMO licence holder was masquerading as the landlord following the sale of the entirety of the leasehold and he was installing occupants into the HMO premises. Over the course of 6 hearings in 9 months Chris managed to get their various defences and counterclaims struck out and an order for over £100,000 plus costs awarded jointly and severally against him and an associated company;
- Advising on and drafting a Defence in a claim relating to a right of way and whether a gate to a private road should be open or shut at night;
- Advising on and drafting particulars following a property purchase where the seller misrepresented the rights of access to the property;
- Representing a widow where the family home was alleged to have been beneficially owned by her late husband but was legally in the name of an associate who was now asserting total ownership after being silent for some 25 years;
- Advising and representing a housing association in a disability discrimination services claim where it was alleged the lift had not been repaired in a reasonable period of time and obtaining a very successful settlement arising out of nuanced limitation arguments.

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Examples of Chris' recent cases include:

- Advising and drafting pleadings in a professional negligence claim where solicitors failed to withdraw an old Part 36 offer on issuing a claim resulting in a prospective £200,000 claim being compromised for a negligible payment of costs;
- Advising on a professional negligence matter where a solicitor had committed multiple negligent acts including misleading the client and failing to tell the client he was suspended until the day before being due to represent them at a crucial hearing;
- Advising, drafting a Defence and representing a client at trial involving complex arguments around agency where a rogue employee had entered into a contract for services costing in excess of £150,000 without any authorisation;
- Advising and representing a Defendant in factually complex proceedings relating to a claim and counterclaim arising from a building dispute to convert a property into an HMO involving a substantial dispute over the terms of an oral contract;
- Advising a football club on the terms and termination of a licence agreement to rent out their state-of-the-art pitch which did not include a termination clause;
- Advising on a complex but ultimately specious counterclaim for a declaration of trust and £165,000 including advising on and drafting an application for strike out and summary judgment;
- Representing a solicitor's firm against an ex-client and ex-employee in complex proceedings involving allegations of deceit, breach of trust and unpaid solicitor's fees;
- Numerous property damage cases in particular acting for insurers where there are allegations of damage to highway furniture often involving detailed expert evidence as to the valuation of works under/deriving from SPONS and CECA rates.

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- Acting on behalf of a petitioner and managing to keep the petition alive despite numerous defects with the petition and with service of the same;
- Representing a director and sole shareholder successfully rectifying the register and proving that he had been fraudulently removed as a director on the strength of written evidence alone, and using the Defendant's own evidence against them where they were seeking to allege a beneficial interest in the shares of the company;
- Acting for a recently divorced wife who had a declaration from a court that she beneficially owned a property the legal title of which was being held by a company which was the subject of a winding up petition.

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- Drafting a Defence and acting for an employee of an after-school club who was a named respondent to a multi-party services discrimination claim, ultimately resulting in a settlement whereby the employee had to pay nothing to the claimants;
- Representing a Claimant sports therapist who was dismissed for allegedly treating his own clients at the private hospital where he worked without an agreement. The claims for unfair dismissal and wrongful dismissal succeeded with the Tribunal ultimately finding that there had been an agreement of some sort in place.

- LLB (Hons) Law: University of Warwick

Memberships

- Property Bar Association
- London Common Law and Commercial Bar Association
- Employment Lawyers Association

Prizes

- Inner Temple Exhibition Award
- Cecil Yahuda Scholarship
- BPTC Prize for Employment Law
- BPTC Prize for Judicial Review