

Chris Royle

[Back](#)

Year of Call: 2009

E: ChrisRoyle@enterprisechambers.com

T: 0113 246 0391

Clerk: Joanne Caunt

Clerk: Ellen McNall



PRACTICE AREAS

Property

Wills, Trust and Probate

Commercial

Banking and Finance

Professional Negligence and Disciplinary

PROFILE

Chris has wide-ranging experience in all of chambers' main areas of work. His practice focuses particularly on property (including landlord & tenant), traditional chancery and commercial law. He has experience of appellate advocacy, having been involved in eight appeals in 2016 alone.

Chris has a specialist practice in the law of enforcement by certificated enforcement agents (formerly bailiffs) and High Court Enforcement Officers. He regularly advises and appears for such clients in regulatory and commercial matters.

Chris also has a significant practice in the law of non-domestic rating and council tax in the Magistrates' Courts.

Having had 10 years' experience founding and running a technology business specialising in computer and network security, Chris has a useful insight into the

practicalities of commercial transactions and operations. He is ideally placed to assist with IT services disputes in the commercial or employment contexts.

In relation to each area of law in which he practises, Chris is happy to consider instructions in professional negligence claims.

PRACTICE AREAS

Property

Examples of Chris's work (including his non-domestic rating practice) include:

- **Boundary disputes & adverse possession**– advising, drafting and appearing at trial in boundary and other neighbour disputes
- **Easements**(including easements of light and rights arising by necessity or common intention) and **restrictive covenants** – including applications for **injunctions** to restrain interference
- **Rights arising under constructive or resulting trusts, and proprietary estoppel**– including advising and appearing in a case of land transferred to another subject to oral assurances of re-transfer to the buyer
- **Title fraud**– advising and appearing at mediation in an 11-party matter involving 4 properties, involving insolvency issues
- **Landlord & Tenant**– including appearing at trial of an action for unreasonable failure to consent to assign; advising on landlord's remedies in respect of abandoned property
- **Tree Preservation Orders**– advising and appearing on ex-parte, without notice injunction to restrain commission of offences under the Town and Country Planning Act 1990; matter proceeding to trial
- **Possession**– advising and drafting in all such matters, including one high-rental tenancy exempt from the provisions of the Housing Act 1988, and another complex matter involving partnership dissolution
- **Professional negligence**– including a 'second-tier' claim against solicitors for under-settling an action against negligent conveyancers
- **Protesters and trespassers**– including appearing for the local authority

landowner in the Balcombe 'fracking' protesters eviction case, involving questions of trespass and protesters' rights under Article 8 of the European Convention on Human Rights

- **Non-Domestic Rating** – Chris's practice in rating law focusses on contested **liability order matters in the Magistrates' Courts**. For example, he has advised and appeared at directions hearings and trial (5 days) in such a matter, and dealt with several others. He is presently instructed in an appeal by way of case stated in the Administrative Court on one such matter involving a wide range of law including lease validity and an allegation of a 'sham' agreement

Wills, Trust and Probate

Examples of Chris's work include:

- **Inheritance Act claims**– including advising on merits and settlement in a claim to a substantial estate by an adult illegitimate child
- Advising on a claim for a limited grant of probate over property left by a **lost will**
- **Injunctions**– including to restrain sale of real estate pending determination of the estate's entitlement to the same
- **Constructive and Resulting trusts**– advising on recovery of property subject to trust in the hands of an intestate deceased where no letters of administration had been taken

Commercial

- **Trusts and company disputes**– advising on competing claims to assets of a religious institution; *Pallant v Morgan* constructive trusts
- **IT and Telecommunications disputes**– for example, advising on claims for defective IT service provision or termination of telecommunications services, including injunctive relief to recover unlawfully held **Internet domain names** and control over hosted services
- **Commercial injunctions**– appearing on an application to restrain disconnection of electricity supply; appearing out of hours by telephone to obtain interim

injunction for **delivery up** of goods; advising on **freezing orders** and injunctions to restrain breach of **database rights**

- **Conversion**– appearing at trial where a landlord had retained the tenant’s goods and marketed the property with them *in situ*; advising on landlord’s remedies in cases of **abandoned goods**
- **Debt recovery**. Chris is regularly instructed in debt recovery matters. He has experience of the same for private clients, banks and commercial entities
- **Enforcement**. Chris has a significant practice in enforcement law (the taking control of goods pursuant to writs and warrants of control, and other forms of instrument such as writs of possession, sequestration, restitution, execution and so forth). He is regularly instructed by many of the country’s major enforcement agencies and his practice includes *all* aspects of enforcement by **certificated enforcement agents** and **High Court Enforcement Officers**. Of particular note are:
 - **Third-party claims to controlled goods (CPR Part 85, formerly Sheriff’s Interpleader)**– advising and appearing in contested claims
 - **Debtor’s claims** under paragraph 66 of Schedule 12, or otherwise, for return of goods and/or damages
 - **Other claims by debtors and third parties**– advising on and appearing in claims brought against enforcement agents in, for example, conversion, trespass and restitution
 - **Complaints**– advising on and appearing in Form EAC2 complaints as to fitness (formerly ‘Form 4’ complaints), and to the High Court Enforcement Officers’ Chris is the author of a guide to the litigation of such complaint.
 - **Office-holder applications**– applications for declaratory, costs and other relief by certificated enforcement agents and High Court Enforcement Officers
 - **Exempt Goods**– advising on, and appearing at hearings where exemptions are contested, including as to the applicability of the ‘tool of the trade’ exemption can benefit a body corporate
 - **Rights of entry and entry by force**– advising on the availability of such rights under various types of writ and warrant
 - **Schedule 12 to the 2007 Act**– advising on all procedural aspects of the procedure and the Taking Control of Goods Regulations 2013 together with the Taking Control of Goods (Fees) Regulations 2014
 - **Insolvency**– advising on the impact of insolvency procedures on enforcement
- **Negligent misstatement**– appearing at trial against a service provider in respect of a defective plan
- **Warrants of entry**– under the 1954 Rights of Entry (Gas and Electricity Boards) Act 1954
- **Shams**– advising and appearing in cases of alleged sham documents including leases

Please see Chris's Property practice for information on his work in the field of **Non-Domestic Rates**.

Banking and Finance

Chris's Banking and Finance practice overlaps with his commercial and property work and includes:

- Advising on **mortgages, charges, guarantees and indemnities**
- **Cheques and Bills of exchange**. Chris successfully recovered over £130,000 for the beneficiary of a cancelled cheque drawn on a solicitor's client account.

Professional Negligence and Disciplinary

Chris offers advice and advocacy on professional negligence matters which arise out of his other practice areas.

Recent cases include:

- Urgent injunctive relief to prevent sale of a property by a personal representative in a case involving a lost will.
- Emergency injunctive relief to regain control of Internet domain names for an e-commerce website operator
- Application for declaratory relief for a High Court Enforcement Officer in possession of an asset subject to a freezing injunction pursuant to a \$13m writ of control
- **Barnsley MBC v Hadfield**[2019] P.T.S.R. 111, [2018] EWHC 866 (QB) (Test for injunctive relief for breach of a tree preservation order; test for whether new growth included in tree preservation orders)
- **Kaminski v Martin** [2018] EWHC 3800 (QB) (Whether a Form EAC2 complaint against a certificated enforcement agent which has been dismissed can subsequently be listed by the Court.)
- **Sliwinski & another v Chin & others** (case FJ36/16) (Whether a third party payment to an enforcement agent is money 'taken into control' for the purposes

of paragraph 60 of Schedule 12 to the Tribunals, Courts and Enforcement Act 2007)

- **Clarke v Lighting & Lamps UK and another** [2016] EWCA Civ 1454 (Clarification of the test on late amendment of appeal notices.)
- **Chandra v Mayor** [2016] EWHC 2636 (Ch) (Enforceability of costs orders against represented defendants.)
- **Re X (Application for Income Payments Order)** [2014] BPIR 1081 (which considered the ability of a trustee in bankruptcy to require a bankrupt to draw down a pension lump sum, more recently considered in the Court of Appeal with a similar result).
- **West Sussex County Council v Persons Unknown** [2013] EWHC 4024 (QB) (The eviction of the Balcombe 'fracking' protesters.)

CAREER AND ASSOCIATIONS

Member of:

- Chancery Bar Association
- North Eastern Circuit
- North Eastern Circuit Commercial Bar Association

Appointed to the Attorney General's Panel of Regional Counsel 2012-2018

Called to the Bar (Lincoln's Inn, July 2009)

BPP Law School (LL.B (Hons.)) 1st class, Bar Vocational Course (Very Competent)

Gonville & Caius College, Cambridge (BA (Computer Sciences Tripos), 2.i;
Cambridge MA)

Leeds Grammar School

LONDON

9 Old Square
Lincoln's Inn
London
WC2A 3SR

T 020 7405 9471

E london@enterprisechambers.com

BRISTOL

4-5 College Green
Bristol
BS1 5TF

T 0117 450 7920

E bristol@enterprisechambers.com

LEEDS

43 Park Square
Leeds
LS1 2NP

T 0113 246 0391

E leeds@enterprisechambers.com

NEWCASTLE

65 Quayside
Newcastle upon Tyne
NE1 3DE

T 0191 222 3344

E newcastle@enterprisechambers.com

Barristers regulated by the Bar Standards Board.

CONNECT WITH US

