

## Aidan Briggs

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### Practice Overview

Aidan Briggs has established himself as a specialist advocate and advisor in traditional chancery and real property disputes. His regular trial experience in the High Court, Court of Appeal and the specialist property tribunals give him the edge in the courtroom and make him a favourite for factually complex cases. Aidan's chancery practice covers contested probate and 1975 Act claims, partnership disputes and also contentious trusts work, both on- and offshore. He is a member of ACTAPS and has been published in the New Law Journal in respect of deathbed gifts. Aidan's property practice covers all kinds of real property disputes, from commercial landlord and tenant disputes to trusts of land. He has built up specialist expertise in rural property (including agricultural tenancies) and recently spoke at the Annual Conference of the Agricultural Lawyers' Association.

### Commercial Litigation

Aidan is comfortable in commercial disputes of all shapes and sizes; For example, he appeared as junior counsel in *Energenics v Hazarika* [2014] EWHC 1845 (Ch) - a five-day trial in the Chancery Division resisting claims for breach of a share purchase agreement, fraud and dishonest assistance, with parallel proceedings in Singapore. He recently appeared in *Rush Hair v Gibson-Forbes* [2016] EWHC 2589 (QB) - resisting injunction proceedings determined at a speedy trial, to enforce restrictive covenants in a hairdresser's franchise settlement agreement. Aidan is above all a pragmatic and commercially-minded advisor, able to make swift tactical decisions to get disputes resolved. His in-depth knowledge of property, insolvency and rating law allow him to take a holistic view of his clients needs and to advise accordingly. He is happiest in cases with a complex factual matrix against which to cross-examine; he is currently instructed in £2.5 million fraud proceedings arising out of the catering arrangements at the Silverstone race track.

### Property

Aidan's property practice is focussed in three areas: real property disputes, particularly involving rural property; commercial landlord and tenant claims; and business rates disputes. Aidan recently addressed the annual conference of the Agricultural Lawyers' Association and is competent to advise on all aspects of rural property law, including agricultural tenancies, proprietary estoppel claims and rights of way. He recently appeared in *Re Jenkins* [2016] EWHC 426 (ch), defending one of six beneficiaries of a 400-acre estate on the Isle of Wight, making successful arguments on damages for trespass and equitable accounting.

Aidan has lectured on the interface between commercial landlord and tenant disputes and insolvency and probate law, making him more than qualified to advise on issues of forfeiture, lease renewals, disclaimer, surrender and rent as an administration expense. He also appeared in the Court of Appeal in *Rynda (UK) Ltd v Rhijnsburger* [2015] EWCA Civ 75 concerning the effects of the Drivers Jonas - Deloitte merger, and is well-versed in modern property management structures.

Business Rates is a peculiar niche in Aidan's expertise. He is retained by several London Boroughs for disputes great and small, and recently appeared in Judicial Review proceedings brought by Time inc and Norton Rose LLP against the Valuation Office Agency over backdated business rates to the value of £8 million (currently on appeal to the Court of Appeal). He has also published articles in the New Law journal on key developments in the law.

## Trusts and Estates

Since appearing in the leading case of *Ashkettle v Gwinnett* [2013] EWHC 2125 (Ch), Aidan has been sought out for contested probate actions and claims under the Inheritance Act 1975 for his in-depth legal knowledge and skill as a cross-examiner, particularly where capacity is in issue.

Aidan also advises in domestic and offshore trust disputes, including applications for the removal of trustees, Beddoe applications and administration claims. He is competent to advise on the capital gains and inheritance tax consequences of most trust transactions, particularly where these overlap with variations to estates under s.144 IHTA.

Aidan has extensive experience in partnership and charity disputes, having advised a number of churches, charities and small partnerships on claims against negligent trustees, Charities Act 2006 proceedings and the ownership of charity or partnership assets.

## Cases

### Name: **McEneaney v Stevens & Ors**

**Reference:** [2017] EWHC 992 (Ch)

**Date:** 2nd May 2017

**Court:** Chancery Division

**Comment:**

Please see the attached Judgment below.

## Articles

Date	Title	Contributors
30th October 2017	How do the intentions stack up? Published In <i>STEP Journal: Volume 25/Issue</i> 8	Aidan Briggs

<b>Date</b>	<b>Title</b>	<b>Contributors</b>
14th September 2017	Law Commission consultation on reform to the law of wills Published In <i>Trusts &amp; Trustees - September 2017</i>	Aidan Briggs
15th March 2017	E-Flash - Landmark Supreme Court decision on Inheritance Act claims Published In <i>New Square Chambers</i>	Aidan Briggs