



Alexander Hill-Smith

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"Excellent all-round chancery barrister, who is very persuasive in court and not afraid of a fight."

Chambers UK Bar 2019

Practice Overview

Alex is an experienced practitioner with a loyal client following. Alex is referred to by clients in Chambers UK Bar for his *"doggedness and commitment"* and the thoroughness of his research and preparation. He has been noted as *"willing to stick his neck out for clients and never shies away from harsh truths."*

Alex has worked in close collaboration with various firms of solicitors over many years, going the extra mile to achieve results. He is very practical with advice designed to solve problems for the client rather than cause unnecessary expense and risk.

His advocacy is based on the starting point of understanding what lines of argument will appeal to the Judge. He has been in many reported cases in all categories of his practice.

Alex is the author of "Consumer Credit: Law and Practice 2015" now in its second edition.

Commercial Litigation

Alex has a general commercial practice that combines commercial contractual disputes with professional negligence.

Alex was listed in Chambers UK Bar 2016 as; *"He is sensible and gives clear commercial advice."*

Chambers UK Bar 2014 notes his methodical submissions and says *"he doesn't throw in drama or flamboyance – his advocacy just works."*

This year Alex is engaged in disputes arising out of a freezing order obtained by the Law Society involving consideration of the statutory trusts following an intervention under the Solicitors Act 1974 raising both tracing and the privilege against self-incrimination.

Alex is currently engaged in a jurisdictional dispute involving a loan subject to the Courts of Ireland in relation to a mortgage, subject to the Courts of England. He is also acting in substantial litigation concerning the Public Contracts Regulations 2006 relation to the conduct of a competitive tender in the health sector for the supply of major incident response vehicles.

He has appeared in a number of actions involving film finance schemes, including the class action involving 115 claimants, *Thomas v Capita*. He also regularly undertakes professional negligence claims against solicitors and financial services providers in particular in respect of film finance schemes

Alex is due to appear in the Court of Appeal this October in *Aldermore Bank v Rana* on the meaning and effect of completion in a re-mortgage transaction.

In the course of his practice Alex also has to deal with procedural questions. He appeared in *Chadwick v Burling* 2015 EWHC 1610 (Ch) on the application of the *Denton v White* principles to litigants in person. The court held that

ignorance of the importance of taking a particular step was not a good ground for relief. This is headed for the Court of Appeal as it has human rights implications.

Property

Alex has a particular interest in commercial landlord and tenant acting for many large commercial and retail organisations in this field including National Grid, Arcadia and Mothercare. This work encompasses all aspects of commercial property including dilapidations, lease renewals, access disputes and break clauses.

Alex is well used to working with surveyors and valuers as well as solicitors in connection with these disputes. For instance, he is currently engaged in disputes involving diminution in value of a sub-let property and refusal of consent to assign for reasons of good estate management.

He was involved in the leading case on expert's determination on the limits of the entitlement of the expert to determine his own jurisdiction *National Grid v M25 Group* [1999] 1 EGLR 65.

Alex also undertakes more traditional real property disputes involving rights of way, restrictive covenants, and enfranchisement. Alex acted for the property owner in the Court of Appeal decision in *Giles v Tarry* [2012] 3 EGLR 5 which explores the extent to which a right of way can be used to gain access to a plot lying outside the dominant tenement.

His analysis of private rights of parking was commended by Lord Scott in the House of Lords case of *Moncrieff v Jamieson* 2007 1 WLR 2620, who said "*The views I have expressed regarding the Ouster Principal owe a great deal to Alexander Hill-Smith's article "Rights of Parking and the Ouster Principal after Batchelor v Marlow" published in the Conveyancer May-June 2007 at 223. I am in agreement with the conclusions expressed by Mr Hill-Smith at 231 and 234 and must record my indebtedness to him.*"

Recently his views were adopted in the context of fraud and land registration in the Chancery Division case of *Fitzwilliam v Richall Holdings* in [2013] 2 EGLR 13.

Additional Information

Qualifications / Education

MA/LLB - University of Cambridge (1975)

Professional Appointments

He was appointed a Recorder in (2005). Granted a Criminal ticket in (2009). Granted a Chancery ticket in (2010).

Memberships

Chancery Bar Association

Property Bar Association

Cases

Leven Holdings Ltd v Johnstone & Ors

Reference: [2018] EWHC 223 (Ch)

Date: 09 Feb 2018

Court: High Court

Click [here](#) to view judgement.

Judge: HHJ Paul Matthews (sitting as a Judge of the High Court)

Practice Area: Insolvency
Property

Singh v Tashie-Lewis and Okonye

Reference: [2018] EWHC 362 (Ch)

Date: 05 Feb 2018

Court: Chancery Division

Judge: Alison Foster QC (sitting as a deputy Judge of the Chancery Division)

Practice Area:

Insolvency

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