



## Claire Staddon

Call: 1985

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### Practice Overview

Claire has a broad background in general and commercial Chancery litigation and advisory work, including a wide range of business and private contractual disputes, company, partnership and insolvency (both corporate and individual), civil fraud, forgery, shams and undue influence, property disputes, will construction and issues arising in the administration of estates.

Some of Claire's recent cases involve:

- Enforcement of overseas judgment in England
- Unjust enrichment of the Crown
- Challenge to trustee in bankruptcy's disclaimer of bankrupt's home
- Disputed terms of management consultant's corporate funding
- Breach of commercial storage services contract
- Challenge to appointment and acts of a Law of Property Act receiver of development land
- Judicial review of Definitive Map Modification Order (led by George Laurence QC). The case is currently on appeal to the Court of Appeal
- Challenge to trustees' non-exercise of discretion in favour of a discretionary beneficiary
- Girlfriend's claim for financial provision from deceased partner's estate
- Challenge to bailiffs' seizure of third party's goods in third party's premises
- Claim to shares in development companies
- Surrender and re-grant of residential leases
- Solicitors' negligence in conducting litigation

Claire welcomes instructions directly from insolvency practitioners, chartered secretaries, accountants and others acting under the Licensed Access scheme. She is also qualified to accept instructions directly from members of the public under the Public Access scheme. For further information on Claire's Public Access scheme work, please [click here](#). Claire is happy to discuss without charge whether a particular case is suitable to proceed under the Licensed Access scheme or the Public Access scheme.

[Privacy Notice](#)

### Commercial Litigation

#### Commercial Chancery

Claire has been involved in a variety of contract and commercial issues and litigation, including matters relating to contractual and business disputes, forgery, fraud, shams and undue influence as well as general company and insolvency litigation.

The types of work she has done in this field vary widely, from litigation about EU emissions trading contracts concerning Deutsche Bank in the Commercial Court to advising on sham investment schemes involving Russia, Europe and Asia.

## **Company & Partnership**

Claire has been involved in numerous company and insolvency matters, dating back to matters arising out of the collapse of BCCI, including fraud, directors' abuse of position and breach of duty, directors' disqualification, issues arising in liquidation, administration, receivership and bankruptcy, shareholders' disputes, shareholders' agreements, unfair prejudice and members' winding-up. In addition she has acted and advised in relation to diverse corporate and commercial contracts and dealings.

## **Insolvency**

Claire has been involved in numerous company and insolvency matters, dating back to matters arising out of the collapse of BCCI, including fraud, directors' abuse of position and breach of duty, directors' disqualification, issues arising in liquidation, administration, receivership and bankruptcy, shareholders' disputes, shareholders' agreements, unfair prejudice and members' winding-up. In addition she has acted and advised in relation to diverse corporate and commercial contracts and dealings.

## **Property**

Claire has recently been heavily involved on behalf of landowners and members of the public alike in numerous disputes over a variety of proposed developments of open land for large residential and public infrastructure projects.

As part of this work Claire has been involved in statutory challenges and judicial review proceedings in the High Court.

## **Trusts, Wills & Estates**

Claire has acted and advised in numerous estates matters, including cases concerning the construction of wills and will trusts, administration of estates, family provision claims and delinquent personal representatives and trustees.

## **Additional Information**

### **Qualifications / Education**

King's College London, LLB Hons

### **Memberships**

Chancery Bar Association

Parliamentary Bar Mess

Public Access Bar Association

### **Public Access**

For further information on Claire's Public Access scheme work, please [click here](#)

## **Cases**

### **R. (on the application of Roxlena Ltd.) v Cumbria County Council**

**Reference:** [2019] EWCA Civ 1639

**Date:** 09 Oct 2019

**Court:** Court of Appeal

The Court of Appeal was prepared to entertain a landowner's claim for an injunction restraining the Council from acting on its resolution to make a modification order adding numerous new footpaths to the Definitive Map and

Statement ('DMS'), on the basis that, if it did so, the Council would make errors of law.

The Court of Appeal held among other things (1) that when a Council is deciding whether to *make* a map modification order, it need not ask itself whether the supporting evidence, if accepted, is strong enough to justify confirmation; and (2) that a Council presented with user evidence in support of an application under section 53(5) of the Wildlife and Countryside Act 1981 to add paths to the DMS must continue to consider the claim even if it has rejected the application itself for non-compliance with procedural requirements.

**Judge:** Lord Justice Simon, Lord Justice Lindblom, Lord Justice Irwin  
**Practice Area:** Property

### **Dr. Preeti Pereira v London Borough of Southwark**

**Reference:** 2180438775  
**Date:** 23 Jul 2019  
**Court:** London Tribunal Centre

George Laurence QC and Claire Staddon appeared for the applicant.

Click [here](#) to view judgment

**Judge:** Environment & Traffic Adjudicator Timothy Thorne  
**Practice Area:** Property

### **R. (on the application of Roxlena Ltd) v Cumbria County Council**

**Reference:** [2017] EWHC 2651 (Admin)  
**Date:** 30 Nov 2017  
**Court:** Queen's Bench Division

The Court was prepared to entertain a landowner's claim for an injunction restraining the Council from acting on its resolution to make a modification order adding 44 new footpaths to the Definitive Map and Statement ('DMS'), on the basis that, if it did so, the Council would make errors of law.

The Court held among other things (1) that when a Council is deciding whether to *make* an order, it need not ask itself whether the supporting evidence, if accepted, is strong enough to justify confirmation; (2) that in considering whether there has been 20 years uninterrupted enjoyment of a claimed route, as of right, for the purposes of section 31 Highways Act 1980, a cessation of use as a result of the foot and mouth outbreak in 2001 will stop time running; and (3) that a Council presented with user evidence in support of an application under section 53(5) Wildlife and Countryside Act 1981 to add paths to the DMS must continue to consider the claim even if the application itself is rejected for non-compliance with procedural requirements.

The case is proceeding to appeal on that last point, and other grounds, in the Court of Appeal.

**Judge:** Kerr J  
**Practice Area:** Property

### **R(St John's College, Cambridge) v Cambridgeshire County Council and David Davies**

**Reference:** [2017] EWHC 1753 (Admin)  
**Date:** 12 Jul 2017  
**Court:** Planning Court

Acting for the Claimant in proceedings for judicial review concerning the extent of the jurisdiction of Commons Registration Authorities to allow applicants to correct defective village green applications. In a move which will assist Commons Registration Authorities and applicants alike, the Judge accepted the parties' criticisms of aspects of Defra's October 2013 publication 'Section 15 of the Commons Act 2006 *Guidance Notes for the completion of an application for the registration of land as a town or village green outside the pioneer implementation areas*' and annexed the parties' redrafted paragraphs to the judgment as more accurately representing the law.

**Judge:** Sir Ross Cranston (sitting as a Judge of the High Court)

**Practice Area:** Property

### **Whitstable Beach Campaign v Whitstable Oyster Fishery Co**

**Reference:** The case is ongoing

**Date:** 13 Oct 2016

**Court:** Town & Village Green Public Local Inquiry

Assisting the Whitstable Beach Campaign (with George Laurence QC) in relation to the public local inquiry into their application for registration of beach at Whitstable as a town or village green

**Judge:** The Inspector for the Registration Authority is Ross Crail

**Practice Area:** Property

### **High Speed Rail (London-West Midlands) Bill**

**Reference:**

**Date:** 07 Jul 2016

**Court:** House of Lords Select Committee

With George Laurence QC appearing before the House of Lords Select Committee on behalf of Hillingdon London Borough Council in respect of its petition against the HS2 Bill seeking to be heard on its case for a tunnel through the Colne Valley instead of the viaduct proposed by the Bill

**Judge:**

**Practice Area:** Property

### **Wright & Villiers-Smith v Secretary of State for Environment, Food & Rural Affairs**

**Reference:** [2016] EWHC 1053 (Admin)

**Date:** 06 May 2016

**Court:** Administrative Court

Challenge to the decision, made following a public local inquiry, of an Inspector appointed by the Secretary of State for the Environment, Food and Rural Affairs, to confirm pursuant to paragraph 7 of Schedule 15 to the Wildlife and Countryside Act 1981 a Definitive Map Modification Order made by Cumbria County Council adding public footpaths through private woods

**Judge:** Ouseley J

**Practice Area:** Property

### **Sally Jones v Kier Ventures Ltd & Rubery Owen Holdings Ltd**

**Reference:**

**Date:** 18 Mar 2015

**Court:** Commons Registration Authority

**Judge:**

**Practice Area:** Property

### **R (on the application of Segar) v Wychavon DC**

**Reference:** [2015] EWHC 1417 (Admin)

**Date:** 05 Mar 2015

**Court:** Administrative Court

**Judge:**

**Practice Area:** Property

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