



Gary Pryce

Call: 1997

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"Can be relied upon to identify what the true issues are."

Legal 500 UK Bar 2020

"Good at thinking on his feet and tackling unexpected obstacles."

Legal 500 UK Bar 2019

Practice Overview

Principal area of practice is property law litigation in all levels of courts and tribunals:

- ▢ Real Property, including easements (i.e. rights of way, rights to light and parking rights);
- ▢ Trusts and equitable claims, including constructive trusts, and proprietary estoppel disputes.
- ▢ Landlord and Tenant work – both commercial and residential property, including rent review, lease renewal, covenant claims, service charges disputes, disrepair claims and terminal dilapidations disputes.
- ▢ Land development and land transfer disputes, including vendor-purchaser claims.
- ▢ Restrictive covenant disputes.
- ▢ Aspects of enfranchisement of residential property.
- ▢ Property related torts (i.e. trespass to land and private nuisance claims).
- ▢ Land registration, including boundary disputes and adverse possession claims.
- ▢ Possession of land and forfeiture disputes.
- ▢ Professional liability disputes concerning land transactions.
- ▢ Insolvency proceedings, particularly regarding interests in land.
- ▢ Arbitration experience in related practice areas.
- ▢ All principal forms of alternative dispute resolution, particularly as a mediation advocate.

Experience of commercial work, including a wide variety of contractual disputes, i.e. construction law disputes and professional liability claims.

Experience in local government work and administrative law work. This experience includes appearing at statutory appeals, in the Administrative Court and the Court of Appeal.

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Property

Property litigation experience includes the following recent and or otherwise notable matters:

Advising in the context of a proposed land redevelopment on the status of an occupier of business premises; particularly, whether the occupier had security of tenure under Part II, *Landlord and Tenant Act 1954*.

A Chancery Division arbitration appeal arising out of a commercial landlord and tenant service charges arbitration, challenging the arbitrator's substantive jurisdiction to make an award. *Ground Rent Trading Ltd v Treasure Services Ltd* (Lawtel, Ch D, 21/10/14).

Acting in a claim for a mandatory injunction, where a lessor of a substantial high class building was alleged to have breached health and safety covenants.

A trial of rights to light claims, where the claim sought a mandatory injunction requiring a built structure to be pulled down.

A claim for relief from forfeiture, on the basis that a deed of surrender was obtained under economic duress and possession was unlawfully obtained; the litigation included an application for an interim injunction to prohibit peaceable re-entry until final order.

Trial in the Chancery Division and then an appeal to the Court of Appeal in a dispute concerning whether a land option agreement was of no effect because it was obtained as a result of undue influence. *Macklin v Dowsett* [2004] EWCA Civ 904, [2004] 2 EGLR 75.

A trial and then an appeal to the Court of Appeal concerning whether a sub-tenancy could be granted under the *Rent Act 1977* without the knowledge of the landlord and after the tenant has abandoned its own tenancy of the premises. *Moreland Properties (UK) Ltd v Dhokia* [2003] EWCA Civ 1639, [2004] L & TR 20.

Local government law and administrative law experience includes the following recent and or otherwise notable matters:

Judicial review claim under Part 8 (High Hedges), Anti-Social Behaviour Act 2003. An error of law challenge to a quasi-judicial decision that a row of trees positioned on the edge of woodland in a public park was not a distinct row of trees and thus could not amount to a "high hedge" in law. *R (oao Castelli) v Merton LBC* [2013] EWHC 602 (Admin).

Second homelessness appeal in the Court of Appeal concerning whether a challenge to a local authority's decision as to suitability could be raised for the first time after a statutory review of the suitability decision has been carried out. *Abed v City of Westminster* [2011] EWCA Civ 1406.

A judicial review claim as to whether a policy issued by a local authority, aimed at limiting the provision of accommodation to staff of housing management organisation who acted as its managerial agents, as regards existing and prospective employees of such organisations, constituted unlawful discrimination under the Sex Discrimination Act 1975. *Odhams Walk Residents Management Ltd v City of Westminster* [2009] EWHC 1712 (Admin).

Insolvency

Commercial and insolvency law experience includes the following recent and or otherwise notable matters:

Appearing on an application for relief from sanction at the beginning of Queen's Bench Division trial, where the substantive claim concerned the allocation of profits following the construction and sale of a housing development. An appeal to the Court of Appeal is currently pending. *Rai v Singh* (A2/2014/1890)

Settling grounds of appeal and a skeleton argument to obtaining permission to appeal out of time to the Court of Appeal, against a summary judgment order founded on an adjudication where the adjudicator appeared to have no jurisdiction to decide the issue referred to him because of a prior compromise agreement. Aikens LJ granted permission to appeal, reasoning: "The points outlined in the admirably succinct skeleton argument of the appellants are all highly arguable." *Vascroft Contractors Ltd v Emerald Hill Properties Ltd* (A1/2014/0378)

A bankruptcy appeal, where it was held the administration of a bankrupt's estate did not involve a determination of civil rights under article 6(1) of the ECHR. *Re Holtham* [2006] EWHC 2588 (Ch).

A bankruptcy appeal, where the court considered the correct approach to balancing the creditors' interests with those of a bankrupt's family on an application for an order for sale of the family home. *Re Nicholls* [2006] EWHC 1255 (Ch), [2006] BPIR 1243, [2007] FLR 744.

Appeal in Court of Appeal concerning whether the recognition of a regular judgment from a Netherlands court would be contrary to public policy under the Brussels Convention 1968 on account of procedural and delay

issues. *Maronier v Larmer* [2002] EWCA Civ 774, [2003] QB 620, [2003] 3 All ER 848 (Robert Walker, Phillips and Clarke LJ).

Additional Information

Qualifications / Education

Trinity College, University of Cambridge, BA (Hons) in Law, 1995.

University of Virginia, School of Law, LLM, 1996.

Bar Vocational Course, Inns of Court School of Law, 1997.

Awards

Pegasus Trust scholarship from the Inns of Court for a legal sabbatical in Sydney, Australia, 2000.

Thomas More bursary from Lincoln's Inn, 1996.

Whittaker scholarship for reading for the Bar, 1996.

Lizette Bentwich prize for academic achievement at Trinity College, University of Cambridge, 1995.

Hollond Fund award for study at the University of Virginia, School of Law (1995).

Memberships

Chancery Bar Association

COMBAR

ALBA

Bar European Group

New Square Chambers

12 New Square

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