



## Jeff Hardman

Call: 2012

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*"Intelligent and persuasive, he knows how to win a case and goes the extra mile."*

**Legal 500 UK Bar 2021**

*"A sharp and tenacious junior with real nous."*

**Legal 500 UK Bar 2020**

### Practice Overview

Jeff Hardman has a very busy modern chancery practice specialising in all areas of property, private client matters, insolvency (both corporate and personal), and commercial work. He is recommended as a leading junior in his field within Legal 500 where he is described as "A sharp and tenacious junior with real nous" (Legal 500, 2020) and "intelligent and persuasive" (Legal 500, 2021).

Jeff is fast developing a reputation for being a very hard working and accessible barrister. His recent reported cases include *Tibbs -v- Tibbs* [2020] EWHC 2769 (account/inquiry); *Tibbs -v- Tibbs* [2019] EWHC 2315 (Ch) (freezing injunction); *Regency (UK) Ltd v Albu-Swalin* [2019] 11 WLUK 278 (unlawful eviction); *Charles v Tower Hamlets* [2018] UKUT 0140 (LC) (strike out); *A.B v Newham* [2017] UKUT 0299 (LC) (rent repayment order). In *Boulton v Queen Margaret's School, York Ltd* [2018] 10 WLUK 490, Jeff appeared unled in the High Court, with his arguments described by Mr Justice Arnold as "ingenious".

Prior to the Bar, Jeff worked for a law firm in the Caribbean before joining a start-up in London developing a music streaming 'app' funded by Gazprom Media.

### Property

Jeff has a broad property practice which includes all aspects of landlord & tenant law, real property, and trust work. He is active in the law relating to neighbours and is regularly instructed in disputes involving boundaries, adverse possession, nuisance, easements, and party walls. Jeff has extensive leasehold experience, including complicated forfeiture claims, service charges, dilapidations, lease extensions, break clauses, rent reviews, applications for the appointment of a manager and Right to Manage. Jeff also appears in ancillary relief proceedings on behalf of interveners, handles equitable claims, including co-ownership disputes and applications under the Trusts of Land and Appointment of Trustees Act 1996.

His recent cases over the last 18 months include:

- *B -v- B* (2021) FTT (Land Registration): Co-habitation dispute. Obtained a favourable result for the legal owner (settled at mediation).

- F -v- BW (2021) FTT (Property Chamber): Service charge dispute involving over 200 items in dispute worth over £700,000 (ongoing and listed for 5 days later in 2021).
- R v W (2021) CLCC: Unlawful forfeiture case (ongoing and listed for 5 days in 2021).
- SC -v- S (2021) CLCC (HHJ Raeside QC): Unlawful forfeiture case (part heard and listed for 3 days).
- ADM -v- JC (2020) CLCC (HHJ Parfitt): Wrongful termination of a commercial lease (2 days).
- D -v- HI (2020) CLCC (HHJ Saunders): Possession of a hotel in London (2 days).
- AM -v- AT (2020) CLCC (HHJ Backhouse): Contested 1954 Act renewal (2 days).
- S v K (2020) CLCC (HHJ Raeside QC): Summary Judgment application on claim to enforce solicitors' undertaking (1 day).

## Trusts, Wills & Estates

Jeff has extensive expertise across a broad range of private client matters including contentious probate and inheritance disputes.

His recent experience over the last 12 months include:

- Advising and representing the personal representatives on testamentary challenges (including lack of capacity, want of knowledge and approval, and undue influence).
- Advising on obtaining injunctive relief under the Protection from Harassment Act 1997 where a dissatisfied beneficiary threatened Personal Representatives.
- Advising and representing personal representatives, beneficiaries and applicants in Inheritance (Provision for Family & Dependents) Act 1975 claims. Jeff has advised and represented spouses, former spouses, cohabitants, dependents, and children of the Deceased in their claims.
- Successfully applying by way of originating summons to remove final caveats.
- Advising on, drafting and successfully recovering possession of the Deceased's property. Including advising the personal representatives of a large farming estate where the occupiers asserted that they had a right to occupy the farm by virtue of the doctrine of proprietary estoppel.
- Advising on potential claims for an account of lifetime transfers allegedly procured through undue influence.

## Commercial Litigation

Jeff has particular experience in advising and acting for companies and individuals in commercial disputes, particularly concerning misappropriation of property, money, and assets.

His recent experience over the last 12 months include:

- Advising a businesswoman on the misappropriation of business profits over £3,000,000 against her former business partner.
- Advising a London based tech start-up (raised over £50m by way of investment to date) to negotiate the exit of a licence agreement to avoid a penalty in excess of £600,000.
- Advised the former directors and shareholders of a hotel following their unlawful removal from Companies House as directors. Successfully obtained rectification of the register. Presently under appeal.
- Advised a brother in a loan dispute against his younger brother with over £600,000 in dispute. Obtained a favourable decision in the High Court following a 5 day trial.
- Successfully set aside a freezing injunction against an individual obtained by his family. The order was set aside as an abuse of process, with indemnity costs awarded against the family.

## Company & Partnership

Jeff has both contentious and non-contentious experience in matters straddling the areas of modern chancery

and company law involving companies, directors and shareholders. He acts and advises on a range of partnership, LLP and company matters relating to unfair prejudice petitions, dissolution of partnerships, partnership accounts and derivative actions. Jeff is particularly strong where company and partnership disputes involve property. Jeff makes regular appearances on bankruptcy and winding-up petitions, applications to set aside statutory demands and is familiar with administration orders, extension and removal orders.

## Insolvency

Jeff regularly provides advice on a range of personal and corporate insolvency cases. In the last 12 months, he has acted for companies, creditors, individuals facing insolvency and insolvency practitioners in a variety of disputes.

His recent and current cases include:

- Advising an insolvency practitioner on the merits of pursuing a claim for £600,000 unpaid vat against a corporate customer.
- Successfully defending directors against a claim for breach of duty /misfeasance where it had been alleged that dividends of £120,000 had been paid whilst the company was balance sheet insolvent.
- Appearing before the Chancellor of the High Court to restrain a petition to wind up a company.
- Appearing before Chief Registrar Briggs to resist a debtor company's allegation that a petition debt was disputed on substantial grounds.
- Advising a bankrupt and his wife on the merits of an application to set aside a variety of transactions worth more than £800,000.00 alleged to have been made at an undervalue.

## Additional Information

### Qualifications / Education

- 2007 - BA (Hons) Durham
- 2010 - GDL (College of Law)
- 2011 - BPTC (College of Law)

### Memberships

- Chancery Bar Association
- Property Bar Association
- Public Access Bar Association
- Institute of Residential Property Managers

### Public Access

Yes

## Cases

### Grant of administration of an estate pending challenge to a will: Section 117(1) of the Senior Courts Act 1981

**Reference:** Ugolor & Ors v Ugolor [2021] EWHC 686 (Ch)

**Date:** 19 Mar 2021

**Court:** High Court

### Facts

The Claimants were siblings and disputed the validity of a will, contending that their mother died intestate. The Claimants' brother, the Defendant, alleged that pursuant to a will executed in 2008, he became his mother's executor upon her death in 2020. Under this will, the Defendant stood to inherit the bulk of his mother's estate,

including a property valued in the region of £1 million.

Against that backdrop, the Defendant brought an application within the proceedings seeking permission to re-mortgage the property with a different lender to avoid re-possession. The court's permission was necessary as the Defendant had previously given undertakings not to attempt to or actually diminish the value of the property, by, amongst other things raising or attempting to raise money on it.

By way of a cross-application, the Claimants alleged that as the Defendant was not a 'fit and proper person' to administer the estate, the court should exercise its jurisdiction under s. 117(1) of the Senior Courts Act 1981 to replace him with a more responsible administrator pending determination of the will's validity. Section 117(1) provides:

"Where any legal proceedings concerning the validity of the will of a deceased person, or for obtaining, recalling or revoking any grant, are pending, the High Court may grant administration of the estate of the deceased person in question to an administrator pending suit, who shall, subject to subsection (2), have all the rights, duties and powers of a general administrator."

In his judgment, Peter Knox Q.C (sitting as Deputy Judge of the High Court) gave a succinct overview of the events both before and immediately after the deceased's death which, for the most part, showed a want of honesty from the Defendant. In particular, it was noted that the Defendant had previously contended on the death of his father in 2017 that there existed a will under which his father left him the entirety of his property. When this was challenged in proceedings by his stepmother, the Defendant dropped his claim. The Judge remarked that 'on the face of it, this would appear to be because the will was obviously a forgery.' Moreover, the Judge considered there to be reasonable grounds for believing that the Defendant had obtained the warning off of the Claimants' caveat by falsely telling the Probate Registry on affidavit that he had served a warning off notice on the Claimants when in fact he had not. In total, the Judge considered the Defendant to be an 'inappropriate person' for no less than 10 reasons. Not only was a solicitor (chosen by the Claimants) appointed to administer the estate pending determination of the claim, but the Defendant's application to re-mortgage the property was conclusively dismissed.

#### **Judge:**

**Practice Area:** Property

## **Articles**

<b>Date</b>	<b>Title</b>	<b>Contributors</b>
22 Apr 2021	No loss, no gain, no mesne profit? Published in	Jeff Hardman
22 Apr 2021	Interpreting repairing covenants - `construing` rather than `re-writing` Published in	Jeff Hardman
22 Apr 2021	The importance of contemporary documents as a means of getting at the truth Published in	Jeff Hardman
19 Apr 2021	Proprietary estoppel: Moving beyond the long shadow cast by Cobbe v Yeoman's Row Management Ltd [2008] UKHL 55 Published in	Jeff Hardman
20 Apr 2020	COVID 19: Revisiting Frustration in the Context of Leases Published in	Jeff Hardman James Saunders

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