



Ross Crail

Call: 1986

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"Her knowledge of rights of way law is encyclopaedic."

Legal 500 UK Bar 2020

"She is intellectually one of the best lawyers of her generation."

Legal 500 UK Bar 2019

Practice Overview

Ross appears regularly in both the Chancery Division and the Administrative Court. She has considerable experience of public inquiries, judicial reviews and statutory appeals.

Directory acknowledgements include:

"She is very intellectual and practical and provides high-class advice."

Legal 500 2016 - Administrative & Public Law

"She has a well-deserved reputation as a specialist in public rights of way and town and village greens." "She has a thorough understanding of highway law, and is able to provide clear and understandable advice."

Chambers UK Bar 2016 - Agriculture & Rural Affairs

"She's academically excellent and definitely someone you want on your side"

Chambers UK Bar 2015 - Real Estate Litigation

"A clever barrister, with a well-deserved reputation as a specialist in the public law elements of property"

Legal 500 2014 - Property Litigation

Her practice is now primarily focused on real property disputes, many concerned with claims to public rights. Ross has contributed numerous articles to *The Rights of Way Law Review* and is an associate editor of *The Law of Freedom of Information*, published by Oxford University Press.

Property

Property/Public Law/ TVG's

Ross is well known for her expertise in the law of highways, common land, town and village greens, and other kinds of public access rights *"top of the pile when it comes to rights of way and village greens work"* - Chambers UK Bar.

She has acquired an understanding of the issues from all viewpoints, having acted for local authorities, landowners, developers, members of the public, and interested organisations such as The Ramblers' Association. Conducting public inquiries into town or village green registration applications as an inspector has given her an additional perspective.

Her litigation experience in these fields has been divided between private law actions commenced in the

Chancery Division and public law claims launched in the Administrative Court. Seminal cases in which she has been involved include *Oxfordshire County Council v Oxford City Council* and *R (Lewis) v Redcar and Cleveland Borough Council* (on the criteria for registrability as a green) and *Paddico (267) Ltd v Kirklees Metropolitan Council and others* (on the conditions for deregistration).

More general Property Litigation/Rights of Way

Ross's practice also encompasses all aspects of real property law, such as restrictive covenants and boundary disputes "*She is an extremely intellectually able person, who has a good grasp of the more rarefied aspects of land law and rights of way*" Chambers UK Bar.

Ross has appeared in the first cases to reach the courts regarding various legislative innovations: mass extinguishment of public rights to drive mechanically propelled vehicles on minor highways *R Warden and Fellows of Winchester College and another v Hampshire County Council*; stopping up highways for crime prevention purposes *R Manchester City Council v Secretary of State for Environment, Food and Rural Affairs*; and alley gating *The Ramblers' Association v Coventry City Council*.

In *R Godmanchester Town Council and Drain v Secretary of State for Environment, Food and Rural Affairs*, Ross assisted The Ramblers' Association to identify and pursue suitable test cases for challenging a recent line of authority that made it very easy for landowners to rebut the statutory presumption of dedication as a highway. The challenge ultimately succeeded in the House of Lords, which preferred the approach taken by Denning LJ in a 1956 decision.

Additional Information

Qualifications / Education

MA (Oxon) Literae Humaniores

Diploma in Law (City University)

Memberships

Chancery Bar Association

Cases

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

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Contact

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