



Alexander Whatley

Year of Call: 2014

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Overview

Alexander Whatley is a commercial, chancery and property barrister. He has been recommended in Legal 500 as a 'Tier 1 Leading Individual' in Commercial Litigation in 2023 and 2024 as well as a Leading Junior in Commercial Dispute Resolution in Chambers and Partners 2024. He also takes instructions in costs disputes.

Before joining the Bar, he worked in a City advisory firm conducting investigative corporate intelligence for global merchants and hedge funds in the field of international commodity trading.

Alexander is also available for instruction through Direct Access.

Recommendations

Alexander Whatley is a highly respected barrister with expertise in a range of commercial disputes. He is sought after for expertise in areas including breach of trust, contractual disputes and property matters.

Strengths:

"Well prepared and quick on his feet."

"Alex has the ability to deal with all situations and can think on his feet to get a great result."

Chambers 2024/Commercial Dispute Resolution /Western Bar

'He is a great advocate and commands a courtroom. He also gives detailed advice and considers all areas of a dispute.'

Legal 500 2024/Commercial Litigation/Leading Juniors/Western Circuit - Ranked in Tier 1

'Alexander Whatley is a strong and persuasive advocate, with an excellent grasp of the facts and an ability to cut through to the heart of a matter. Exceptionally well prepared with a calm, analytical approach. He delivers clear, concise advice in a client-friendly manner.'

Legal 500 2023/Commercial Litigation/Leading Juniors/Western Circuit - Ranked in Tier 1

'Alexander has a very analytical mind. He is an extremely well prepared barrister who knows the client's case inside out. He provides his advice in an approachable and user-friendly manner.'

Legal 500 2022/Commercial Litigation/Leading Juniors/Western Circuit

Academic qualifications

- Kaplan Law School, BPTC
- University of Southampton, LLB Law

Scholarships

- Inner Temple Profumo Scholarship
- Inner Temple Major Exhibition Award
- Inner Temple Duke of Edinburgh Award
- Kaplan BPTC Future Potential Scholarship

Professional qualifications & appointments

- London Commercial Bar Association
- Commercial Bar Association

Expertise

Commercial

'Alexander is an experienced trial advocate and regularly acts in complex High Court litigation. Clients note his tactical judgment and targeted pursuit of both their strategic and commercial objectives.'

Recent cases include:

Contract/ Fraud

HS Limited v S Ltd & Others [2023]: Acted for the Claimants in a £420,000 franchising dispute against an international fast-food chain.

M Ltd v TM [2023]: Acted for the Defendant in a High Court injunction for a Freezing Order against a high net worth individual whose business was bringing an action against him for fraud.

LFC Ltd v DH [2023] Acted for Defendant in action against a director of a football club including allegations of breach of director duties and fraud valued at £190,000.

HP Ltd v ZC & others [2023] Acted for the Claimant in a dispute between an event planning and stage production company, successfully struck out the Defence and secured judgment of £110,000.

RB v JK [2024]; EB v HB Ltd [2024] BB Ltd v PB [2023] et al. Representing Claimants and Defendants in various construction disputes ranging in value up to £160,000.

Agency

HS v DR Limited [2023]: Representing the Defendant in an unpaid commercial agency fees dispute including allegations of breaches of fiduciary duties and fraud.

RF v AG Ltd [2024]: Representing the Defendant in a brokerage fee dispute valued at £160,000.

Professional Negligence

GFAP Ltd v BS [2023]: Acting for the Claimant against a firm of solicitors following a number of failures in their conveyancing services including not advising on an SPV, restrictive covenants and Section 106 liabilities.

DC v WP LLP [2024]: Acting for the Claimant against a firm of Surveyors in a dispute concerning alleged failures in a property survey.

PR & GB v KBFS Ltd [2023]: Acting for the Defendant in two separate claims brought against a financial services firm following allegations of negligent pension advice.

AM v RJS [2024]: Acting for the Claimant against a firm of solicitors for defective conveyancing services.

Defamation

T & AUD Ltd [2023]: Represented a Chief Executive in a defamation action against his former employer following allegations of improper financial reporting.

MA & Others v IM [2023]: Acting for four Claimants in a defamation Action acting for five individuals bringing an action

against one of the largest body of churches in the UK.

Other recent cases

S & S v D [2023]: Successfully represented the Claimants in a three day trial. The Defendant had fallen asleep at the wheel and subsequently collided with the Claimants' house. The Defendant insurer denied any of the structural damage was caused by the collision due to cosmetic nature of the exterior damage. After days of cross examination of experts in the fields of structural engineering and building pathology the Court awarded the Claimants over £120,000 in addition to punitive costs and interest.

AS v C T Limited [2024]: Representing a private individual in an action against a five-star hotel for failing to protect him against the criminal actions of third parties.

RS v SB [2023]: Acted for the Claimant in a dispute concerning fraudulent astrology services against a celebrity astrologer'

Notable previous cases

T Ltd v G Ltd [2022]: Representing the Defendant in a High Court Recruitment Agency dispute valued at £1.5m.

SF Ltd v DC, LB & Others [2022]: Representing three Defendants in a High Court dispute concerning claims of conspiracy, breaches of fiduciary duties and directors duties, constructive trusts and unjust enrichment.

TP Ltd v GR Ltd [2022]: Representing the Defendant in a High Court King's Bench Division agency dispute.

C's v H, H & L [2021]: Successfully represented 22 Claimants as lead counsel in a 7-day trusts trial involving donors in a Muslim prayer group each of whom were alleging the Defendants had committed breaches of trust, failure to account and fraud.

IR v TR [2022] HF Ltd v RF Ltd [2020] CS v HH Ltd [2019] FP Ltd v LT Ltd [2018] A T Ltd v M C Ltd [2018] W K v CWC Ltd [2018]; et al: Represented both Claimants and Defendants in a sequence of recruitment agency litigation – ATOW Alex has not lost a recruitment trial.

LG Ltd v HD Ltd [2021]: Ongoing. Representing the Claimant in a High Court estate agency claim valued at £1.1m.

BP Limited v MM Ltd [2021]: Ongoing. Representing the Claimant in a High Court planning contract dispute.

CHS Ltd v TL Ltd [2021]: Ongoing. Representing the Defendant in a £460,000 recruitment agency claim.

P v D [2021]: Successfully represented the Claimant in a dispute with his accountant concerning allegations of fraud, misrepresentation and unjust enrichment.

L v C [2020]: Successfully struck out the defective pleadings of an unrepresented party and secured a costs order for the Defendant.

M v R [2020]: Successfully represented the Claimant in High Court proceedings to recover a judgment debt through enforcement.

C & C v D [2019]: Represented the Claimants in a 3-day misrepresentation trial involving an alleged village conspiracy, abusive neighbours and the existence of ghosts.

Bank v R & R [2019]: Successfully acted for two individuals in a misrepresentation action against a national bank concerning a £250m fraud.

R v M [2019]: Successfully defended a contract claim arising out of a university start-up venture which had transformed into a multi-million-pound media company.

In the Matter of W E PLC [2018]: Successfully acted for the company in the High Court over the course of several months in an application to reduce their share premium account and transfer to special reserve in the amount of £6m.

Alexander Whatley provides representation and has given advice in the following areas:

- Agency law with a sub-speciality in recruitment and estate agency litigation
- Energy. Acting in trials concerning the ECO/ Green Deal and the supply and installation of energy-generating equipment
- Franchise agreements including advising on a dispute with an international franchising company in the milkshake industry
- Utilities with sub-speciality in water supply contracts for individuals and companies including extensive experience with the OFWAT guidance

- Reputational damage arising out of breach of contract, including a successful recovery of damages arising from a horse trainer being labelled dishonest after feed purchased from a supplier was found to contain prohibited substances
- Consumer law advising and acting in cases concerning consumer contract regulations, consumer protection and UCTA
- Residential and commercial construction disputes
- Misrepresentation in both tort and contractual claims
- Commercial Litigation, Insolvency and Company Law
- Commercial Agents Regulations
- Competition and Pricing regulations
- Reduction in Share Capital Applications
- Shareholder Misfeasance, including illegal conduct arising out of the Companies Act 2006
- Breach of fiduciary duty claims
- Professional Negligence with extensive experience against architects, surveyors and estate agents
- Extensive experience in conducting and opposing relief from sanctions applications
- Product liability claims, including advising on a defective paint grenade
- Travel-related claims including international timeshare agreements
- Libel claims arising from online defamation and reputational damages
- Limitation periods
- Part 36 disputes
- Restitution claims including Unjust Enrichment

Property and Estates

Alexander Whatley's Property and Estates practice focuses on disputes between landlords and tenants and he is regularly instructed to advise on property disputes involving Breach of Covenants, Relief from Forfeiture, Construction Contracts and Service Charges.

Commercial

Alexander has a wealth of experience acting for large retailers, developers, pension trusts and public authorities, as well as commercial tenants.

- Service Charge Disputes
- High value boundary disputes including adverse possession
- Unlawful forfeiture and relief from forfeiture in high value commercial property
- Easements and Restrictive Covenants
- Opposed lease renewal under the Landlord and Tenant Act 1954
- Rent review
- Land registration disputes in the High Court, County Court, Property Tribunals and the Land Registry
- Rectification of documents and title

Residential

Acting for both landlords and tenants, Alexander has extensive experience across the following areas:

- Service charges in high value residential property
- Mortgage and Tenancy Possession proceedings
- Tenancy Deposit disputes
- Injunctions
- Easements and Restrictive Covenants
- Boundary disputes
- Trespass and breach of quiet enjoyment
- Proprietary Estoppel
- Adverse Possession
- Contractual disputes on lease agreements

Recent Cases

Fitzroy Place Residential Limited & Others v Lovitt & Others [2024] UKUT 63 (LC): Alexander successfully represented the Respondent Company and the appeal was dismissed. The appeal concerned the meaning of a standard form of lease used in a large and prestigious development in Central London comprising approximately 290 residential flats and commercial premises. Specifically, it related to the proportions in which the leaseholders of private apartments in the development are required to contribute towards the cost of services provided by the landlord to the development as a whole, and the extent of a discretion given to the landlord to vary those proportions.

W v S [2024] Ongoing: Alexander is representing the Respondent in a high value commercial boundary dispute with a national supermarket chain across three property jurisdictions.

Costs

Alex Whatley has experience of costs hearings including:

- A hearing dealing with three consecutive Applications for costs to be assessed on an indemnity basis each made at different stages of the litigation.
- A costs hearing to determine the date on which the costs burden shifted from the claimants to the defendants, based on a judgment in the claimants' favour on the defendants' failure to account in a trusts case. Alex acted for the 22 claimants having also represented them during the seven-day trial.

Articles

Alexander Whatley has written, for LexisNexis, an article about breaching payment obligations under agency agreements in the case of *Aston Martin MENA Ltd v Aston Martin Lagonda Ltd*. The analysis highlights the partially-successful claim, following trial, brought against this well-known manufacturer of luxury cars by its exclusive distributor in the Middle Eastern, North Africa and Turkish ('MENA') region.

Both parties had entered into an agency agreement which the distributor had terminated upon alleged breaches of payment obligations. The claim also included numerous allegations of breaches of good faith. The court found that the claimant had been entitled to terminate the agency agreement for non-payment.

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Alexander Whatley analyses the case of *Rolls-Royce Holdings Plc v Goodrich Corporation* [2023] EWHC 1637 (Comm), a case in which the High Court had to consider if the original, contractual agreement between the two parties or the incorrect invoice issued by the supplier was to take primacy in this commercial dispute.

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3PB commercial, chancery and property barrister Alexander Whatley has written about the impact of the decision in [Barton v Morris](#) [2023] UKSC 3. He has been recommended in Legal 500 (2023) as a 'Tier 1 Leading Individual' in Commercial Litigation.

In torts such as deceit, where liability depends on the claimant acting in reliance on a statement made to him, the test for establishing vicarious liability is not the same as for other wrongs committed in the course of a servant's employment. Alex Whatley analyses the Court of Appeals recent decision in *Winter v. Hockley Mint Ltd* [2018] EWCA Civ 2480.

Alex Whatley is a Commercial Law barrister specialising in business disputes and Agency. [Click here to view his profile.](#)

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