



# Rachel Bale

**Year of Call:** 2019

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## Overview

Rachel Bale is a specialist junior in Property, Chancery & Matrimonial Finances, with a particular emphasis on trusts. As a fierce and trusted advocate, Rachel often appears in cases well beyond her year of call. Her diverse practice often sees Rachel advise and represent on multi-disciplinary matters, which involve elements of Property, TOLATA, Chancery, Trusts, Probate and Financial remedies.

### Recent experience

- Successfully defended eviction of cohabitee client and settled interim housing provision for client pending conclusion of Inheritance Act 1975 claim;
- Multiple successes of TOLATA 1996 orders for sale, equitable accounting and costs.
- Succeeded and resisted applications for intervening third parties and companies within Financial Remedy proceedings;
- Advising and representation in enforcement of Final Orders, involving complex s37, MCA 1973 applications and enforcement overseas
- Representation of resident parents for settlement of property orders in Schedule 1 and TOLATA conjoined proceedings
- Advising farming family on a claim of unjust enrichment involving a failed agreement as to a plot worth over £4m, with the benefit of outline planning permission;
- Advising in relation to the existence of a constructive trust and life interest, involving family members residing in a "granny annexe" on the client's property;
- Ability to advise clients as to practical advantages/realities of Notices and Restrictions on Property titles, within family or contentious probate proceedings;

Rachel's clients vary from private client individuals, private/social landlords, social tenants, housing associations, professional executors as well as local and national businesses. Her meticulous, analytical approach compliments her approachable and pragmatic disposition which results in a strong advocacy style and excellent results, including high settlements in mediation and ADR. She appears in County Courts nationwide, Property Tribunals, High Court and successfully drafted pleadings for the Court of Appeal.

Her ethos is to provide "order to the chaos" of emotionally challenging proprietary and family issues that often arise in her client's lives.

Prior to the Bar, Rachel gained extensive experience as a legal researcher, working on commercial, civil and human rights matters at Matrix Chambers. She also represented vulnerable individuals in housing matters at a London pro-bono clinic and participated in international mediation competitions, globally. Rachel also has knowledge of Family and Administrative French Law having studied at the infamous University of Paris 1 Panthéon-Sorbonne in 2016. She is fluent in French.

Further to her practice, Rachel is a trusted member of chambers acting as an elected member on internal management decisions within PolCom. She also has commercial experience of running her own company, having founded "Her Bar" in 2021, the online Hub and community for aspiring and practising women barristers.

## Recommendations

"Another great example of a rising star at 3PB! First class service, great with the client, meticulous and the result speaks for itself on this case" – Instructing solicitor

"Rachel approached my case meticulously. She explained everything to me in a very concise manner, which gave me a lot of confidence before we went into court. She is an asset to your services at 3PB." – Lay client following possession matter

"Rachel is an outstanding advocate and provided valuable and thorough advice in this matter. Her intricate scrutiny of the Claimant's claim in a short timescale assisted us in achieving a positive result for the Client." – Instructing solicitor

"Rachel dealt with a last-minute hearsay application notice completely in her stride in a cool calm and collected manner. She went above and beyond her instructions achieving a winning outcome for the client. I would not hesitate to instruct her again." – Instructing Solicitor

## Academic qualifications

- University of Kent, LLB English and French Law: First Class Honours
- University of Law, London, LLM Legal Practice: Distinction
- University of Law, London, BPTC: Very Competent
- Paris I-Panthéon Sorbonne University: Certificate in Droit Civil (in French)

## Scholarships

- Major Exhibition Award – Inner Temple
- Duke of Edinburgh Award – Inner Temple
- H Case Ellis Spirit of Mediation Award – International Mediation Competition, Chicago (Finalist mediator of 400competitors)

## Professional bodies

- Property Bar Association
- Chancery Bar Association
- Family Law Bar Association
- Advocate Pro Bono Recognition List

# Expertise

## Property and Estates

Rachel is a specialist property practitioner, with a particular emphasis on the law of landlord and tenant and residential property. Her work spans the breadth of residential and commercial, representing both landlords and tenants in the private and public sector.

Rachel provides advice, drafts pleadings, and offers strong advocacy skills in this area. She is experienced in dealing with a range of claims dealing with evictions, claims for non-protection of deposits, breaches of covenant, dilapidations, and anti-social behaviour.

Rachel's property practice includes the following areas:

- Disrepair claims (including advising on liability and quantum)
- Tenancies including those pursuant to Housing Act 1985, 1998
- Commercial leases including termination of Landlord and Tenant 1954 Act tenancies
- Claims relating to Tenant Fees Act 2019 and Housing Act 2004
- Adverse possession
- Trespass/ Nuisance claims (including floods).
- Easements/ Rights of Way

## Chancery

Rachel is a specialist traditional chancery practitioner, with a growing practice in private client work. Rachel has experience in contentious probate and estate matters, including bringing and defending financial provision claims under the Inheritance (Provision for Family and Dependents) Act 1975, along with interim applications for the proper administration of estates often appearing in the High Court.

Further Rachel has particular expertise with TOLATA, proprietary estoppel, injunctive relief and other equitable claims. In particular, Rachel has had the following successes:

- Successful application to set aside secured charge on client's property on the basis of undue influence and lender's failure to make proper investigations.
- Negotiated settlement between high-net-worth cohabitees, involving a factual disagreement as to whether sums given were a 'loan' or 'gift' high value.

## Finance

Rachel's practice covers all aspects of family finance provisions. She undertakes First Appointments, Financial Dispute Resolutions and Final Hearings. She advises and represents families on financial issues following separation or relationship breakdown including, Trusts of Land Act applications and Schedule One applications for children.

With Rachel's acute knowledge of property and chancery matters, Rachel is able to advise on technical legal matters involving large estates, property management and inheritance claims. She is also well placed to advise couples on pre-nuptial and cohabitation agreements, as a growing trend. Some particular successes:

- Securing cost orders at both First Appointments and FDR stage in low-value cases, through clinical submissions regarding conduct;
- Securing 100% overall net assets for wife where husband had been deliberately destroying/ dissipating assets;
- Successfully representing Husband against Wife for attempting to renege on agreement, by enforcing the terms of the agreed Rose Order

Rachel is available for both in person and remote private FDR hearings. For more information on private remote FDR hearings

## Articles

3PB's Rachel Bale considers expectation vs reality in a recent Supreme Court judgment - *Guest and another v Guest* [2022] UKSC 27. The case discussed the correct approach in calculating the type and amount of equitable relief to be awarded where proprietary estoppel has been made out. This case involved a family dispute over, Tump Farm, a working dairy farm which has been owned by the Guest family since 1938. An interesting aspect of this case is that the court had to consider how to deal with promises of future inheritance where the promisor is still alive. As is often the case with familial issues, the solution is not necessarily clear-cut...

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