



# Charles Irvine

**Year of Call:** 2010

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## Overview

Charles Irvine is regularly instructed in the Court of Appeal, High Court, County Court and the Tribunals on a range of civil matters covering property, trusts, commercial & insolvency proceedings. He is able to accept instructions on a direct public access basis.

## Recommendations

Charles Irvine of 3PB Barristers is an accomplished junior with a growing practice which covers an array of property disputes. He demonstrates impressive expertise in residential and commercial landlord and tenant work and also acts in cases with elements of trusts law.

Strengths: "Charles is an advocate who inspires confidence in and provides reassurance to instructing solicitors and clients alike."

### **Chambers UK 2024/Real Estate Litigation/South Eastern Bar**

Strengths: "He is a highly skilled tactician, he grasps issues quickly and always ensures the client's interests are protected."

"I find that he matches the enthusiasm of the junior counsel but has the methodical approach of a senior."

"Clients like how he approaches the advice and the way in which he keeps them calm and grounded, making sure they understand his thinking and strategy."

**Chambers UK 2024/Commercial Dispute Resolution/South Eastern Bar** Charles Irvine is a barrister with expertise in commercial litigation with an emphasis on insolvencies and boardroom disputes. He also has experience in contractual and professional negligence cases.

Strengths: "Charles has a great client manner and is excellent in his written work; he is thorough and firm in his advice, and his legal knowledge is exceptional."

"Charles is very responsive and personable. His drafting is very good and he is technically strong."

### **Chambers UK 2023/Real Estate Litigation/South Eastern Bar**

Charles Irvine is a barrister with expertise in commercial litigation and an emphasis on insolvencies and boardroom disputes. He also has experience in contractual and professional negligence cases.

Strengths: "Charles is really bright. His written work is spot on."

"Charles is extremely responsive and quick to pick up nuances. He is a brilliant advocate - technically skilled and knowledgeable."

### **Chambers UK 2023/Commercial Dispute Resolution /South Eastern Bar**

An accomplished junior with a growing practice which covers an array of property disputes. Irvine demonstrates impressive

expertise in residential and commercial landlord and tenant work and also acts in cases with elements of trusts law.

Strengths: "Charles is exceptionally commercially minded, both in helping clients focus on their true objectives and, upon reaching those goals, providing total client care in pre-empting further developments following on from his instruction." "He is personable, meticulous and tenacious."

Recent work: Charles successfully defended a school in a claim brought by a local bowling club under the Landlord and Tenant Act 1954 for the club to continue operating within the school's premises.

**Chambers UK 2022/Real Estate Litigation/South Eastern Bar**

Strengths: "Charles is a barrister who thinks outside of the box and can develop arguments and raise key points that haven't been considered before." "He is thorough and provides clever, commercial advice."

Recent work: Successfully obtained summary judgment on a deed of personal guarantee given by a director of a company, despite allegations of undue influence

**Chambers UK 2022/Commercial Dispute Resolution /South Eastern Bar**

'Charles' drafting of pleadings and attention to detail are strong points. He also provides decisive, commercial views and turns work around quickly.'

**Legal 500 2024/Company and Insolvency/South Eastern - Ranked Tier 1**

'Charles's firm commandment of a court room in pursuit of a faultless strategy is a sight to behold, much to the elation of clients. He is affable with clients, reassuring with solicitors and most importantly, an outstanding representative for the party he fights for.'

**Legal 500 2024/ Property and Construction/ South Eastern Bar/ Leading Junior - Tier 1**

Charles Irvine is a 'top-notch tactician' and successfully defended a complex claim, including allegations of fraud, brought by one sister against another in a claim concerning the rectification of deeds upon the division of a large estate.

'Charles' knowledge and experience in construction law are second to none. His drafting of pleadings demonstrates that he can grasp the issues succinctly and effectively articulate them.'

**Legal 500 2023/Property and Construction/Leading Juniors/South Eastern Circuit - Ranked Tier 1**

'Charles' strengths are his attention to detail, ability to develop and execute effective strategies. He is able to put forward his client's position in an effective and most persuasive way.'

**Legal 500 2023/Company and Insolvency/South Eastern - Ranked Tier 1**

'Charles is thorough and conscientious, and provides excellent advice. He is a calm and considered advocate.'

**Legal 500 2022/Property and Construction/Leading Juniors/South Eastern Circuit**

Charles is ranked in the **Legal 500 2022/Property and Construction/Leading Juniors/South Eastern Circuit** edition

'His grasp of the issues and his knowledge of the law are second-to-none.'

**Legal 500 2021/Property and Construction/South Eastern**

'Turns matters round quickly, is very good value for money and is at the end of the phone to discuss technical queries when the need arises.'

"Charles Irvine at 3PB is adept at handling insolvency matters, particularly with respect to individual bankruptcies and corporate liquidations, including ones involving disputes between company directors."

**Legal 500 2021/Company and Insolvency/South Eastern**

## **Academic qualifications**

- 2009 - 2010: Bar Vocational Course, City Law School, Graded "Outstanding" (ranking well within the top 20 students that year).
- 2008 - 2009: Graduate Diploma in Law (CPE), City University.
- 2005 - 2008: BA (Hons), University of London (Royal Holloway).

## **Scholarships**

- 2009: Gray's Inn Scholarship to study for the Bar Vocational Course.
- 2008: Society Crest Award for outstanding contribution to the University of London.
- 2005: Bedford Entrance Scholarship to read English at University of London (Royal Holloway).
- Awarded a scholarship to read English at the University of London.

# Expertise

## Commercial

Charles has significant expertise in commercial disputes and contractual and professional negligence cases. He is noted for his expertise in insolvency, in particular, individual bankruptcy and commercial insolvency, including boardroom disputes between directors and shareholders. He also has expertise in commercial disputes concerning contracts, guarantees and sureties.

In particular, including:

- Company litigation
- Corporate and individual insolvency
- Partnership
- Breach of contract
- Agency
- Misrepresentation

### Recent and reported cases:

#### **In the matter of M (2023)**

Charles successfully defended a debtor who was facing bankruptcy in respect of a debt of around £500,000 and in related High Court proceedings concerning a disputed debt of £375,000 arising from a purported breach of and/or the assumption of a company's debt by a director.

#### **S v H (2022)**

Charles successfully negotiated a sizeable settlement in an unfair prejudice petition brought by his client against a co-director in a quasi-partnership dispute. The underlying dispute raised issues concerning the controlling director's misappropriation of company assets, breach of fiduciary duties by failing to promote the success of the company and undeclared dividends and salary payments made to the client's detriment.

#### **G P Ltd v C (2021)**

Charles successfully represented a former employee (C) in getting a High Court claim brought by her former employer (G) dismissed and opposing an interim injunction being entered against her for a purported breach of confidentiality. It was alleged that C obtained G's commercially sensitive information and passed it onto her new employer. The context was that the G's former founding director had left G to set up a rival company and C had left G to join him. These proceedings were part of an attempt to obtain information to sustain G's claim against the former director.

#### **In the matter of Sinton European Logistics Ltd (2019) [2019] 2 WLUK 327**

Charles successfully represented the liquidator of Sinton European Logistics in a claim brought against the former director of the company that had gone into creditors' voluntary liquidation. The director was liable to pay £20,360 to the liquidator in respect of various payments made, before the company had gone into liquidation, in breach of his fiduciary duty as director. (LTL 22/2/2019 EXTEMPORE: [2019] 2 WLUK 327)

#### **Greatbatch v Sirius Marine Service Ltd (Re Rhapsody) [2018] EWHC 4062 (Admlty)**

Charles successfully brought proceedings in the Admiralty Court in respect of defective workmanship carried out by the Defendant. The case raised issues as to the correct measure of damages for pleasure vessels.

#### **Bayerische Motoren Werke AG v Technosport London Ltd & Agyeton [2016] EWHC 797 (IPEC)**

High Court trial concerning passing off and trade mark infringement of the BMW word mark and roundel logo.

#### **Doctor Associates Inc v Hussain [2014] EWHC 3384 (IPEC)**

High Court application to set aside default judgment on terms in a passing off case.

### **GHML v Maroo [2012]**

Led by David Berkley KC of 3PB for permission to appeal to the Court of Appeal on the fiduciary duties owed by directors. Advising a large group of companies on their standard terms and conditions and updating the same in light of the Consumer Rights Act 2015.

### **Banking and Finance**

Regularly instructed on behalf of lenders in a range of contractual and enforcement of security proceedings, especially with guarantee obligations, insolvency and/or property issues. Junior counsel to David Berkley KC of 3PB in a SME mis-selling claim against a large banking group, which settled and was reported in the Sunday Times (2 August 2015).

## **Property and Estates**

Charles enjoys a busy property practice and his experience includes:

- Real property, with a focus on trusts of land, proprietary estoppel and the interpretation of deeds.
- Landlord and Tenant: Commercial and residential landlord and tenant law, including possession, advising on secured and assured tenancies, 1954 Act renewals and forfeiture and surrender

### **Recent and reported cases:**

#### **Hambling & anor v Wakerly & anor [2023] EWHC 343 (Ch); [2023] All ER (D) 77 (Feb)**

Charles was successful at both first instance and at appeal in a claim brought against his clients for: (i) interference with a right of way, which was dependant on the interpretation of a transfer; (ii) interference with a right to light; and (iii) proprietary estoppel. Charles won on all issues at first instance. On appeal, the issue centred on whether the interpretation of a right of way and whether there was any "ancillary" use arguments which would benefit a right of way. Again, Charles was successful in opposing the appeal.

The case attracted a significant amount of national press interest:

- <https://www.3pb.co.uk/charles-irvine-successful-in-high-profile-neighbours-boundary-dispute/>
- <https://www.dailymail.co.uk/news/article-11788527/Couple-face-160-000-bill-losing-legal-battle-against-monstrous-millionaire-neighbours.html>
- <https://www.lexisnexis.co.uk/legal/news/effect-of-practical-geographical-realities-when-construing-express-easement-hambling-v-wakerly>

#### **Gillbac Ltd v (1) Clinkett & (2) Persons Unknown [2023]**

Charles successfully represented the Claimant in complex commercial possession proceedings involving the removal of a former business tenant from premises to be sold to developers as part of a £2.8million development. The former tenant took forceable repossession of the site to operate from and refused to leave on the basis that the local council had failed to find alternative premises for him to operate from. The matter attracted a national press interest.

- <https://www.youtube.com/watch?v=fficlWeoP5M>
- <https://www.mylondon.news/news/south-london-news/bailiffs-trying-evict-london-barber-24735294>
- <https://southwarknews.co.uk/featured/rotherhithe-evicted-small-business-owner-gets-keys-back-and-is-free-to-start-trading-again/>

#### **Uddin & Begum v Hussain & Islam [2023]**

Charles successfully obtained a High Court injunction on behalf of the Claimants to prevent the Defendants (their son and daughter-in-law) from selling a home in which they all lived in. In the substantive claim, the Claimants seek to set aside/void

a fraudulent transfer deed which transferred the property into the Claimants' son's sole name. The Claimants assert that their son forged for his parents' signature on the transfer deed. Alternatively, the First Defendant made his parents sign the transfer deed on the basis of a fraudulent misrepresentation and/or as a result of applying undue influence and/or by mistake.

#### **Carshalton Beeches Bowling Club Limited v Seaton House School [2020]**

Charles successfully represented the Defendant, Seaton House School, named Independent Preparatory School of the Year 2018, at a 3 day trial in the County Court at Central London. The claim concerned a business lease renewal under the Landlord and Tenant Act 1954 and a claim for a new lease under the principles of proprietary estoppel. The case has attracted news coverage including in The Telegraph, The Times, the Evening Standard and the Daily Mail.

#### **Shah & Shah v Greening & Greening [2015]**

A 2 day trial in the High Court concerning the specific performance of a contract for sale which raised issues of illegality and exceptional hardship.

#### **Pressland v Sonigara [2015]**

A 2 day trial at the County Court at Central London concerning the surrender of a lease by operation of law.

#### **Hayatt v Cherwell District Council [2014]**

First Tier Tribunal Property Chamber (Residential Property) appeal against the refusal to revoke an Interim Management Order.

## **Articles**

*Goknur Gida Maddeleri Enerji Imalet Ithalat Ihracat Ticaret Ve Sanayi AS v Aytaccli* [2021] EWCA Civ 1037

Specialist commercial and property law barrister, [Charles Irvine](#) has reviewed the recent Court of Appeal case *Goknur Gida Maddeleri Enerji Imalet Ithalat Ihracat Ticaret Ve Sanayi AS v Aytaccli* [2021] EWCA Civ 1037 in which one party applied for a non-party costs order.

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Following the introduction of the Corporate Governance and Insolvency Act 2020 ("the CIGA 2020") and the associated Insolvency Practice Direction, 3PB's specialist commercial law barristers Charles Irvine and Rebecca Farrell consider winding up petitions in this context.

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Lydia Pemberton, deputy head of 3PB's Property and Estate team, and Charles Irvine, a member of 3PB's Property and Estates team and Commercial team, have reviewed the new changes to the execution of documents brought about shortly before and since the COVID-19 pandemic and lockdown.

New ways of working have meant a rise in technology and electronic communications which brings new formalities when it comes to dealing with the execution of legal documents. In this article, Lydia and Charles assess the current rules on formalities of deeds and documents and give their detailed response to these frequently asked questions from private client and property solicitors:

- What constitutes signature?
- What amounts to attesting?
- What happens if a deed fails to meet the formality requirements?
- What about formalities for notices and section 44 of the Companies Act 2006?
- What is HM Land Registry's response to the COVID-19 lockdown?
- What are the formalities for wills?

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Privilege under investigation: a commercial update by Charles Irvine. When will solicitor's working papers (as opposed to

advice) attract privilege? And what is the scope of legal advice privilege ("LAP") and litigation privilege ("LP")?

Charles Irvine (call 2010) analyses the recent case of Director of the Serious Fraud Office v. Eurasian Natural Resources Corporation Ltd [2017] EWHC 1017 (QB), its impact on its impact for civil litigation.

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## Articles

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3PB's specialist Property and Estates Barristers Charles Irvine and Rebecca Farrell have issued an updated guide on the rights of commercial landlords and their tenants during the Coronavirus pandemic.

The guide reviews the existing position for commercial landlords and their tenants as well as an update on the latest Government's announcement on 23rd April 2020.

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3PB's Charles Irvine and Rebecca Farrell discuss Changing the locks during lockdown: The Coronavirus Act 2020, Commercial Property and Forfeiture

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