



Charles Irvine

Year of Call: 2010

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Overview

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

Recommendations

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

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 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 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

'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."

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 is an experienced commercial litigator, specialising in disputes involving contractual and shareholder disputes, as well as company, partnership and LLP law and claims against professionals.

Contentious

Charles' broad litigation practice covers most areas of the law normally litigated in the Queen's Bench and Chancery Division, including:

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

Non-contentious:

Charles advises companies, directors, shareholders, the buyers and sellers of business in all commercial transactions in respect of:

- Directors' duties;
- Partnership agreements;
- Preparing standard terms and conditions;
- Exclusivity agreements;
- Franchise agreements.

Recent and reported cases:

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)

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 QC 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

Charles advises on and appears for SMEs on a significant number of interest rate hedging product (IRHP) mis-selling cases, with David Berkley QC of 3PB, raising Financial Services and Markets Act 2000 breaches and raising limitation and Suremine issues.

Regularly instructed on behalf of lenders in a range of contractual and enforcement of security proceedings.

Junior counsel to David Berkley QC 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).

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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Property and Estates

Charles enjoys a busy property practice and his experience includes:

- Real property: Contentious and non-contentious matters, including mortgages, covenants, easements and trusts in land
- 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

- Insolvency: Corporate and individual insolvency and associated Companies Act 2006 and Insolvency Act 1986 applications, including all stages of winding-up and bankruptcy, applications under sections 171 to 177 of the Companies Act 2006, applications to setting aside statutory demands, injunctions and validation orders
- Housing: Housing Act 1996 and 2004 matters, including licensing for houses in multiple occupation, challenging interim and final management orders and Housing Act 1996 appeals.

Recent cases

- Carshalton Beeches Bowling Club Limited v Seaton House School [2020] - A 3 day trial in the County Court at Central London. Charles successfully represented the Defendant, Seaton House School, named Independent Preparatory School of the Year 2018, in a claim brought for a business lease renewal under the Landlord and Tenant Act 1954 and a claim under 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

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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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