



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.

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.

Direct Access

Charles Irvine is qualified to accept instructions directly from members of the public and professional clients under the Direct Public Access scheme.

Expertise

Commercial

Charles advises and represents clients in both contentious and non-contentious business and commercial matters. His experience includes:

- Non-contentious: Advising on and preparing standard terms and conditions, partnership agreements, exclusivity agreements and franchise agreements.
- Contentious: Acting for and against a large number of commercial entities from multinational corporations through to SMEs in a range of contractual, intra-company and consumer disputes.
- Insolvency: Corporate and individual insolvency, including all stages of winding-up and bankruptcy and associated applications (setting aside statutory demands, injunctions and validation orders).

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).

Publications

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.

[View Publication](#)

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

- 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.