



Gavin Hamilton

Year of Call: 1979

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Property and Estates

Gavin's property work covers many aspects of the law of real property, including:

- Conveyancing
- Land registration
- Overage agreements
- Adverse possession
- Mortgages
- Co-owners' disputes
- Commercial and residential landlord and tenant disputes
- Boundaries
- Easements
- Restrictive covenants
- Rights of way
- Trespass and nuisance
- Party wall disputes.

Reported cases include:

Rehman-v-Benfield [2006] EWCA Civ 1392, [2007] 2 P & CR 317 – successful appeal by freeholder against judgment against him in his absence based on prescription

Ijacic-v-Game Developments Ltd. (2009) (Land Registry Adjudicator) – successfully resisted claim by lender to a charge obtained by an imposter owner following identity theft on death of registered proprietor

Gordon-v-Elizabeth Court (Bournemouth) Ltd. [2012] EWHC 1333 (QB) – dispute about construction of lease in relation to parking arrangements in underground car park at block of flats

Chancery work covers principally:

- Wills and probate
- Inheritance Act claims

Wills and Probate

Gavin regularly advises on disputes concerning wills, including issues relating to their validity and due execution and the interpretation and effect of wills, the administration of estates and claims under the Inheritance (Provision for Family & Dependents) Act 1975.

Recent cases:

- A dispute within a farming family as to where the testator's share of the farm should go, giving rise to issues of testamentary capacity, knowledge and approval and proprietary estoppel
- Claims by estranged children against the estates of their parents under the 1975 Act
- Disputes between siblings as to proper administration of the estate of their parents
- Many cases involving claims to an interest in family property arising under proprietary estoppel and/or constructive trust

Recommendations

'He is client friendly, bright and considers the finer detail well.'

Legal 500 2021/Professional Negligence/Leading Juniors/Tier 6/London

'A very hardworking junior.'

Legal 500 2020

'He always gives prompt, accessible and pragmatic advice, cutting through to the heart of the case.'

Legal 500 2018/19

'Very experienced and a thoughtful professional negligence specialist.'

Legal 500 2017

'Approachable and a persuasive advocate.'

Legal 500 2016

'Bright and hardworking.'

Legal 500 2014

'Gavin Hamilton is noted for his 'meticulous attention to detail''.

Legal 500 2013/14 - Commercial, insolvency and property.

Academic qualifications

- BA Jurisprudence (Oxon)

Professional qualifications & appointments

- Accredited Mediation Advocate

Professional bodies

- Chancery Bar Association
- London Common Law & Commercial Bar Association
- Professional Negligence Bar Association (PNBA)
- Property Bar Association

- Western Circuit