



Emma Shiels

Year of Call: 2021

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Overview

Emma Shiels joined 3PB in September 2024 and has since developed a robust civil practice encompassing property disputes, probate and estates, and commercial litigation. She is regularly instructed in matters including possession claims, housing disrepair, injunctions, and leasehold disputes, with particular expertise in claims under the Trusts of Land and Appointment of Trustees Act 1996 (TOLATA), including cases involving equitable accounting.

Emma has established a strong track record of achieving favourable outcomes across a broad range of civil disputes. Her experience includes successfully advancing technical defences, acting in mortgage possession proceedings, and resolving complex leasehold disputes. She has also represented landlords in proceedings before the First-tier Tribunal, including appeals against civil penalties, and has experience in contentious probate matters before the High Court.

She combines analytical rigour with clear and persuasive advocacy and is consistently commended for the quality of her written work and her effective courtroom presence. Her broader experience includes advisory and advocacy roles with Citizens Advice and the University of Law Legal Advice Centre, where she advised on housing and debt matters.

Academic qualifications

- BPTC LLM, Very Competent, University of Law
- LLB, 2:1, Nottingham Law School
- PGCE/MSc, Secondary Education (Mathematics), Loughborough University

Scholarships

- Excellence in Law Award, Nottingham Law School
- Finalist, LEX/Shoosmiths Negotiation Competition, Shoosmiths Nottingham

Professional bodies

- Honourable Society of Gray's Inn

Expertise

Land and Boundaries

Emma is regularly instructed in disputes relating to land and boundaries. Her experience includes matters involving easements, claims by prescription and lost modern grant, the interpretation of restrictive covenants, as well as trespass and nuisance.

She has a strong track record of resolving real property disputes, including successfully representing clients at mediation and securing favourable outcomes in boundary disputes without the need for litigation.

Notable and recent cases:

- *Geoffrey Bewley & Ors v John Godfrey Russell & Anor [2026] UKFTT 18 (PC)* – Emma successfully represented the Defendant’s complex prescriptive rights proceedings. Following a 3 day trial, the Tribunal dismissed the applications of the First and Second Claimants finding that they had not acquired a right to park by way of prescription.
- *Highstone Homes Ltd v Bell and Bell (ongoing)* – Emma was successful in defending a summary judgment application brought against the Claimant in a complex matter involving interference with a right of way; trespass, nuisance and a declaration of the boundary. Emma continues to represent the Claimant in the substantive claim.

Residential Landlord and Tenant and Housing

Emma Shiels is routinely instructed in residential landlord and tenant disputes, with a particular focus on complex possession matters. She regularly appears in fast track and multi-track proceedings and has extensive experience obtaining possession orders, injunctive relief, and other associated remedies.

She represents both landlords and tenants and regularly appears at interim hearings and final trials. Her practice covers a wide range of matters, including:

- Possession claims
- Injunctions relating to anti-social behaviour
- Applications for access
- Committal proceedings
- Disrepair proceedings
- Charging orders and orders for sale

Emma is particularly noted for her work in bringing and defending possession proceedings involving arguments of succession of tenancy.

Notable and recent cases :

- *Mohammed Nawaz & Nazam Mohammed v Sheffield City Council (105 Hartley Brook Avenue, Sheffield – MAN/OOCG/HNA/2023/0011)* – Emma successfully represented the Landlord in an appeal against a civil penalty imposed by the Respondent under Section 239A of the Housing Act 1984. Emma successfully argued that the Improvement Notice was invalid due to the Council’s failure to comply with Section 13(3) of the Housing Act 2004.
- *Fouad Chafei Maghouz v Golder Baqa Company Secretary Limited (1) and Lettings Limited (2) (Flat 3, 137 Kingsbury Road,*

Birmingham – BIR/OOCN/HMK/2024/0036 – Emma successfully represented the Second Defendant in an application for a rent repayment order.

- *Heart of England Forest v Shaw* – Emma successfully represented the Claimant in complex Section 21 proceedings revolving around the service of Gas Safety Certificates following a change in ownership. Emma negotiated a favourable outcome and possession order at the multi-track trial.
- *The Mayor and Burgesses of London Borough of Haringey v Khatun* – Emma successfully defended a summary judgment application in complex possession proceedings involving succession rights and a wrongfully terminated right to buy application.

Commercial Landlord and Tenant

Emma is frequently instructed in commercial landlord and tenant matters and provides both advice and representation across a broad spectrum of disputes.

Her work includes cases involving possession and forfeiture, including applications for relief from forfeiture, as well as injunctions, lease renewals, and service charge disputes.

She has appeared in the County Court, High Court, and the First-tier Tribunal (Property Chamber).

- *Davies Dawson Commercial Limited v Mohan Retail Limited* – Emma successfully represented the Defendant in dismissing possession proceedings and gaining a favourable extension of the lease. The Claimant brought possession proceedings on the basis of alleged breaches of the lease. Emma successfully argued that the Claimant had waived their right to forfeiture on such breaches and was therefore not entitled to possession. At the hearing, an extension of the lease in the terms sought by the Defendant was agreed.
- *Burza v Mozart Property Limited* – In proceedings where liability had been admitted, Emma gained a favourable outcome for the Defendant in complex unlawful forfeiture proceedings in a 2-day trial. Following the trial, in the costs and consequential hearing, Emma successfully argued that it would be manifestly unfair for Part 36 consequences to apply where the Claimant had only beaten their Part 36 offer, made over 4 years prior to the trial, as a result of the significant rise to the Bank of England Base Rate following the Covid-19 pandemic and various international wars.

Probate and Estates

Emma's regularly appears in the High Court in contentious probate and estate disputes. She regularly advises executors, beneficiaries and interested third parties in all stages of litigation.

Her work includes:

- Challenging the validity of wills on grounds such as lack of testamentary capacity, want of knowledge and approval and undue influence.
- Claims under the Inheritance (Provision for Family and Dependents) Act 1975
- Applications relating to the removal of trustees and personal representatives.
- Claims between beneficiaries and executors including possession of property, breaches of trust and claims for accounts.

Coownership and Trusts of Land

Emma has a strong practice in co-ownership disputes and claims brought under the Trusts of Land and Appointment of Trustees Act 1996 (TOLATA). She regularly advises and represents clients in disputes concerning beneficial ownership of property.

She is experienced in handling claims involving proprietary estoppel, applications to alter or rectify the Land Register, constructive trusts, and issues concerning third-party interests, including intervenor claims.