

Guy Adams
Associate Member



YEAR OF CALL: 1989

INN: MIDDLE TEMPLE

“Guy's expertise covers commercial and residential landlord and tenant matters as well as development issues. 'Extremely commercial and highly intelligent'. 'He has a great manner and is good on his feet.' ”

CHAMBERS UK , 2018
REAL ESTATE LITIGATION

Practice Overview

Guy is a chancery and commercial specialist who acts in complex cases which often raise difficult and/or novel points of law. His commercial work includes banking, finance, commercial contract, company and partnership and professional negligence. He also has expertise in more traditional chancery matters such as landlord and tenant, property and trusts.

Guy has a particular interest in the proper legal approach to transactions which on their face do not reflect the reality and the equitable remedies, which may be available in such circumstances. Whether setting aside seemingly effective transactions for mistake, misrepresentation or undue influence or enforcing informal or flawed transactions by applying the principles of construction, rectification, constructive trust or estoppel.

In administrative law matters Guy has particular experience of acting for commercial clients whose business interests have been adversely affected by administrative decisions.

He has extensive appellate experience at all levels up to the Supreme Court.

Areas of Expertise

Administrative Law

Guy has a niche administrative law practice as part of a wider commercial and chancery practice. He both acts for private individuals and commercial bodies, whose interests have been adversely affected by administrative decisions, and public authorities. He has a particular interest in the grey area between public law and private law, including situations where authorities have to take decisions having regard to the public interest, but which may disproportionately affect legitimate private interests or expectations.

In the last year he has obtained permission to bring a judicial review in relation to residents parking in Bath, raising issues relating to interference with the frontagers' private rights to use the road, and acted on an application for the judicial review of the decision of an arbitrator appointed under statute.

In *Charles Terence Estates Ltd v Cornwall Council* [2013] 1 WLR 466, Guy acted for the defendant council in a dispute between the housing department and a commercial partner in a scheme to provide housing for the homeless, raising issues as to the proper exercise of the council's powers and the extent of its fiduciary duties to council taxpayers.

Agriculture & Rural Affairs

Guy has extensive experience of issues affecting farmers in relation to property, partnerships, mortgages, landlord and tenant and family disputes. He has encountered many problems that arise in an agricultural context and thoroughly understands the issues facing farmers and their families.

His cases include a mortgage possession claim in relation to a farm (*Clydesdale Bank plc v Gough* [2017] EWHC 2230 (Ch)); an AHA 1986 arbitration and subsequent proceedings (*Smyth-Tyrrell v Sowden* [2017] EWHC 2331 (Ch)); proprietary estoppel claims (*Morris v Morris* [2008] All ER (D) 333 (Feb) CA; *Seward v Seward* [2014] Lexis Citation 123 CA; and *Smyth-Tyrrell v Bowden* [2018] EWHC 106 (Ch), which also raised issues under the 1954 Act and AHA 1986); and compulsory purchase (*Saunders v Caerphilly County Borough Council* [2015] 2 P & CR 418).

Commercial

Guy is a respected barrister with a strong commercial practice that covers complex cases across this field. He has acted in cases up to the Supreme Court level and has had many reported cases.

Guy has recently been involved in a successful appeal to the Court of Appeal in a company case and appeals to Court of Appeal in a professional negligence case and a forex mortgage mis-selling claim.

He has extensive experience acting and advising in banking and mortgage disputes both for and against banks. Guy appeared in the Court of Appeal in the important case of *Tidal Energy Ltd v Bank of Scotland Plc* [2015] 2 All ER 15, [2014] Bus LR 1167, *The Times*, 28th August 2014, which concerned misdirected CHAPS transfers.

Guy is also an experienced company and partnership lawyer. In 2017, he succeeded in the Court of Appeal in overturning the judgment at first instance in the Mercantile Court in Cardiff in the case of *Davy v Pickering* [2017] 2 BCLC 260. This case concerned the extent of the power of the court under the new provisions in section 1032 Companies Act 2006 to make directions upon the restoration of a company to the register, both to disallow a period for the purpose of limitation and to back-date the presentation of a winding-up petition. He was subsequently successful in striking out the main action alleging negligent pensions advice on limitation grounds – *Davy v 01000654 Ltd* (formerly *Heather Moor & Edgecomb Ltd*) – [2018] All ER (D) 92 (Mar).

Professional Negligence

Guy has extensive experience of acting in professional negligence matters, but in particular in relation to solicitors and financial advisers.

He has extensive appellate experience and his Court of Appeal appearances in professional negligence matters include *Joyce v Darby & Darby* [2014] EWCA Civ 677 (conveyancing: extent of duty and causation) and *Channon* (trading as *Channon & Co*) v *Ward* (trading as *Ward & Associates*) [2015] EWHC 4256 (QB); [2017] EWCA Civ 13 (insurance broker: loss of a chance, insurance terms and causation). He has also acted for the solicitors carrying out transaction work for a major high street bank in relation to negligence issues that arose in respect of the firms handling of mortgage transactions.

Guy has particular expertise in limitation, recently successfully striking out a stale claim against a financial adviser in *Davy v 01000654 Ltd* (formerly *Heather Moor & Edgecomb Ltd* [2018] EWHC 353 (QB) (date of knowledge under section 14A Limitation Act 1980).

Real Estate

Guy is an experienced chancery practitioner with a strong focus on real estate work. His expertise covers commercial and residential landlord and tenant matters as well as development issues. He represents clients at all levels of the court system as well as in arbitrations.

He recently appeared in *Smyth-Tyrrell v Bowden* [2018] All ER (D) 22 (Feb), an unusual claim relating to substantial expenditure on a derelict property in Cornwall, which raised landlord and tenant issues (AHA 1986 and 1954 Act) and proprietary estoppel.

In *Saunders v Caerphilly County Borough Council* [2015] 2 P & CR 418 Guy acted for the claimant, whose land had been compulsorily purchased under the Compulsory Purchase Act 1965, where he successfully established that it would be unconscionable for the acquiring authority to rely on a limitation defence.

Wills & Trusts

Guy is an experienced chancery practitioner with a thorough understanding of trust principles, and acts and advises in connection with the administration of trusts and estates. He has a particular expertise in derivative actions.

He is a member of STEP and has had a number of reported trusts, estates, estoppel and undue influence cases. He also appeared in the first trust/estate case to be heard by the Supreme Court: *Roberts v Gill* [2011] 1 AC 240, which is the leading case on derivative actions.

In the last year he has appeared in a reported trusts case, and appeared at a 5-day trial involving a claim by way proprietary estoppel.

Appointments:

- ▶ Junior Counsel to the Crown (2003-2007)

Professional memberships:

- ▶ Chancery Bar Association
- ▶ Constitutional and Administrative Law Bar Association
- ▶ Society of Trust and Estate Practitioners
- ▶ Property Bar Association

Qualifications & awards:

- ▶ MA (Cantab)

Additional Information:

Guy won entrance scholarships to Stowe School and Trinity College, Cambridge, where he read Natural Sciences and Law. He did his pupillage in London in Chancery and Administrative Law chambers.

Recommendations:

- ▶ "Guy is a respected barrister with a strong commercial and chancery practice. 'He has the depth of knowledge and experience, but also the touch that brings it home.'"

CHAMBERS UK , 2018
COMMERCIAL DISPUTE RESOLUTION

- ▶ "His practice incorporates a wide range of commercial and chancery cases."

LEGAL 500 , 2017
COMMERCIAL, BANKING, INSOLVENCY AND CHANCERY LAW

- ▶ "A most inventive thinker. You think you cover all the angles in court, and then he comes up with something completely novel. 'He's keen, driven and is a self-motivator.'"

CHAMBERS UK , 2017
REAL ESTATE LITIGATION

Contact the clerks:

T: 0117 923 4740

E: clerks@stjohnschambers.co.uk