



**KINGS  
CHAMBERS**



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**MANCHESTER**

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**Clerked by:**

Gary Young

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## Mark Halliwell

**Year of Call:** 1985

Mark is a senior barrister practising in the law of general chancery and commercial law.

He specialises in five areas.

1. Real property (commercial, residential and agricultural). This includes restrictive covenants, easements, mortgages and landlord and tenant.
2. Trusts, charities and unincorporated associations.
3. Probate, succession and the administration of estates.
4. Insolvency.
5. Public rights of way, commons and town or village greens. Markets and fairs.

He also undertakes work in the areas of contract and commercial law, commercial arbitration and professional negligence in each of his specialist areas and work on the interface of chancery and public law.

In 1991 he was appointed as counsel to the Attorney General, in Manchester, in relation to the law of charity. Between 1992 and 2001, he regularly appeared on behalf of the Secretary of State in directors disqualification proceedings. More recently, he has appeared in a significant number of cases relating to the law of property and trusts, including the enforcement of contracts for the sale of land, break clauses and access rights. He recently appeared on a successful High Court claim for damages for professional negligence arising out of the conduct of proceedings relating to the title to land.

His practice encompasses contentious and non-contentious work and he acts for a wide range of clients, including banks, development companies, professional firms and public authorities.

He was appointed to sit as a Recorder in 2003.

### Recommendations include:

Chambers UK "...the kind of lawyer who has a very good effect on clients as he's very calm, very measured and inspires trust".

"...both a fine advocate and an expert on the law".

"...hard working and provides a good service to clients." He successfully defended a claim for specific performance of contract for the sale of property, and succeeded in a claim regarding title to boundaries of mixed residential and agricultural land in Shropshire.

Mark is praised for his wide-ranging property, partnership and insolvency practice, and has built a large following amongst local authorities.

Mark Halliwell practises within the commercial area but is "especially strong when it comes to trust and property work." He boasts expertise in the niche area of rights of way.

Chambers UK 2006

"his powers of persuasion lie in his ability to make you appreciate the complete common sense of his position".

### **Significant reported cases**

**KSO v MJO [2009] EWHC 2152** (freezing injunctions)

**Oakglade v GMPTE [Acq/79/2005] (16.9.08)** (compulsory purchase, waiver by election)

**Sinclair v Gavaghan [2007] EWHC 2256** (restitutionary damages)

**Sugarman v Porter [2006] EWHC 331** (restrictive covenants)

**Baddeley v Barker [2003] EWCA 742** (nuisance)

**In Re Broadbent Deceased, The Times 27.6.01** (wills and trusts)

**Inco Europe v First Choice Distribution [2000] 1 WLR 586** (statutory construction and arbitration)

**Bradford & Bingley BS v Seddon [1999] 1 WLR 1482** (abuse of process)

**Re Dent (A Bankrupt) [1994] 1 WLR 956** (bankruptcy)

**Simmons v Dobson [1991] 1 WLR 720** (easements)

**Edmunds v Stockport BC [1990] 1 PLR 1** (restrictive covenants)

**Dean v Upton, The Times, May 10 1990** (conveyancing)

### **Publications**

Mark is the sole author of "Distribution on Intestacy" (FT Law and Tax)

### **Career and Education**

University London School of Economics

Degree BSc (Econ)

Year of Call 1985 (Lincolns Inn)

Joined Chambers 1986

Recorder 2003

Circuits Northern and North Eastern

Membership Chancery Bar Association, Northern Chancery Bar Association, Northern Circuit Commercial Bar Association, Charity Law Association.

### **Other**

Direct Professional Access Yes

Direct Public Access No