



# Richard Lander

Year of call 1993

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Richard joined the Chancery and Commercial team as a pupil in 1994, having previously worked on property law reform at the Law Commission.

Richard's practice covers most aspects of chancery and **commercial law**, but with a particular emphasis on **real estate litigation** (commercial and residential) and associated areas such as professional negligence, banking, Inheritance Act claims, administration of estates and corporate and personal insolvency. He is at home dealing with individual clients, major banks or anyone in between.

As well as carrying out drafting and advisory work, Richard has extensive experience of trial work and other litigation in the County Court, High Court and Court of Appeal, as well as before the Property Tribunal.

## Expertise

### Banking and Finance

Richard has great experience of dealing with most types of banking and finance claims, including issues such as undue influence, forgery and subrogation.

#### Notable Banking and Finance cases

Anfield (UK) Ltd v Bank of Scotland plc [2011] 1 WLR 2414 (Proudman J)

This appeal from the Central London County Court concerned priority of interests and subrogation in the context of a bank which obtained a validly executed charge but forgot to register it.

Static Control Components (Europe) Limited v Egan [2004] All ER(D) 04 (Apr) (Court of Appeal)

This was an appeal concerning the construction of a personal guarantee which based on a standard form precedent but used for a purpose other than that for which it was intended.

Turner v Royal Bank of Scotland plc [2001] 1 All ER (Comm) 1057 (Court of Appeal)

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This case concerned liability for negligent misstatement in a banker's reference and an alleged conspiracy on the part of several banks when providing credit information to each other.

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Turner v Royal Bank of Scotland plc [1999] Lloyd's Rep Bank 231 (Court of Appeal)

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This was the case which finally decided the long debated issue about whether bank customers impliedly consented to the giving of bankers' references.

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## Company

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Richard has experience of many aspects of company law, including minority shareholder disputes and issues concerning directors' duties.

### Notable Company cases

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Sikorski v Sikorski and another [2012] EWHC 1613 (Ch) (Briggs J)

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This was an unfair prejudice petition in the context of a family company, where the relief sought and obtained (unusually) was an order requiring the defendant director to restore funds and regulating future conduct rather than a buyout of shares. The underlying issue was whether the remaining director of the family company was entitled to renege on an agreement to charge a certain rent to his other company, which occupied the family company's premises.

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Ross v Telford [1997] BCC 945 (Court of Appeal)

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This was an appeal dealing with the issue of whether it was possible to break a company deadlock by invoking the court's power to call a company meeting pursuant to section 371 of the Companies Act 1985.

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## Private Clients, Trusts and Probate

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Richard regularly advises and represents clients concerning claims under the Inheritance (Provision for Family and Dependants) Act 1975 or challenges to the validity of wills.

## Insolvency

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Richard is experienced in dealing with disputed winding up petitions and bankruptcy procedures, as well as matters arising during insolvency procedures such as challenging transactions at an undervalue and/or preferences.

## Partnership

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Richard has extensive experience of dealing with partnership disputes, including issues relating to the winding up of partnerships.

## Professional Negligence

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Richard deals with professional negligence claims concerning surveyors, solicitors and other professionals, primarily arising out of property related matters. He is currently instructed in a substantial solicitors' negligence claim, representing a large number of mobile home owners who purchased homes on a site without a valid planning consent.

## Real Estate Litigation

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Richard is a seasoned property litigator. His practice includes all areas of landlord and tenant litigation, notably lease renewals, disrepair claims and possession claims. A substantial part of his practice consists of providing advice and representation to developers (and warring neighbours!) concerning restrictive covenants, boundaries and easements. He also deals with disputes over property ownership, between former cohabitants, business partners and insolvency practitioners.

### Notable Real Estate Litigation cases

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#### Higson v Guenault [2014] EWCA Civ 703 (Court of Appeal)

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This was a boundary dispute concerning access to a tennis club, which had been decided at first instance on the basis of the wrong title documentation. The appeal concerned the circumstances in which the Court of Appeal should admit further evidence as to title. Once the evidence had been admitted, the issue turned from a boundary dispute to a right of way dispute.

#### Smith v Bottomley and another - [2013] All ER (D) 376 (Jul)(Court of Appeal)

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This was a complex claim by a former cohabitant concerning interests in several substantial properties vested in the name of her former partner and the company of which he was a director.

#### Sikorski v Sikorski and another [2012] EWHC 1613 (Ch) (Briggs J)

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This was an unfair prejudice petition in the context of a family company, where the relief sought and obtained (unusually) was an order requiring the defendant director to restore funds and regulating future conduct rather than a buyout of shares. The underlying issue was whether the remaining director of the family company was entitled to renege on an agreement to charge a certain rent to his other company, which occupied the family company's premises.

#### Perriam Limited v Wayne and Daly [2011] All ER (D) 05 (Mar)(Coulson J)

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This case involved the construction of a badly drafted deed of variation affecting repairing of covenants in a lease of substantial commercial premises.

#### Tingle v Crutchley REC/2008/0007 (2009, Land Registry Adjudicator)

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This case concerned the basis upon which a contract and conveyance could be rectified in favour of a successor in title.

#### Inclusive Technology Limited v Williamson [2009] 3 EGLR 49 (Court of Appeal)

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This is the first significant decision concerning a tenant's right to compensation pursuant to section 37A of the Landlord and Tenant Act 1954, when vacating commercial premises as a result of a landlord's misrepresentation during the lease renewal process.

#### Re Felton Homes Limited [2004] EW Lands LP\_3\_2003 (Lands Tribunal)

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This was an application to vary a restrictive covenant of a type imposed upon a large number of properties in the Wirral village of Caldý.

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## Memberships

- Chancery Bar Association
- Northern Chancery Bar Association
- Northern and North Eastern Circuits

## Qualifications

**University:** Cambridge (Downing College)

**Degree:** MA Hons (Law)

**Awards:** University ECS Wade Prize for Administrative Law

Harris scholarship

Lincoln's Inn Tancred and Hardwicke Scholar 1994

## Recommendations

### Chambers UK 2023

"Richard is an extremely responsive and technically brilliant barrister."

"He provides very prompt and clear advice."

"A highly intelligent man, who is very thorough."

### Legal 500 2023

"Richard completes meticulous preparation and has great attention to detail combined with compendious and detailed knowledge of the subject matter. He has a calm and unflappable authority as an advocate in Court, and an ability to get to the nub of the case."

### Chambers UK 2022

"He is responsive and personable, easy to work with and his written advice is digestible by clients and fee earners alike."

### Chambers UK 2021

"He offers superb legal advice with commercial common sense at the forefront." "Clients like him because of his attention to detail and he gets respect from judges."

"He is prepared to get into the nitty gritty." "He's a very intelligent barrister, completely straight up, and he does a good job for his clients."

#### **Legal 500, 2021**

“An excellent advocate, incisive and extremely good with clients.”

#### **Legal 500, 2020**

“Completely reliable and always thoroughly prepared.”

#### **Chambers UK 2020**

“He is very practical and judges like his court manner. He is very concise deals with difficult matters in a cool and analytical way.” “He is very approachable and has a very good manner with clients.”

“He is immensely knowledgeable, very thorough and prompt in providing clear written opinions and advice.” “He has a good bedside manner and is also a terrific trial advocate.”

#### **Chambers 2019**

“Very helpful, analytical, measured and thorough.”

#### **Legal 500 2019**

“A compelling advocate.”

#### **Chambers UK 2018**

“Very dependable and exceptionally knowledgeable on different technical areas. He also has a great rapport with clients and a great affinity to understand the legal issues straightaway.”

#### **Legal 500 2018**

“Very experienced in property litigation.”

#### **Chambers UK 2017**

“Shows a masterful grasp of the issues. Great on his feet and will drive points home.” “Very impressed, he is highly intelligent.”

#### **Legal 500 2017**

“He gains the total confidence and respect of the client.”

#### **Chambers UK 2016**

“Shows a masterful grasp of the issues. He is great on his feet and will drive points home.”

“He is extremely intelligent, extremely creative in his thinking and very clear in his advice.”

## **Accreditations**

