

ANDREW LATIMER

Year of call: 1995

Clerked by: Louise Barnes Luke Heywood

AREAS OF EXPERTISE:

Commercial Litigation Company Partnership Real Estate
Litigation Civil Procedure



Real Estate Litigation

Regency Villas v Diamond Resorts [2018] UKSC 57 (Supreme Court) and [2017] Ch 516 (CA and HHJ Purle QC) novel point on whether English law recognises an easement to use recreational facilities such as a golf course or swimming pool for free. The Supreme Court decided that English law did and surveyed law from Commonwealth jurisdictions on the point. The case has significant implications for the principles surrounding recognition of easements in English law and commercial implications for landowners who would otherwise charge for use of expensive recreational facilities.

US Mortgage Finance v Dew [2017] EWHC Civ 299 (CA and Burton J), obtained summary judgment in England on judgment entered in Florida and upheld on appeal. The issue was whether debtor had submitted to jurisdiction in Florida or could deny debt in England)

National Grid Electricity v Hillam [2016] EWHC (HH) Behrens, rights of inspection and entry upon private land arising from Electricity Act 1989)

Piccadilly Gateway Limited v Network Rail: advised on right of way litigation at Gateway House, Manchester (designed by Richard Seiffert in the 1960s) over the approach to Manchester Piccadilly station and access to a multi-storey car park.

Places for People Ltd v Ribble Heights Residents Association (MAN/30UK/LSC/2008/0074, 18.1.11) (Manchester Leasehold Valuation Tribunal, 8 day hearing concerning service charges collectively worth over £1m and successfully opposed paper application for permission to appeal to the Upper Tribunal)

Thane Investments Ltd v Tomlinson [2007] 1 P&CR DG3, [2006] EWHC 1182 (Hart J, forgery does not render lease void)

Profile

Andrew Latimer appears in the Business and Property Courts and since 2017 has appeared twice in the Court of Appeal without a leader and also as a junior in the Supreme Court. His commercial practice includes unfair prejudice petitions, claims for breaches of directors duties, partnership claims, breaches of warranty disputes, claims for misrepresentation and professional negligence arising out of business and property work.

He appeared at trial and in the Court of Appeal in *Regency Villas v Diamond Resorts* without a leader and as a junior counsel in the Supreme Court in 2018. He has advised in relation to easements at the Richard Seiffert-designed Gateway House beside Manchester Piccadilly station, has advised on easements involving two airfields, rights of entry by utility companies to private land and on mobile telephone masts and rights under the Electronic Communications Code.

He writes for Sweet & Maxwell's *Commercial Litigation: Pre-emptive remedies* and has appeared in several cases on civil procedure which are referred to in the White Book (see Civil Procedure section below).

He had a pedigree bull names after him, *Deveron Latimer*, in the course of a case concerning the extent to which damages could be recovered for economic loss caused by negligence.

Year of Call: 1995

Areas of Expertise

Civil Procedure

Commercial Litigation

Company

Partnership

Memberships

Chancery Bar Association, Northern Chancery Bar Association

Appointments

Trustee of the Kings Chambers and Ian Mark Cooper Trust (2018)

Treasurer, Northern Chancery Bar Association (since 2018)

BSB External Examiner for Commercial Litigation (2013-16)

Committee Member, Northern Chancery Bar Association (since 2011)

Attorney-General's Panel for Civil Litigation (2000-2007)

Publications

Contributor to Sweet & Maxwell's loose-leaf, *Commercial Litigation: Pre-emptive remedies*

Chapters 5 and 6 on Default Judgments and Summary Judgment (since 2003)

Qualifications

Hertford College, Oxford (1990-94)

BA (Jurisprudence) - 1st class (1993). Joint winner of University Land Law prize

BCL (1994)

Holt Award, Gray's Inn (1995)

Recommendations

Chambers UK 2020

"He has an incredible ability to get to grips with the detail of a complex dispute at the outset. He has extraordinary legal and technical knowledge."

"He is very reasoned in everything he does." "He is very intellectual and very bright."

Chambers UK 2019

"Very diligent and good at persuading judges." "He's brilliant. He gives really useful tactical input on cases which helps bring them to satisfactory conclusions."

"Andrew Latimer is a very good junior. He has a dry sense of humour. You have fun working with him without any loss of attention to the minutest detail of the cases." "He is very thorough and robust."

Legal 500 2019

"Unflappable and dedicated."

Chambers UK 2018

"Clients and solicitors love him. He is always a master of his papers, and is calm, intelligent and very effective in court." "He is very proactive, and has especially good insight as to the tactical steps required to close a matter down."

"His advocacy always hits the right note and he's excellent with clients." "He is a master of his papers, calm, intelligent and very effective in court."

Legal 500 2018

"A great mix of aggression and pragmatism."

Chambers UK 2017

"He is very good on his feet and great with clients. He can bring a very tranquil attitude to quite fraught matters." "A great all-round lawyer, and I know many people adore him."

"He is absolutely excellent - extremely good to work with, good with clients, a strong advocate and one of the rare barristers who is very good at mediation and negotiation, but is also prepared to fight."

Legal 500 2017

"An excellent all-round advocate."

Chambers UK 2016

"An extremely bright barrister and skilful advocate who is good at thinking on his feet in court. Held in high esteem by his peers, he is straightforward and highly perceptive."

"He provided excellent, well thought through and perceptive advice. His advocacy always hits the right note and he's excellent with clients."

Recommended for Commercial Litigation/Commercial Dispute Resolution by Chambers UK every year since 2002

Has a comprehensive commercial and chancery practice, which covers partnership and shareholder disputes, commercial property and professional negligence. He is a favourite with solicitors, who value his "fantastically bright, can-do attitude." ... "He is very hard-working. He's not only academic, but able to get into detail in a practical sense too." (2015)

"He is excellent on his feet, has outstanding technical knowledge and is very approachable." "He is a very robust advocate with a unique and impressive sense of humour." (2014)

"...measured and powerful advocate who times his attacks very carefully to maximum effect. "Documents he drafts "prick any bubble of pomposity the other side has in a marvellous way" and his cross-examination is joyous" to behold. He is instructed in a marvellous way" and his cross-examination is joyous" to behold. He is instructed in a variety of commercial disputes and his recent work includes advising clients on freezing orders, breach of directors' duties and misrepresentations claims." (2013)

Recommended for Chancery by Chambers UK every year since 2007:

"Maintains an extensive chancery practice focusing on commercial litigation. His caseload encompasses insolvency law, landlord and tenant disputes, partnership, shareholders' rights and breach of trust." (2015)

"He is an amazingly skilful cross-examiner. He never shows any emotion, is courteous to a fault and never rises to bait." "He has a laid-back approach which can be absolutely invaluable - he keeps things in perspective. He is vicious and withering in written arguments, but his manner remains laid-back and affable." (2014)

"Sources praise Andrew Latimer's advocacy , and say: "If you need a scrap in court, he's the best." (2013)



Andrew Latimer

