

GERAINT WHEATLEY

Year of call: 2001

Qualifications: 1st Class Law Degree

Clerked by: Harry Young Luke Heywood

AREAS OF EXPERTISE:

Banking & Finance Commercial Litigation Professional
Negligence Real Estate Litigation



Profile

Geraint Wheatley is recognised as a leading junior in Chambers UK 2020, and has been ranked as such for a number of years.

His submissions were recently praised by the Court of Appeal as "excellent" in the important case of *Thorpe v Frank [2019] EWCA Civ 150*, in which he successfully appealed a decision of the Upper Tribunal concerning the proper limits of the law of adverse possession.

Geraint is an experienced chancery and commercial practitioner, combining an outstanding academic background with tactical awareness and an eye for detail.

At this time of uncertainty, with cases being adjourned and trials being postponed indefinitely, Geraint is aware of lay clients' concerns over certainty and cashflow. He is keen to assist in the resolution of disputes via ADR. He has the expertise to offer Early Neutral Evaluation, and has experience of providing independent Opinions on disputes (or specific issues within disputes) to help the parties to reach settlement. Opinions/Determinations can be provided on a binding basis (where the parties agree between themselves to adhere to the Determination, for example, on a particular legal issue or point of construction) or an advisory basis, where Geraint's view can be taken away by both parties to assist with their own consideration of the merits and guide their settlement efforts.

His practice covers the full range of property and commercial litigation, as well as professional negligence.

He regularly acts in both the High and County Courts for institutional clients such as developers, banks and national limited companies. He has appeared a number of times before the Court of Appeal and the First Tier Tribunal: Property Chamber (formerly the Adjudicator to HM Land Registry).

Geraint regularly delivers seminars at Chambers events and in-house to solicitors. Areas covered have included:

- Break Clauses
- Commercial Lease Renewals
- Vacant Possession
- Boundaries
- Assured Tenancies
- Authorised Guarantee Agreements
- Break Clauses
- CPR
- Easements
- Mortgages
- Professional Negligence
- Property Litigation
- 'Receivers, Lenders & Possession'

Year of Call: 2001

Areas of Expertise:

Banking & Finance

Commercial Litigation

Geraint's expertise in commercial litigation encompasses banking, all forms of contractual disputes, guarantees and sale of goods / supply of services.

Significant or Reported Cases

Batey v Jewson Ltd & Anor [2008] EWCA Civ 18: Proper construction of an informal guarantee

Comedy Store v Archer & Co: Liability for fire damage following the supply of services.

Orios Dean v Kepler Capital Markets: Recruitment agency case involving issues of the creation of the contract, incorporation of terms, agency and the entitlement to commission

***AstraZeneca v Central Ceiling Partitions & Thermal Transfer*: Large scale commercial litigation in the TCC arising out of defective air conditioning systems**

Winfield v Frontline Solutions UK Ltd: Hard-fought commercial dispute requiring detailed and robust cross-examination of seven opposing witnesses.

***CF Corporate Finance v Hillcrest Animal Health*: Dispute over liability under commercial finance agreements.**

Professional Negligence

Geraint regularly undertakes solicitor and surveyor professional negligence cases, particularly, though not exclusively, in the property and general litigation contexts.

Significant or Reported Cases

Scotinvest v A Firm: Causation and the proper measure of damages in a conveyancing transaction

Bridge v A Firm: Dispute over the identity of the correct defendant in case concerning successor firms/firms holding run-off insurance following original firm's negligence

Carson v A Firm: Conveyancing requirements under the Right to Buy scheme - delayed completion leading to cancellation of transaction

Johnson v A Firm: Requirements for expert evidence in the context of an allegedly negligent mortgage valuation survey.

Real Estate Litigation

Geraint is experienced in all aspects of Property Litigation, including:

- Mortgages
- Land Registration and Title Rectification
- Commercial Landlord & Tenant
- Residential Landlord & Tenant
- Rights of Way and other Easements
- Restrictive Covenants
- Boundary Disputes
- Possession claims (usually involving issues of legal or factual complexity)
- Trusts of Land / Co-ownership disputes
- Nuisance & Negligence causing damage to land
- Adverse Possession

Significant or Reported Cases

Thorpe v Frank [2019] EWCA Civ 150: Leading case in the Court of Appeal in relation to adverse possession of land which is not enclosed.

North British Housing v Matthews [2005] 2 All ER 667: Court of Appeal gave guidance as to the court's powers in possession actions based on mandatory grounds for possession

Bailey v Clark & Others: Important case which involved successfully persuading the Court that the law of nuisance in the *Leakey v National Trust* line of authorities ought to be extended to cover damage caused by excessive leaf fall onto a neighbour's land.

Paton v Jackson: Boundary dispute described by experienced Chancery judge as the most difficult he had ever dealt with. The Judge held 'I am unable to place any weight at all' on the evidence of the other side's expert witness following his cross examination.

Doleman v Sayle: Inter-relationship between apparently inconsistent provisions of the CPR as to service in the context of business tenancy lease renewals (case prompted change in CPR Part 56)

Black v Charlton: High-profile boundary and adverse possession dispute involving former England international footballer.

Southern Pacific Mortgage Co v Guarino: Action before the Adjudicator to HM Land Registry dealing with the effect of a lender's inadvertent request to HMLR to remove its charge from the Register, notwithstanding that it had not been repaid.

Jennings & Dorins v Hayat: Complex possession claim on behalf of LPA Receivers in relation to hotel premises, involving issues of sale at an undervalue and the locus standi of the receivers to bring the case.

Memberships

Member of the Chancery Bar Association

Member of the Northern Chancery Bar Association

Member of the Northern Circuit Commercial Bar Association

Member of the Northern & North Eastern Circuits

Qualifications

Oxford University (St Edmund Hall)

1st Class Law Degree

Bar Vocational Course, Manchester

Grade: Very Competent (ranked 1st in year)

Awarded the Edmund-Davies Award by Gray's Inn

Recommendations

Chambers UK 2021

"He has a measured skill as advocate." "He is very thorough, technically strong, pragmatic and also good with clients."

"He is a superb trial advocate. He is a tough negotiator who provides rigorous case analysis and thorough written advice. He is a joy to work with."

"Geraint is very thorough, precise and good with clients."

Legal 500, 2021

"Geraint is incredibly accessible and provides concise commercial advice. His style is user friendly but efficient and concise."

Legal 500, 2020

"Approachable, user-friendly and thinks outside the box."

Chambers UK 2020

"He is very accessible, commercial and he provides clear advice." "Incredibly user-friendly, easy to understand and good with clients."

Chambers UK 2019

"Very approachable." "He has a good understanding of the legal issues and is very methodical." "Very good on his feet and very bright."

Chambers UK 2018

"Very robust but also very friendly with clients." "He's really user-friendly, with no airs and graces, but also incredibly intelligent. I trust his knowledge of the law." "A very good advocate. He is so thorough and gives good, clear advice."

Chambers UK 2017

"Very commercially astute, he gets the job done." "Exceptional property litigator, very commercial, someone I would be happy to put in front of any client."

Chambers UK 2016

"Well respected by clients and peers alike for his strength in a wide variety of property issues, including boundary disputes and restrictive covenants. He is especially highlighted for his representation of lenders, and regularly handles possession claims. "

"Very approachable and user-friendly."

"Very knowledgeable for all matters including insolvency and bank-related litigation and advice."

Chambers UK 2013

'The "extremely bright" Geraint Wheatley offers expertise in all areas of property litigation. Sources praise the fact that he is "technically accurate but also practical, pragmatic and commercial." He is further appreciated for his approachable and user-friendly style.'

Client comments and testimonials

"Thanks again for all your fantastic help yesterday and before. A great result in a hard fought case. [The client] is delighted, as am I! You did an excellent job." Instructing Solicitor in case of Armour v Hindle

"I think you did a great job yesterday. Well prepared, insightful and excellent with the clients. I thought you worked hard and we had the benefit of your great intelligence. At each stage we had [the mediator's] reports, I think [the clients] were really grateful for your immediate, clear and invaluable advice. A top job." Instructing Solicitor in case of CF Corporate Finance Ltd v Hillcrest Animal Health Ltd

"The fact that we won the court arguments by a 'landslide' judgment, and the overall case over 6.5 days in court, is further testimony to the ultimate brilliance of Mr Wheatley in court" Lay client in case of Winfield v Frontline Solutions UK Ltd.

