

## **Qualifications:**

Charles read law at Downing College, Cambridge, achieving a BA with starred double first class honours in 1975. He went on to obtain an LLB with starred first class honours in 1977, and was awarded the Chancellors Medal for English Law. His MA in 1979 was followed by a LLD in 2003.

Charles took his Bar Finals in 1976, achieving the Hardwicke and Cassel Scholarships, and the Buchanan Prize, and, subsequently, in 1981 - 1982, he undertook pupillage at 9 Old Square (Paul Baker – Alan Sebesteyen) and 13 Old Square (E.W.H. Christie – William Blackburne), in order to further his qualifications, rather than with any intention of practising.

## **Academic career:**

From 1977, Charles pursued an academic career, as a Law Fellow at Downing, and subsequently a lecturer at Cambridge, teaching land law, equity and trusts and conveyancing. He is also a legal historian.

Charles was the sole editor of Megarry and Wade's Law of Real Property (6<sup>th</sup> Edition, 2000), and became co-editor of both the 7<sup>th</sup> edition in 2008 and 8<sup>th</sup> edition in 2012. It is without doubt *the* authoritative textbook in the entire field of real property, and amply demonstrates Charles's unrivalled mastery of the intricacies and history of this area of law. It was greatly revised and modernised by Charles when he took over responsibility for the sixth edition. It is regularly cited and approved in the Courts and Tribunals of England and Wales, and is treated as the standard reference work.

Charles is the principal architect of the Land Registration Act 2002, which was perhaps his most significant achievement whilst at the Law Commission, during which a large number of legislative reforms of some substance came to fruition under his Commissionership.

Although the above are key examples of Charles's influence on the practice of the law, it is important not to forget his influence on the academic side of the subject. In addition to his textbooks (the principal one of which is cited above, with more listed further below), Charles has both contributed greatly to the corpus of academic writing and influenced the thinking, on property and trust law.

Of his many (over 50) articles and notes, perhaps (though others could be chosen) the most influential are:

- His two important articles in the late 1970s on the nature of implied easements, tracing their history and reception into English law: *'Easements and Centre Point: Old Problems ...'* [1978] Conveyancer 449; *'Long v Gowlett: A Strong Fortress'* [1979] Conveyancer 113, which set section 62 of the Law of Property Act 1925 and the rule in *Wheeldon v Burrows* in their correct context.
- His two-part article on third party liability for interfering with trusts: *"The Stranger as Constructive Trustee Part I"* and *"The Stranger as Constructive Trustee Part II"* (1986) 102 Law Quarterly Review 114 and 267 respectively. This was followed up by his contribution to Volume 2 of Peter Birks (ed), *The Frontiers of Liability* (1994), a chapter entitled *'The Basis of Equitable Liability'*, and ended with his overview of the vexed area of constructive trusts in *"The uses and abuses of constructive trusts: the experience of England and Wales"* [1997] Edinburgh Law Review 437, one of the most

important articles on the different species of constructive trust. All of these articles have been extensively cited in domestic and international literature, and informed Lord Robert Walker's article "Dishonesty and Unconscionable Conduct in Commercial Life - Some Reflections on Accessory Liability and Knowing Receipt" (2005) 27(2) Sydney Law Review 187. They have been remarkably influential in the Courts, both here and abroad.

- A series of articles in early 1990s which shed new and original light on the law of conveyancing, including
  - "*Overreaching, Trustees' Powers and the Reform of the 1925 Legislation*" [1990] C.L.J. 277, cited extensively and described by the Court of Appeal as "illuminating" in the leading overreaching case of State Bank of India v Sood [1997] 2 W.L.R. 421.
  - "*Exclusion clauses and contracts for the sale of land*" (1992) 51 Cambridge Law Journal 263, which has also been cited judicially here and abroad.
  - "*Selling without title: a vendor's duty of disclosure?*" (1992) 108 Law Quarterly Review 280, a highly original consideration of the nature and roots of the development of obligations under conveyancing contracts.

Charles's work has not merely been influential domestically in both the academic and practitioner worlds. It has been cited internationally. His articles are to be found cited in Australian, Canadian, New Zealand and South African periodicals, in decisions of Courts all over the world:

- In Australia:
  - In the High Court (e.g. Tanwar Enterprises Pty Ltd v Cauchi [2003] HCA 57) and Federal Court (eg Re Demagogue Pty Ltd v Nicholas Ramensky and Gisela Elizabeth Ramensky [1992] FCA 557)
  - In the Supreme Court of New South Wales (e.g. Hasler v Singtel Optus Pty Ltd; Curtis v Singtel Optus Pty Ltd [2014] NSWCA 266);
  - In the Supreme Court of Queensland (e.g. Sino Iron Pty Ltd & Anor v Palmer & Anor (No 3) [2015] QSC, referring to the article on *The Stranger as Constructive Trustee* as "luminous");
  - In the Supreme Court of Victoria (e.g. Australian Super Developments Pty Ltd v David Wellesley Marriner & Ors [2014] VSC 464);
  - In the Supreme Court and Court of Appeal of Western Australia (e.g. Nicholson v Morgan [2013] WASC 110;
- In the Supreme Court of Belize (Bernard Palacio v Douglas Richardson and Madalon Witter [2004] BZSC 5);
- In the Caribbean Court of Justice (Walsh v Ward [2015] CariCJ 14)
- In the Hong Kong Court of Final Appeals (e.g. Sun Honest Development Ltd v Appeal Tribunal (Buildings) [2009] HKCFA 96) and the Hong Kong Court of Appeal (e.g. Okachi Hong Kong Co Ltd v Nominee Holding Ltd [2006] HKCA 436; Akai Holdings v Kasikornbank Public Co Ltd [2009] HKCA 286
- In India, in the High Court of Delhi (Johri v Rajput [2014] INDLHC 2024)
- In the Court of Appeal of New Zealand (e.g. Coltart v Lepionka & Company Investments Ltd [2016] NZCA 102, and multiple times in the High Court)
- In the Supreme Court of Singapore (e.g. Zage v Kwong [2010] SGCA 4)

Charles' articles and textbooks remain University reading list staples, and his earlier articles are still regularly cited.

### **Law Commission:**

In 1994, Charles became a Law Commissioner, and continued in that role until June 2001. In that post, he was more or less intimately connected with a number of pieces of property legislation, including the Law of Property (Miscellaneous Provisions) Act 1994, the Landlord and Tenant (Covenants) Act 1995, the Trusts of Land and Appointment of Trustees Act 1996, the Land Registration Act 1997, the Trustee Act 2000, and the Land Registration Act 2002, with the latter being his principal achievement, though the others are substantial achievements in themselves. Some years after he had left the Law Commission, he assisted the Ministry of Justice with the passage of the Perpetuities and Accumulations Act 2009, another of his projects while at the Commission. While at the Law Commission Charles had remarkable success in bringing about reform. He was also involved with a number of consultative and other documents dealing with disrepair, the property rights of cohabitants and peaceable re-entry.

Charles acted as consultant to HM Land Registry during the passage of the Land Registration Bill through Parliament, and assisted the Ministry of Justice with the Perpetuities and Accumulations Act 2009.

### **Career at the Bar:**

In 2000, Charles left academia to practice at the Bar, accepting a tenancy at Falcon Chambers. He retired from active practice in 2018. During his time in Chambers, he appeared in numerous property cases, acting for, among others, the Crown Estate, the Port of London Authority, estate owners, local authorities, and tenants. He consolidated his renown as an expert in real property law, with a particular expertise in relation to land registration, conveyancing matters, rivers and the seabed.

### **Reported cases:**

- Lynn Shellfish Ltd v Loose [2016] UKSC 14 (Supreme Court; several fishery, sandbanks and accretion)
- Page v Convoy Investments Ltd [2015] EWCA Civ 1061 (Court of Appeal, boundaries and rights of way)
- Bank of Scotland Plc v Joseph [2014] 1 P & CR 302 (Court of Appeal, registered land, charges and liens)
- Port of London Authority v Tower Bridge Yacht & Boat Co Ltd [2013] EWHC 3084 (Ch) (ancient moorings in the Thames)
- Rosebery Ltd v Rocklee Ltd [2011] L & TR 21 (extent of upward demise of top floor flat)
- Hermann v Royal Borough of Kensington & Chelsea [2010] EWHC 1706 (Ch) (whether there was a statutory right to use a garden in a London square)
- Port of London Authority v Ashmore [2010] EWCA Civ 30 (Court of Appeal, adverse possession of tidal river bed)
- Roberts v Swangrove Estates Ltd [2007] 2 P & CR 326 (adverse possession of bed of tidal river)
- Kent v Kavanagh [2007] Ch 1 (Court of Appeal, easements)
- Eurodis Electron plc v Unicom Inc [2004] EWHC 979 (Ch) (guarantees)
- Castlegroom Ltd v Enoch [2003] 2 EGLR 54 (leasehold enfranchisement)
- Orchard Trading Estate Management Ltd v Johnson Security Ltd [2002] 2 EGLR 1 (Court of Appeal, estate rentcharges)

### **Publications:**

During his career in academia and as a working barrister, Charles has also written the following seminal texts on property law:

- Megarry & Wade: The Law of Real Property (6<sup>th</sup> edition, Harpum; 7<sup>th</sup> edition, Harpum, Bridge and Dixon; 8<sup>th</sup> edition, Harpum, Bridge and Dixon)
- “Registered Land - Law and Practice under the Land Registration Act 2002” - Harpum and Bignell (2004).
- “Registered Land The New Law: A Guide to the Land Registration Act 2002” - Harpum and Bignell.
- “Charging Orders over Land” (2013; Gen Ed Harpum)
- Numerous articles and book chapters on land law, conveyancing and trust law, several of which have been cited judicially (as to which, see the selection above).

**Conclusion:**

Charles has towered over the world of real property for the best part of 40 years, during which time, as a Law Commissioner, he has drafted our laws; as an academic he has explained them authoritatively in lectures, books and articles; and as a practising barrister he has applied them to acclaim.

It is difficult to think of a single other property lawyer who has shaped both the academic and practitioner spheres as profoundly as Charles has done. It was for this reason that he was singled out for the distinction of the award of Queen’s Counsel *Honoris Causa* in 2017.