



Falcon Chambers



## Cecily Crampin

Called 2008



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## Practice Summary

Cecily practises all aspects of property law, including both residential and commercial landlord and tenant law and real property. She likes difficult legal problems.

Cecily has a particular interest in mortgage law, in particular the more difficult mortgage possessions. With her colleague, Stephanie Tozer QC, she authored a new book, *Mortgage Receivership: Law and Practice* (Wildy, Simmonds and Hill Publishing, October 2018). Cecily also has extensive experience in Landlord and Tenant Act 1954 lease renewals including opposition, complicated forfeiture claims, in property cases with issues as to trust or company ownership, in Party Wall etc Act 1996 work, and, with Stephen Jourdan QC, on property issues arising out of the sanctioning of individuals.

Current and recent work includes:

### Mortgage work

- Complicated mortgage claims including those raising regulatory issues under the Financial Services and Markets Act 2000 and unfair relationships under the Consumer Credit Act 1974
- Mortgage subrogation
- Consolidation and tacking
- Mortgage receivers' possession claims, and cases on breaches of receiver's duties
- Cases on how to structure mortgage documentation

### Real property

- Restrictive covenants including applications for discharge or modification under s84 of the Law of Property Act 1925
- Overage and other development issues
- Easements and boundaries
- Party Wall etc Act 1996 including issues on s10 jurisdiction, and limitation
- Land registration, including rights post completion and pre registration
- Rent charges and variation of estate management schemes
- Vendor purchaser summons

### Trusts of land

- TOLATA claims in difficult family circumstances
- Trusts in the context of bankruptcy

### Commercial leasehold

- Unlawful forfeiture and relief from forfeiture in significant commercial property
- Opposed lease renewal under the Landlord and Tenant Act 1954
- Unopposed lease renewals with dispute as to Covid-19 clauses
- Rent review

### Residential leasehold

- Licence for alterations in high value residential property
- Enfranchisement with issues about split freehold ownership
- Service charges in high value residential property

- [Education](#)

MA (Oxon) MSc DPhil

Before coming to the Bar, Cecily successfully completed a doctorate in mathematical logic (her thesis title is Reducts of Differentially Closed Fields to Fields with a Relation for Exponentiation) at the University of Oxford. From this education come her analytical skills, perseverance, and sense of humour. Her CPE (distinction) and BVC (very competent) are both from City University.

- [Professional](#)

Cecily's current and recent work includes: a number of complicated mortgage claims including those raising unfair relationship issues under the Consumer Credit Act 1974; cases on the interaction of lender's powers and the borrower's attempts to sell; a case with issues as to breach of a receivers' duties; and a case dealing with the residue of the proceeds of sale of mortgaged property when there are competing claims. She is also working with Gregory Jones QC, on a heavily contested opposed lease renewal under the 1954 Act, and, led by Stephen Jourdan QC, a case about the effect of sanctioning of an individual on a property transaction.

Other recent work includes: a s84 Law of Property Act 1925 application, led by Guy Fetherstonhaugh QC; a complicated commercial forfeiture and relief from forfeiture claim, led by Caroline Shea QC, for which Cecily drafted the pleading; a complicated licence for alterations case about a high value property; advising on the structure of lending and mortgages in a scheme where interest is not to be charged; led by Stephen Jourdan QC, a party wall appeal, **K Group Holdings Inc & Anr v Saidco International SA and Ors** which raised limitation issues; and **Poundland Limited v Toplain Limited**, a County Court unopposed 1954 Act lease renewal in which the court decided that no Covid-

19 clause should be included in the new lease.

Cecily is a member of the Property Bar Association (she is a member of the PBA committee), and of the ChBA. She is the first barrister member of NARA (the National Association of Receivers and Administrators). She often speaks at conferences and seminars, including the PBA conference which, in 2021, she helped to organise. She has also delivered training for LawWorks and, with Prof Lisa Whitehouse of Southampton University for whom she is planning training on mortgage law and time orders in the Spring of 2022. She is a reviewer for Advocate.

- Recent Cases

- **Butler-Creagh v Cork** (Unreported, 27 April 2022, Insolvency and Companies List ChD, ICC Judge Jones) a lease held on trust by a discharged bankrupt for his parents for life himself in reversion was not after-acquired property. On bankruptcy, the bankrupt's reversionary equitable interest vested in the bankrupt's estate. The trustees in bankruptcy were entitled to wait until the last of the parents' deaths to seek an order for possession and sale.
- **K Group Holdings Inc & Anr v Saidco International SA and Ors** (Unreported, 19 July 2021, Central London County Court, HHJ Parfitt) led by Stephen Jourdan QC in drafting the grounds of appeal, but appearing alone at the substantive appeal hearing. A successful party wall appeal on many grounds in relation to an award made 11 years after original awards and against a new party as if building owner. In particular, HHJ Parfitt found that the Limitation Act 1980 applied to the purported award of compensation for alleged water damage more than 6 years earlier.
- **Poundland Limited v Toplain Limited** (Unreported, 2 July 2021, Brentford County Court, DJ Jenkins) no Covid-clause, reducing rent and service charge by 50% during a further Covid-19 lockdown would be added to an existing lease for an unopposed 1954 Act renewal since its introduction would not be fair or reasonable.
- **Ahuja v Kerrigan & Anr** (Unreported, 3 October 2019, ChD, Nugee J) Interim injunction to prevent receivers' sale of mortgaged property given arguable case of breach of regulatory requirements.
- **Mirza v Elmdon Real Estates LLP** (Unreported, 28 June 2019, Newcastle County Court, HHJ Kramer) Unclear reasoning was not a ground for setting aside an expert determination of a rent review.
- **Whitehall Court London Ltd v Crown Estate Commissioners** [2018] EWCA Civ 1704, led by Stephen Jourdan QC, which decided that the no-Act assumption in valuations for lease extensions extended to the block containing the subject flat. Cecily acted alone at first instance.
- **Sloane Stanley Estate Trustees v Mundy** [2016] UKUT 223 (LC), led by Philip Rainey QC, a case about the use of the hedonic regression statistical methodology in valuations under the Leasehold Reform, Housing and Urban Development Act 1993.
- **Patel v Peters** [2014] EWCA Civ 335 a case on the meaning of sections 10(6) and 10(7) of the Party Wall etc Act 1996. Cecily appeared at the trial, drafted the grounds for the application for permission to appeal, and led by Nick Isaac, succeeded on appeal.
- **St John's Wood Leases Limited v O'Neil** [2012] UKUT 374 (LC) a case on the application of s20C of the Landlord and Tenant Act 1985.
- **Country Trade Ltd v Noakes** [2011] UKUT 407 (LC) a service charge case.

- Publications

- Mortgage Receivership: Law and Practice, Stephanie Tozer and Cecily Crampin (Wildy, Simmonds and Hill Publishing, October 2018).
- Contributor to the Property Finance section of Asset & Project Finance, Thomson Reuters/Sweet & Maxwell.
- Contributor to Party Walls: Articles concerning the Law and Practice of the Party Wall etc Act 1996 (Ed Benjamin Mackie, 2022): "Limitation and the Party Wall etc Act 1996".
- Contributor to the 15<sup>th</sup> edition of Fisher and Lightwood's Law of Mortgage, Falcon Chambers

(LexisNexisButterworths, 2019).

- Contributor to first edition of *The Law and Practice of Party Walls*, Nick Isaac (Property Publishing 2014)
- Contributor to *Tanfield Chambers' Service Charges & Management: Law & Practice* 3rd edition (Sweet & Maxwell 2013).

## Published Comments

Cecily Crampin is widely acknowledged as an exceptionally promising property junior with a sophisticated practice. Her caseload includes landlord and tenant, mortgage and real property work. "Cecily is a solid advocate in both the tribunal and court." "My go-to for mortgage work; she is extremely thorough and bright." Recent work: Acted in a party wall appeal related to whether the join of a basement slab wall on one side of a boundary was a party wall under the Party Wall Act 1996. *Chambers UK Guide 2022 (Real Estate Litigation)*

‘Cecily is a go-to barrister. She is a very tenacious advocate with a firm and nuanced grasp of the detail and the technicalities of the law, but a very human touch in dealing with clients.’  
*Legal 500 2022*

Widely acknowledged as an exceptionally promising property junior with a sophisticated practice. Her caseload includes landlord and tenant, mortgage and real property work. She is also experienced in possession disputes. Strengths: "She has a brain the size of a planet." "Cecily is very easy to deal with, she is very calm and collected but ferocious and fiery before a judge." "Very diligent, approachable and clear in her advice." *Chambers and Partners UK Guide 2021 (Real Estate Litigation)*

'Cecily is very clever, well organised and always well prepared. She is approachable, a team player and easy to work with. We have had a number of notable successes for one particular client who is very impressed with her.' *Legal 500 2021*

Widely acknowledged as an exceptionally promising property junior with a sophisticated practice. Her caseload includes landlord and tenant, mortgage and real property work. She is also experienced in party wall work. Strengths: "Incredibly bright, capable of digging into the detail and a very good advocate." "Effective in cross-examination – very calm and impressive." "She does forensic, detailed analysis on the more complex work." Recent work: Continued to act for the Crown Estate Commissioners in a Court of Appeal matter concerning the extent of the no-Act assumption for lease extensions. *Chambers and Partners UK Guide 2020 (Real Estate Litigation)*

"Excellent on party walls and other neighbourly matters." *Legal 500 2020*

"Widely acknowledged as an exceptionally promising property junior, with a sophisticated practice. Her caseload includes landlord and tenant, mortgage and real property work. She is also experienced in party wall work. Strengths: 'A very clever and commercial team player.' 'A real authority on the Party Wall Act.' Recent work: Acted for the Crown Estate Commissioners in an application under the Leasehold Reform, Housing and Urban Development Act 1993, concerning the share of premium payable on a lease extension to the freeholder and the head leaseholder." *Chambers UK Guide 2019 (Real Estate Litigation)*

"Widely acknowledged as an exceptionally promising property junior, with a sophisticated practice. Her focuses include landlord and tenant, mortgage and real property work. Strengths: 'Very impressive when it comes to valuation issues, very pragmatic and user friendly.' 'Really cool under pressure, really calm, very assured and has all the answers.' Recent work: Instructed by the Crown Estate Commissioners in an application under the Leasehold Reform, Housing and Urban Development Act 1993 concerning the share of premium payable to the freeholder and head leaseholder." *Chambers UK Guide 2018 (Real Estate Litigation)*

"Widely acknowledged as an exceptionally promising property junior, with a sophisticated practice. Her focuses include landlord and tenant, mortgage and real property work. Strengths: 'She is very able and very much a rising star.' 'She is brilliant at property litigation and someone to really watch for the future.' 'She is very bright and very imaginative when it comes to producing creative solutions to problems.' Recent work: Instructed in a multi-claim dispute involving a group of developers and a leaseholder. The case concerned interpretation of contracts and land registration." *Chambers UK Guide 2017 (Real Estate Litigation)*