Falcon Chambers

Charles Harpum KC (Hon)

Called 1976



Practice Summary

All aspects of land law and conveyancing law, and landlord and tenant law. Particular expertise in relation to land registration, conveyancing matters, rivers and the seabed.

Education

- Downing College, Cambridge.
- B.A. (1975) (Starred double first class honours).
- LL.B. (1977) (Starred first class honours, Chancellors Medal for English Law).
- M.A. (1979).
- LLD (2003) Cambridge.

Professional

- Called, 1976 (Hardwicke and Cassel Scholarships, Buchanan Prize).
- Bencher of Lincoln's Inn, 2001.
- Fellow of Downing College, Cambridge, 1977-2001; Emeritus Fellow, 2001-
- Lawyer member of the Cambs, Chilterns & Thames Rent Assessment Committee 1987-1997.
- Law Commissioner for England and Wales (Head of Property and Trust Law Team) 1994-2001.
- As Law Commissioner responsible for the work that led to the Land Registration Act 1997, the Trustee Act 2000 and the Land Registration Bill presently before Parliament. Involved in the preparation for, and the passage through Parliament of, the Landlord and Tenant (Covenants) Act 1995, and also undertook work on perpetuities and accumulations and leasehold repairs.
- Acted as consultant to HM Land Registry during the passage of the Land Registration Bill through Parliament.
- Assisted the Ministry of Justice with the Perpetuities and Accumulations Act 2009.
- Awarded Honorary Sik - 2018

Recent Cases

- **Lynn Shellfish Limited v Loose** [2016] UKSC 14 (Supreme Court; several fishery, sandbanks and accretion)
- **Page v Convoy Investments Limited** [2015] EWCA Civ 1061 (Court of Appeal, boundaries and rights of way)
- **Bank of Scotland Plc v Joseph** [2014] 1 P & CR p 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 Limited** [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 Unicomp 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

- "Registered Land - Law and Practice under the Land Registration Act 2002" -Charles Harpum and Janet Bignell (2004) (Jordans).
- "Registered Land The New Law: A Guide to the Land Registration Act 2002" - Charles Harpum and Janet Bignell.
- Megarry & Wade's Law of Real Property (7th edition, 2008).
- Numerous articles on land law, conveyancing and trust law, several of which have been cited judicially.

Published Comments

"Receives plaudits for his extensive knowledge of property law and his ability to handle complex matters. His areas of focus include conveyancing law, land registration, and landlord and tenant law. Strengths: 'He is skilled at untangling issues and grasping complex legal principles.' 'He is extremely capable and has exceptional technical ability.' Recent work: Instructed on behalf of appellant fisherman on a case concerning the extent of ancient fishing rights." *Chambers UK Guide 2018 (Real Estate Litigation)*

"Well known for high profile appellate work" *Legal 500, 2017*

“Receives plaudits for his extensive knowledge of property law and his ability to handle complex matters. His areas of focus include conveyancing law, land registration, and landlord and tenant law. Strengths: ‘Frankly he’s absolutely magnificent, he’s quite simply faultless. It's a pleasure to give him something hugely complex.’ Recent work: Has recently acted on a number of cases related to fishing rights, including a very complex case about the title to fishing rights in Derbyshire.” *Chambers UK Guide 2017 (Real Estate Litigation)*

"He's a walking database on property law, providing thorough knowledge of his subject and a practical approach." *Legal 500, 2016*

"Continues to be a popular practitioner in the field, particularly due to his fluency in land registration matters. Several sources attest to his encyclopaedic knowledge of real estate law. Strengths: 'A noted authority on all aspects of land registration.' 'We use him on esoteric questions: he knows it all and is able to get to the crux of quite complex matters quickly'." *Chambers UK (2016)*

"Exceedingly competent and diligent, with an encyclopaedic understanding of the law." *The Legal 500 (2015)*

A decision of the Court of Appeal in Baxter v Mannion [2011] 1 WLR 1594. Jacobs LJ giving the judgment explained first: "5 It should be noticed that both the consultative document and the final report were the responsibility of Mr Charles Harpum, who was a Law Commissioner for England and Wales from 1994 to 2001, head of the Property and Trust Law team at the commission and a consultant to HM Land Registry during the passage of the Act through Parliament." He then went on to say: "35 Finally, although we were referred to other passages of Ruoff & Roper, Registered Conveyancing and to passages of Megarry & Wade, The Law of Real Property , 7th ed (2008) whose editors include Mr Harpum, none of the passages was directly in point- no bull's eye for either side. But one passage in Registered Land (2004) co-authored by Mr Harpum is- to use a mixed metaphor- squarely in point. It is a footnote to para 30.1 and says: "If an applicant was registered under the scheme provided by the Land Registration Act 2002 and it then transpired that he had not in fact been in adverse possession for ten years, his registration would be a mistake, and there would, therefore, be grounds for an application for rectification of the register: see Land Registration Act 2002, Schedule 4, paragraphs 2(1)(a), 5(a)." So the opinion of the architect of the Act is dead against Ms Galley's contentions. That clearly has considerable weight in view of Mr Harpum's deep connection with the Act and its drafting. 36 Accordingly I unhesitatingly reject the main point on this appeal." The reference was to Harpum and Bignell on Registered Land.

"A recognised authority when it comes to cases dealing with land registration and conveyancing. He's a go-to practitioner for clients with detail-heavy issues to resolve. Expertise: 'If you want a barrister with an exceptional technical mind, he is the man you want.' 'He is the leading authority on all aspects of land registration and obscure or archaic aspects of the law.' Recent work: He acted for the landowner in a dispute concerning the ownership of the bed of the Swale Estuary." *Chambers UK (2015)*

"A highly experienced junior, particularly for rivers and seabed related advice." *The Legal 500 (2014)*

"Charles Harpum Distinguishes himself in the property litigation field, and specialises in conveyancing and land registration. Has special knowledge of rivers and sea beds. Expertise: 'Exceptionally good and blessed with the most remarkable knowledge of property law'. 'What he doesn't know about property, nobody would know'. Recent work: Highlights including successfully representing Santander in a case whether demonstrated that a title register rectification cannot be retrospective in effect." *Chambers UK (2014)*

Listed as a Leading Junior *The Legal 500 (2013)*

"Charles Harpum is an 'exceptional technical property lawyer', say sources. Recent cases for him include Roberts v Swangrove Estates Ltd, a dispute over the ownership of the bed of the River Severn which turned on an ancient Welsh manorial law." *Chambers UK (2013)*

Listed as a Leading Junior *The Legal 500 (2012)*

"Charles Harpum 'has a quite encyclopaedic knowledge of the law, and is able to handle difficult and abstruse points. He has a breadth and depth of knowledge greater than most members of the Property Bar,' report peers. His recent case highlights include Herrmann v Royal Borough of Kensington & Chelsea, which concerned the effect of the Kensington Improvement Act 1851." *Chambers UK (2012)*

Listed as a Leading Junior *The Legal 500 (2011)*

"Charles Harpum is involved in highly technical matters relating to relatively obscure matters such as manorial

rights and riverbeds. 'He has the ability to be arresting when dealing with what could otherwise be an academic and dry subject, and he really cuts through to core issues', say market sources." *Chambers UK (2011)*

Listed as a Leading Junior in Property Litigation *The Legal 500 (2010)*

"Charles Harpum is a "good operator of long standing", who has been involved in matters relating to riverbeds and offshore wind farms" *Chambers & Partners (2010)*

"The experienced Charles Harpum provides effective written advice under pressure" *The Legal 500 (2009)*

"If you require "clear and comprehensive written advice", Charles Harpum is the junior to seek out. "Analytically sharp", he appeared in the 12-day trial of Roberts v Swangrove Estates Ltd, a case seeking to determine whether his client had acquired title by adverse possession to part of the bed of the River Severn". *Chambers & Partners (2009)*

Listed as a Leading Junior *The Legal 500 (2008)*

"Charles Harpum has many years experience in his field. "He is an amazingly clever chap who researches outside the box" and, in his work as a Law Commissioner, was responsible for numerous pieces of legislation now in place". *Chambers and Partners (2008)*

"Charles Harpum, the talented and academically focused junior is an emeritus professor at Cambridge and an expert on land registration." *The Legal 500 (2007)*

"Feedback on the "dedicated and bright expert" in land registration Charles Harpum suggested a growing fan base". *Chambers and Partners (2007)*

"Charles Harpum is "one who always gives it his best shot". *Chambers and Partners (2006)*

"On the academic side Charles Harpum is emeritus professor at Cambridge and a renowned expert on land registration". *The Legal 500 (2005)*

"As a Cambridge Academic and former Law Commissioner, Charles Harpum possesses "a deep well of knowledge on which to draw" and is "able to bring clarity very quickly to a complicated set of facts." *Chambers and Partners (2005)*

"Charles Harpum is well versed in land registration matters" *The Legal 500 (2004)*

"Charles Harpum is highly regarded". *The Legal 500 (2003)*

"Former Law Commissioner Charles Harpum is described as the authority on land law, having practically written the Land Registration Bill". *The Legal 500 (2002)*