Falcon Chambers

Ciara Fairley

Called 2011



Practice Summary

Ciara is a leading junior specialising in property litigation. She has reported cases at every level from the Supreme Court down. Chambers & Partners and the Legal 500 describe her as “a brilliant advocate” “extraordinarily clever” and “a class act”. She is “energetic, charismatic and tenacious” and “a pleasure to instruct”. Ciara has appeared in leading cases across a diverse spectrum of property law issues from proprietary estoppel to enfranchisement. Her litigation often takes her into other areas of the law, including partnership, insolvency, family law, human rights and professional negligence. Ciara particularly enjoys distilling complex issues into clear, simple points. She has previously been shortlisted for Barrister of the Year in Property and Housing.

Ciara practises in all areas of commercial and residential landlord and tenant and property law, but has particular expertise in the following:

- Adverse possession
- Agricultural tenancies and farming disputes
- Arbitration claims
- Business tenancies and the 1954 Act
- Co-ownership/ TOLATA
- Contractual interpretation
- Dilapidations
- Easements
- Enfranchisement
- Forfeiture
- Human rights
- Injunctions
- Partnership disputes
- Proprietary estoppel
- Registration and title
- Rent review
- Residential tenancies including service charges

- Statutory interpretation
- Valuation

Examples of Ciara's recent work include:

- appearing successfully before the Court of Appeal in a multi-million pound partnership dispute involving a buy-out between two equal partners (the first case of its kind)
- successfully resisting claims made over development land including obtaining injunctions to facilitate the construction of a new multi-million pound container terminal
- acting in an extremely high-profile and on-going dispute under the 1954 Act, where the landlord is opposing renewal on redevelopment grounds (f)
- a complex compromise of a multi-million pound proprietary estoppel claim, involving 26 witnesses of fact and 7 experts, on the eve of a 2 week High Court trial in which Ciara was leading more junior counsel
- successfully forfeiting a long lease of a hotel and then persuading the court exceptionally to refuse the tenant relief from forfeiture
- appearing in the Court of Appeal on a complex enfranchisement appeal concerning the disregard of improvements under the 1967 Act
- acting for one of the UK's largest private landowners on a wide range of issues across the client's commercial and residential portfolio
- acting as a Legal Assessor to an Arbitrator in a complex dispute about a rural estate in South East England
- advising on a substantial tract of the UK's coastline

Ciara has a loyal following of clients who instruct her time and again. She is consistently ranked in the directories for real estate litigation and agriculture and rural affairs. The following attributes are routinely singled out:

Clear, practical advice

Ciara is "very straight-talking and gives very clear advice". She "provides down-to-earth, accurate and strategically astute advice. Clients adore her."

Easy to work with

Ciara acts for a wide range of clients from data-centres to dairy farmers. She recognises the need to work well as part of a team and to communicate with clients effectively. She has a friendly, unpretentious style and is described in the directories as "very approachable and easy to work with" "great with clients" and "a pleasure to instruct".

Commercial awareness

Ciara has a keen commercial instinct and "provides sharp and tactically good advice". As one directory puts it: "Ciara is cognisant of clients' objectives and maps out a client strategy to achieve the client's aim."

Skilled advocate

Ciara is noted for being "excellent in court": the directories describe her as "a brilliant advocate" who is "quick thinking" "highly articulate and good on her feet" "her trial preparation is completely meticulous". She is

particularly noted for her tenacity and determination in court, as someone who “fights hard for her client”. As one judge put it, Ciara’s clients “could not have had a grittier advocate”.

Precise legal analysis

Ciara has a strong academic background: she has a PhD in Philosophy and was a Fellow at Trinity Hall, Cambridge before coming to the Bar. She brings logical rigour to her cases and enjoys distilling complex issues into simple clear points, which she advances for the benefit of her clients. As one directory puts it: Ciara has a “highly analytical mind. Exceptional at cutting through enormous amounts of factual evidence”. Other descriptions have included: “a first-class mind” and “one of the most thorough barristers that I have ever instructed”.

Responsive and reliable

Ciara is aware of the need to provide clients with a first-class service. The directories state that she is “all over the detail and also really responsive” “extremely hard working” and “her commitment to the cause of the client is outstanding”. She is “incredibly thorough, meticulous in preparation and very readily accessible when you have urgent matters”.

Confidence and reassurance

Ciara has “a very calming influence on clients in stressful situations”. In the directories she is described as “a real safe pair of hands” and someone who “inspires confidence in the clients”. As one directory puts it: “We use Ciara Fairley because we want to be successful and we want to win and she brings the level of detail we are looking for”.

Education

- BPTC – Outstanding – City University
- GDL – Commendation - City University
- PhD in Philosophy – Passed without corrections – UCL
- MPhil in Philosophy – Informal distinction – UCL (joint highest mark across the Universities of London)
- MA in Philosophy, Politics and Economics – First Class (with a college prize) - Wadham College, University of Oxford.

Professional

- Called 2011: Lincoln’s Inn

Awards

- Lord Mansfield Scholarship: Lincoln’s Inn
- Walter Wigglesworth Scholarship: Lincoln’s Inn
- Hardwicke Scholarship: Lincoln’s Inn
- Finalist: City University Mooting Competition
- Jacobsen Fellowship: Royal Institute of Philosophy
- Arts and Humanities Research Council Doctoral and Masters Awards

- Follett Scholarship: University College London
- Kisaki Prize: Wadham College, University of Oxford (Highest mark in Final Examinations in Philosophy).

Recent Cases

Selected Cases from 2019/2018

- **SHB Realisations Limited & Anor v Cribbs Mall Nominee (1) Limited & Anor:** Ciara appeared for the successful landlords in this case which arose out of the insolvency of the former BHS. The case concerned a long lease of commercial premises in a major shopping centre. The tenant and the mortgagee applied for relief from forfeiture following the service of a section 146 notice, citing the tenant's breach of the keep open covenant. There was a 5 day trial in January 2019 – with expert valuation and letting evidence - followed by lengthy written submissions and submissions in reply. Judgment was handed down on 1 April 2019. Ciara is being led by Caroline Shea QC.
- **Down v Trustees of the Hall Estate (Chancery Division):** Ciara appeared for the (successful) arbitrator in a claim brought under section 24 of the Arbitration Act 1996, to remove him as the arbitrator in a complicated agricultural dispute. Ciara successfully argued that the claim to remove him should be dismissed.
- Advisory work on the Law Commission's consultation paper 238, entitled: "Leasehold home ownership: buying your freehold or extending your lease"
- **Barber v Jest & Anor (Case Reference LON/00AJ/LDC/2018/0036):** this was an appeal from a decision of the First Tier Tribunal in a residential service charge dispute, specifically, in relation to an application to dispense from the consultation requirements under section 20 of the Landlord and Tenant Act 1985. The case was listed for a 2-day hearing at the end of 2018, and settled shortly before it was due to be heard by the Upper Tribunal.
- **Harwich International Port v Blackford & Oths:** a complex case involving alleged third parties rights over land belonging to Harwich International Port Limited. This long running dispute was successfully resolved at the end of 2018 following a High Court hearing as a result of which Ciara's clients obtained declarations vindicating their rights. Ciara was led by Stephen Jourdan QC.
- **Moore v Moore & Anor [2018] EWCA Civ 2669:** a three day appeal in the Court of Appeal in a major case concerning proprietary estoppel. The appeal was exceptionally complex and wide-ranging, as evidenced by the unusually long length of the Court of Appeal hearing. Judgment was handed down at the end of 2018 and the appeal was dismissed on almost all grounds. The case has been remitted to the original trial judge in relation to one ground and a further trial will, therefore, follow later in 2019. Ciara has been involved with this case, in which she is being led by Caroline Shea QC, since 2016.
- **Ekaireb v Uppstrom:** a long-running case involving a property in Knightsbridge. The principal dispute is about whether or not the tenant signed a document extending his lease for a further term but there are a number of procedural aspects of the case, which make it difficult and unusual. The case was listed for a 3-day trial at the end of 2018, but is currently adjourned while a litigation friend is appointed on behalf of the former tenant/defendant (who now lacks capacity).
- **Hussain v Hanspal:** a case involving a boundary dispute as well as numerous allegations of nuisance and harassment. The trial took place in the middle of 2018, as a result of which permission to appeal is sought. The High Court have listed the application for an oral hearing, which is due to take place later in 2019.
- **Proctor v Proctor:** a one day interlocutory hearing in a major family farming dispute worth approximately £7.5m. The majority of the disputed assets are held in trust and the case, therefore, involves the law of trusts as well as property and agricultural law.
- **Ekaireb v Sablivoka:** a hearing in the Family Division of the High Court in relation to a multi-million pound property portfolio, involving freezing orders, charging orders, and orders for sale.

Selected Cases from 2017/2016

- **Patel & Anor v SPG Holdings Limited (Case Reference: CHI/29UC/LSC/2017/0041):** two-day trial in November 2017 in the First Tier Tribunal. The case had two aspects: first, a service charge dispute, and secondly a dispute about whether the right to manage the building had been acquired. Ciara's clients were successful on both fronts. The Tribunal also made it clear that the other side will be unable to recover its legal costs via the service charge.
- **Falmouth House Limited v Hamden [2017] EWHC 779 (Ch):** Ciara was instructed on behalf of the defendant in a five-day service charge claim with a counterclaim in restitution. The defence was struck out on the first day of the trial on account of the defendant's non-attendance at trial, and relief from sanctions was refused. Ciara drafted the grounds of appeal and supporting skeleton argument for the appeal to the High Court. Nugee J., allowing the appeal, and granting relief from sanctions, said, of Ciara's submissions at first instance, [at para 28 of the judgment]: "I will set out her submission from the transcript in full since (to anticipate) it entirely accords with my own view of the matter." See also para [50].
- **Nigel Wiggins v Langbourn (FH4547SS) Properties Limited & Others (Case Reference LON/00BK/OCE/2015/0187):** Ciara appeared against Stephen Jourdan QC in a 1 day hearing before the First Tier Tribunal in a complex enfranchisement dispute involving an extremely high value property in Mayfair. Ciara was successful in arguing that "terms of acquisition" under the 1993 Act had been agreed. Mr Jourdan QC's clients sought permission to appeal but withdrew shortly before the appeal was due to be heard by the Upper Tribunal.
- **Moore v Moore [2016] EWHC 2202 Ch:** Two week trial in the Chancery Division in a complex family farming dispute. Ciara appeared for the son, who successfully claimed to be entitled to the family farm, which was worth approximately £10m, based on a proprietary estoppel established by his father. Ciara was led by Caroline Shea QC.
- **McDonald v McDonald [2016] UKSC 28:** Two day hearing in the Supreme Court on the effect of the Human Rights Act 1988 in disputes between private individuals. The case is the leading authority and was one of the most significant decisions of 2016. Ciara was led by Stephen Jourdan QC.
- **Hakim v Nijmeh (Case Reference LON/00AT/LSC/2015/0403):** Five day hearing in the First Tier Tribunal involving multiple allegations of breach of covenant on the part of the defendant leaseholder in an owner-occupied residential block – in particular, breach of the covenant to give access to the freeholder. There was also a service charge claim and counter allegations of harassment. Ciara appeared for the successful respondent.
- **De Sarrau v Inglewood International (HHJ Wulwik, Central London County Court):** Ciara appeared against Tom Weekes QC in this two day trial about the true construction of various leases of a large residential building in Belgravia. Arguments based on estoppel and section 62 of the Law of Property Act 1925 were run in the alternative.
- Advisory work on a proprietary estoppel claim worth approximately £20m.

Selected earlier cases

- **Turner v Ahmed (Case Reference BG/LON/00AY/OLR/2016/0997):** Disputed lease renewal under the 1993 Act. The case raised a novel point of law concerning the meaning of "reasonable security" under the Act. On the latter point, the Tribunal adopted Ciara's submissions:
- Advisory work in a High Court action worth £22m on enforcement and recovery of debts owed under various promissory notes.
- **Principality Building Society v Torfaen Borough Council: d**ispute arising from damage to property following a series of leaks which it was alleged were the result of defective worked carried out by the council on the public highway.
- Advice in relation to the alleged unlawful termination of a Farm Business Tenancy; the case also raises

issues of professional negligence.

- **Ittihadeih v Metcalfe: s**eries of High Court hearings in relation to an interim charging order raising novel legal issues: in particular, whether the original order had been obtained improperly as a result of alleged defects in disclosure.
- **Bergamini v Shanthkumar:** County Court proceedings for an injunction arising out of the unlawful interference with a right of way; Ciara subsequently drafted proceedings for committal when the injunction, which had been successfully obtained, was disobeyed.
- **Avon Estates v Sinclair Gardens Investments:** One day hearing in the First Tier Tribunal in a legally complex service charge dispute involving allegations of abuse of process. Ciara appeared for the successful respondent.
- **Capgemini UK PLC v Global Switch Estates 2 Ltd:** Contentious lease renewal under the Landlord and Tenant Act 1954 worth approximately £50m. This is the first time that a data centre renewal has been litigated and the case raises a number of novel questions. Ciara was led by Jonathan Small QC in the trial of the preliminary issues in the autumn of 2014. She was subsequently led by Nicholas Dowding QC in the trial to determine the rent and interim rent, which was heard by HHJ Dight in March 2015.
- **Bishop v Bishop** (HHJ Waddicor, Brighton County Court, December 2014): Three day trial in a family dispute that was both factually and legally complex. The case involved a large number of different claims including claims for undue influence, breach of trust, and conversion and the Court heard evidence from 8 different witnesses. HHJ Waddicor praised Ciara's oral and written submissions and said, in her judgment, that the Defendants "could not have had a grittier advocate".
- **McDonald v McDonald & Anor [2014] EWCA Civ 1049:** Landmark Court of Appeal decision on Article 8 of the European Convention on Human Rights. The Court held that Article 8 could not be invoked as a defence to a claim for possession, which is brought by a private landlord. Ciara appeared as junior counsel for the successful respondents, led by Stephen Jourdan QC. The case subsequently went on appeal to the Supreme Court, where the decision of the Court of Appeal was upheld. The case is the leading authority on the relation between private property law rights and human rights law.
- **Hoon & Wait v Odutuyo** (Bromley County Court, July 2014): Ciara was sole counsel for the successful respondents in a one day appeal on relief from sanctions. Guidance in Denton v White and Mitchell v News Group Newspapers considered; tenancy deposit legislation.
- **Co-Operative Bank v Envirotech** (Manchester County Court, June 2014): Ciara was sole counsel for the successful appellants in one day appeal and cross-appeal arising out of a claim in restitution for monies paid under a mistake of fact. Other issues included equitable set-off and abuse of process (res judicata and Henderson v Henderson estoppel).
- **Partridge & Warner v Clegg:** (Property Chamber (Land Registration) First Tier Tribunal, April 2014): Ciara was sole counsel for the successful applicants in a three day trial, involving six witnesses of fact, and lengthy written submissions. The case involved title to a piece of unregistered land, to which the applicants successfully asserted title by adverse possession.
- **Elveden v Usher:** (Central London County Court, December 2013): two week trial on whether the landlord of a 24,000 acre estate had unreasonably withheld its consent to a development by its tenant. Ciara was led by Timothy Fancourt QC.
- **Couper v Albion Properties Ltd (Costs) [2013] EWHC 4464 (Ch):** (High Court). Successful application for costs to be paid on the indemnity basis arising out of the High Court's earlier judgment in this case. Ciara was led by Stephen Jourdan QC.
- **Couper v Albion Properties [2013] EWHC 2993** (Ch): (High Court): complex three week trial involving proprietary and tortious claims. The issues were varied and included mooring rights in the River Thames; adverse possession; the right of public navigation; land registration; easements; conspiracy; slander of title; harassment; and misfeasance in public office. Ciara was led by Stephen Jourdan QC. Ciara has also been instructed in relation to various ancillary applications: including (i) interpleader proceedings, which were brought by the Claimant's wife, who sought (unsuccessfully) to be joined to the proceedings for the purposes of asserting her rights, and the rights of her daughter, under Article 8 of the European Convention on Human Rights; (ii) the Claimant's (unsuccessful) application for permission to appeal to the Court of Appeal; (iii) proceedings before the Land Registry; and in connection

with enforcement.

Pupillage

- During her pupillage, Ciara was involved in a number of complex and high profile disputes including:
- **Humber Oil Terminals Trustee Ltd v Associated British Ports** [2012] EWHC 1336 (Ch) (Sales J) (as Mark Sefton's pupil); [2012] EWCA Civ 596, [2012] 2 EGLR 59 – a contested 1954 Act renewal.
- **Cook v Mortgage Business** [2012] EWCA Civ 17 (working under Jonathan Small QC) - competing priorities following a sale and leaseback transaction.
- **Parshall v Bryans** [2013] EWCA Civ 240 (as Stephanie Tozer's pupil) - important issues about adverse possession, and land registration.

Publications

- Ciara has written articles for the Estates Gazette, the Solicitors' Journal and the New Law Journal. She has most recently co-authored an article on drones for the Official Journal of the Middlesex Law Society, which appears in the Spring 2017 issue. She is often asked to give talks to firms of solicitors and to students.
- Before coming to the Bar, Ciara was a Fellow of Trinity Hall, Cambridge and a member of the Faculty of Philosophy at the University of Cambridge. She has given talks at universities in the UK, Europe and North America.

Published Comments

"Ciara Fairley is exceptionally bright with an ability to be all over the detail while at the same time being able to focus on what really matters. Her written work is always superb. She is undoubtedly a KC in waiting." *Legal 500 UK Bar Guide 2027 (Property Litigation)*

"Ciara is one of the cleverest of the clever. Her paperwork is outstanding. She is also very well liked by clients and I consider her to be an excellent advocate." *Chambers and Partners UK Bar Guide 2027 (Agriculture & Rural Affairs)*

"Ciara can be relied upon to get to grips with complex matters, particularly those where unpicking and understanding intricate detail can make or break your case." *Legal 500 UK Bar Guide 2027 (Agriculture)*

"She has brilliant attention to detail and never misses a point." *Chambers and Partners UK Bar Guide 2027 (Real Estate Litigation)*

"Ciara is a brilliant advocate. Her trial preparation is completely meticulous and she is excellent in court." *Chambers and Partners UK Bar Guide 2026 (Real Estate Litigation)*

"She is energetic, charismatic and tenacious." *Chambers and Partners UK Bar Guide 2026 (Real Estate Litigation)*

"Ciara is a really technically sound barrister and a pleasure to instruct." *Chambers and Partners UK Bar Guide 2026 (Real Estate Litigation)*

"Ciara is quick thinking, hugely intelligent, very user friendly and great with clients." *Legal 500 UK Bar Guide 2026*

"Incredibly thorough and meticulous - and a committed and valuable member of the client's professional team." *Legal 500 UK Bar Guide 2026 (Agriculture)*

"Ciara Fairley is instructed in a broad range of agricultural, commercial and residential property law. She has experience of cases with professional negligence and insolvency aspects, and is regularly called on to act in complex cases with issues of valuation." *Chambers and Partners UK Bar Guide 2025 (Real Estate Litigation)*

"Ciara is exceptional and she provides astute advice." *Chambers and Partners UK Bar Guide 2025 (Real Estate Litigation)*

"Ciara Fairley is very thorough in her preparation and leaves no stone unturned." *Chambers and Partners UK Bar Guide 2025 (Real Estate Litigation)*

"Ciara Fairley is known for her focus in agricultural property matters, and particularly in handling partnership disputes, succession and proprietary estoppel claims." *Chambers and Partners UK Bar Guide 2025 (Agriculture & Rural Affairs)*

"Ciara is incredibly thorough, meticulous in preparation and very readily accessible when you have urgent matters. She inspires confidence in the clients." *Chambers and Partners UK Bar Guide 2025 (Agriculture & Rural Affairs)*

"Ciara Fairley has particular expertise in the agriculture space. She is very user-friendly and warm with clients. She is someone who is developing a niche in agriculture." *Chambers and Partners UK Bar Guide 2025 (Agriculture & Rural Affairs)*

"Ciara is detailed and intelligent and works hard." *Legal 500 UK Bar Guide 2025*

"Very thorough and committed – a very impressive junior." *Legal 500 UK Bar Guide 2025*

"Ciara is a bright and determined barrister and has a bright future." *Chambers and Partners UK Guide 2024 (Real Estate Litigation)*

"We use Ciara Fairley because we want to be successful and we want to win and she brings the level of detail we are looking for."

"Ciara has a first-class mind, her paperwork is outstanding and she is very well liked by clients." *Chambers and Partners UK Bar Guide 2024 (Agriculture & Rural Affairs)*

‘Ciara is very detailed and tenacious.’ *Legal 500 2024 (Property Litigation)*

‘Ciara provides down-to-earth, accurate and strategically astute advice. Clients adore her.’ *Legal 500 2024 (Agriculture)*

"Ciara is highly articulate and good on her feet. She is cognisant of clients' objectives and maps out a client strategy to achieve the client's aim." *Chambers and Partners UK Guide 2023*

"Ciara is extraordinarily clever. She is one of the most thorough barristers that I have ever instructed, and her written work is outstanding." *Chambers and Partners UK Guide 2023*

‘Ciara is an extraordinarily clever and thorough barrister, and her written work is outstanding.' *Legal 500 UK Bar Guide 2023*
Ciara Fairley is instructed in a broad range of agricultural, commercial and residential property law. She has

experience of cases with professional negligence and insolvency aspects and is regularly called on to act in complex cases with issues of valuation. "She is a class act and very good to work with." *Chambers UK Guide 2022 (Real Estate Litigation)*

‘ Ciara is very clever. Her attention to detail is second to none. Her commitment to the cause of the client is outstanding. Highly recommended. ’ *Legal 500 UK Bar Guide 2022*

Regularly practises a broad range of agricultural, commercial and residential property law, including matters with professional negligence, insolvency and planning aspects. Strengths: "Provides sharp and tactically good advice." "All over the detail and also really responsive." *Chambers and Partners UK Guide 2021 (Real Estate Litigation)*

Known for her work in residential, commercial and agricultural property law matters. She has expertise handling landlord and tenant disputes and proprietary estoppel claims. Strengths: "She is extremely diligent." "She is extremely thorough, she has a very calming influence on clients in stressful situations and she has fantastic attention to detail." *Chambers and Partners Guide 2021 (Agriculture & Rural Affairs)*

"A highly analytical mind. Exceptional at cutting through enormous amounts of factual evidence. Great with clients. Very approachable and easy to work with." *Legal 500 UK Bar Guide 2021*

"She is a talented advocate who fights hard for her client." *Legal 500 UK Bar Guide 2021 (Agriculture)*

Regularly practises a broad range of agricultural, commercial and residential property law, including matters with professional negligence, insolvency and planning aspects. Strengths: "She is super bright and thinks on her feet." "An excellent barrister to work with who has great empathy with clients." "Very straight-talking and gives very clear advice." Recent work: Acted in a case regarding a complex application for relief from forfeiture for a long lease of commercial premises in a large shopping centre. *Chambers and Partners UK Guide 2020 (Real Estate Litigation)*

"She is very thorough and has great attention to detail." *Legal 500 UK Bar Guide 2020*

Strengths: 'She is extremely bright and very hard-working." "A rising star.' Recent work: Acted in a two-day residential property trial involving a dispute over a service charge as to whether the tenants in question had acquired the right to manage the building." *Chambers UK Guide 2019 (Real Estate Litigation)*

"Regularly practices a broad range of agricultural, commercial and residential property law, including matters with professional negligence, insolvency and planning aspects. Strengths: 'Great in conference, user friendly and a good advocate who is a real safe pair of hands.' Recent work: Appeared in the Supreme Court in McDonald v McDonald, a case concerning the impact of human rights claims in cases involving private individuals." *Chambers UK Guide 2018 (Real Estate Litigation)*