Falcon Chambers

Jamie Sutherland

Called 2010



Practice Summary

Jamie Sutherland practises in all areas of commercial, residential and agricultural landlord and tenant and real property law.

Jamie is an experienced advocate in the courts and property tribunals, as well as in arbitrations and in all forms of alternative dispute resolution. He also has a busy advisory practice. He has been described in the legal press as “ridiculously clever, diligent and personable”.

Jamie’s experience includes:

- Adverse possession
- Agriculture and rural land, including all matters arising under the Agricultural Holdings Act 1986 and the Agricultural Tenancies Act 1995
- Break clauses
- Boundaries
- Business lease renewals under the Landlord and Tenant Act 1954
- Contractual interpretation
- Easements
- Enfranchisement under the Leasehold Reform Act 1967 and the Leasehold Reform, Housing and Urban Development Act 1993
- Forfeiture
- Land registration
- Options
- Overage agreements
- Professional negligence
- Rent review
- Residential tenancies under the Rent Act 1977 and the Housing Act 1988
- Restrictive covenants
- Tenants’ right of first refusal under the Landlord and Tenant Act 1987

Jamie is co-author of the latest two editions of Muir Watt and Moss on Agricultural Holdings (2018 and 2024), and was also a co-author of the first edition of The Law and Practice of Charging Orders on Land (2013). He writes regularly for the legal journals and frequently delivers training sessions to solicitors and other property professionals.

Education

- Jamie read Classics at Corpus Christi College, Cambridge, obtaining a first class undergraduate degree in 2006 and an M.Phil. in 2007.
- Jamie was awarded a Distinction in the Graduate Diploma in Law at City University London in 2009.

Professional

- Jamie was called to the Bar by Lincoln's Inn in 2010 and was awarded the Inn's Lord Bowen, Tancred and Levitt Scholarships.
- He completed the Bar Vocational Course at BPP Law School in 2010, where he was graded Very Competent.
- In 2015, Jamie was awarded a Pegasus Trust Scholarship, which enabled him to spend two months working with native title representative bodies in Australia. Based in Perth, he also spent time at a chambers in Sydney and attended "on-country" Federal Court of Australia hearings in two native title cases, held on the Aboriginal claim groups' traditional lands in the Pilbara region of Western Australia.
- Jamie is a member of the Property Bar Association, the London Common Law and Commercial Bar Association and the Chancery Bar Association.

Recent Cases

Jamie has recently appeared in the following cases:

- **Roberts v Virdee** (2024, County Court at Luton) – three-day trial in a boundary dispute, involving interpretation of conveyances and plans, proprietary estoppel and adverse possession
- **Trustees of Seend Lye Recreation Field v MacDonald** (2024, High Court in Bristol) – easement case which settled shortly before commencement of a five-day trial
- **Agricultural arbitration** (2023) –two-day arbitration on a Case D Notice to Quit under the Agricultural Holdings Act 1986, involving factual and legal disputes on effective service of a notice to pay rent
- **Ensor v Chunga Limited** (2023, County Court at Central London) – easement and nuisance case which settled at start of a three-day trial
- **Mackelden v Wilson's Auctions –** (2022, County Court at Canterbury) – three-day trial in a commercial forfeiture case, involving alleged breaches of user and alienation covenants
- **Sneller v Patel** (2021, County Court at Central London) – five-day trial in easement, boundary and trespass case resulting from a residential development
- **Clipper Logistics v Scottish Equitable** (2021, County Court at Sheffield) – two-day trial in an uncontested business lease renewal, with disputes over rent, alienation terms and energy efficiency regulations ("green lease" terms)
- **Hanuman v Patel** (2020, County Court at Romford) – trial regarding rent deposit deed in a commercial tenancy case
- **County of Herefordshire District Council v Bayliss** [2019] 9 WLUK 147 – determination by the

Agricultural Land and Drainage Tribunal regarding landlord's ability to seek possession under the Agricultural Holdings Act 1986 for a proposed development which does not yet have planning permission

- **Powles v Reeves** [2016] EWCA Civ 1375, [2017] 1 Costs L.R. 19 – appeal concerning the circumstances in which an appellate court can interfere with a judge's decision on costs following a settlement of the substantive issues
- **Stodday Land Limited v Pye** [2016] EWHC 2454 (Ch) – appeal on the validity of a landlord's notice to quit an agricultural holding, served in the registration gap arising on a transfer of the reversion

Publications

Jamie is co-author of two books:

- Muir Watt and Moss: Agricultural Holdings, Fifteenth Edition (2018) and Sixteenth Edition (2024)
- The Law and Practice of Charging Orders on Land, First Edition (2013)

Jamie's articles include:

- "Party Wall disputes: in on the Act?", New Law Journal 2023, 173(8021), 13-14
- "Adverse possession: the general theory of relativity (and title)", New Law Journal 2022, 172(7973), 9-10
- "Another landlord bites the crust: intention in opposed lease renewals", New Law Journal 2021, 171(7957~), 13-14
- "One flat, two guvnors: overriding leases and enfranchisement", New Law Journal 2020, 170(7878), 14-15
- "Check your email (signatures)! Electronic signatures and formality requirements", New Law Journal 2020, 170(7878), 14-15
- "Delineating the jurisdiction to grant relief from forfeiture", Landlord and Tenant Review 2020, 24(1), 20-24
- "Leases, Brexit and Frustration", Landlord and Tenant Review 2019, 23(5), 191-194
- "Possessory licences over land – relief all round!", Landlord and Tenant Review 2018, 22(5), 180-183
- "Notes in the margin: the court's approach to negligence claims against valuation surveyors", Solicitors' Journal 2017, 161(11), 29.
- "Enforcing restrictive covenants in building schemes", Solicitors' Journal 2016, 160(40), 31
- "Commercial and competitive: EU Competition Law and Retail Leases", New Law Journal 2016, 166(7698), 11-12
- "Back on the buses: implied terms after *Marks & Spencer v Paribas*", New Law Journal 2016, 166(7681), 11-12
- "Proprietary estoppel and the constructive trust as defences to the operation of a landlord's break clause", Landlord and Tenant Review 2012, 16(3), 88-91
- "Section 30(1)(g) of the Landlord and Tenant Act 1954: a landlord's intention or a tenant's coercion?", Landlord and Tenant Review 2011, 15(6), 223-226
- "Time out? How long do a landlord and tenant's liabilities last under the Tenancy Deposit Scheme?", New Law Journal 2011, 161(7479), 1173-1175

Published Comments

"He is a clear expert in this area with very impressive knowledge and ability to apply that to the specific facts." *Chambers and Partners UK Bar Guide 2027 (Agriculture & Rural Affairs)*

"Jamie was impressive; he is seriously clever and managed to achieve a great result in the end. He's a fabulous professional." *Chambers and Partners UK Bar Guide 2027 (Real Estate Litigation)*

"Jamie is very approachable and knowledgeable, he's always at the end of the phone, his drafting is superb, he never loses sight of the practical reality, his advocacy is great and his manner with clients is superb." *Chambers and Partners UK Bar Guide 2027 (Agriculture & Rural Affairs)*

"Jamie has deep knowledge of complex areas and can explain things in a way that is easy to understand. His drafting is excellent." *Chambers and Partners UK Bar Guide 2027 (Real Estate Litigation)*

"Jamie thinks of every single thing that may come up. He's completely all over the detail and incredibly hard-working. His advocacy is very effective." *Chambers and Partners UK Bar Guide 2026 (Agriculture & Rural Affairs)*

"Jamie gives considered and practical advice." *Chambers and Partners UK Bar Guide 2026 (Agriculture & Rural Affairs)*

"Jamie has a shrewd and analytical mind, able to work through very complex issues." *Legal 500 UK Bar Guide 2026 (Agriculture)*

"Jamie Sutherland is an agricultural barrister with particular focus on agricultural landlord and tenancy disputes. Sutherland is a co-author of both the fifteenth (2018) and sixteenth (2024) editions of the leading agricultural textbook, Muir Watt and Moss: Agricultural Holdings." *Chambers and Partners UK Bar Guide 2025 (Agriculture & Rural Affairs)*

"Jamie is very technically astute and his written work is beyond reproach." *Chambers and Partners UK Bar Guide 2025 (Agriculture & Rural Affairs)*

"Jamie's technical knowledge is second to none. He is unruffled by last ditch attempts to raise new arguments and his grasp on agricultural law is excellent." *Legal 500 UK Bar Guide 2025*

"Jamie Sutherland is brilliant, just brilliant, you know with Jamie that no point, however small, has been missed." *Chambers and Partners UK Bar Guide 2024 (Agriculture & Rural Affairs)*

"Jamie Sutherland is very measured and a capable drafter." *Chambers and Partners UK Bar Guide 2024 (Agriculture & Rural Affairs)*

"Jamie is an exceptionally thorough and tenacious junior." *Legal 500 UK Bar Guide 2024*

"Jamie is a great advocate; his written advice is outstanding." *Chambers and Partners UK Guide 2023*

"Jamie is ridiculously clever, diligent and personable; he is destined for great things." *Legal 500 UK Bar Guide 2023*

Jamie Sutherland is a well-regarded junior with particular expertise in agricultural landlord and tenant disputes. He is also frequently instructed on real property law matters. He was a general editor of the 15th edition of the leading textbook Muir Watt & Moss: Agricultural Holdings. "He's very intelligent, and his ability to cut through complex issues is marvelling." "He was quick and provided high-quality advice - exactly what you need when you want someone to tell you the answers to what you need to know when you don't know what you need to know!" *Chambers and Partners Guide 2022 (Agriculture)*
"He is very technically competent. Agricultural property law is a complex subject and he has a very good grasp

of the issues." "He has a great manner with the client and is friendly and approachable." *Chambers and Partners Guide 2021 (Agriculture & Rural Affairs)*

"Insightful knowledge of agricultural holdings and is very good at cutting through complex issues and putting in a simple way with modern comparators. This is a very niche area and his knowledge and capability in this area instils confidence from the outset." *Legal 500 UK Bar Guide 2021*

"Very thorough and clearly knows the law." *Legal 500 UK Bar Guide 2020*