



Falcon Chambers



Nathaniel Duckworth

Called 2002



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Practice Summary

Nathaniel Duckworth's practice encompasses all aspects of real property and landlord and tenant-related litigation, advice and ADR. Real property matters on which he advises include:

- Conveyancing and development contracts
- Boundary disputes and adverse possession
- Land registration
- Private and public rights of way and other easements
- Restrictive covenants
- Options
- Mortgages
- Disputes relating to beneficial ownership of land, fraud, common law and statutory nuisance and compulsory purchase.

He advises in both residential and commercial landlord and tenant matters including:

- Rent review
- Break clauses
- Forfeiture and other possession claims
- Applications for consent
- Service charge
- Right to manage
- Dilapidations
- Enfranchisement

- Business lease renewals under the 1954 Act
- 1987 Act right of first refusal
- Agriculture and public-sector tenancies.

He also regularly advises on associated company, insolvency, trusts and partnership matters and has extensive experience in professional negligence claims against surveyors, solicitors and other property professionals.

Nathaniel has appeared in the Privy Council and the Court of Appeal and regularly appears in both the High Court and the County Court as well as the Lands Tribunal, Leasehold Valuation Tribunal and other statutory tribunals. He also has experience of advising and acting in mediations and arbitrations, as an independent expert.

Nathaniel also has experience of advising and appearing in Court in other jurisdictions, including Bermuda, Trinidad & Tobago, the Cayman Islands, Jamaica, the Turks & Caicos and Hong Kong.

- [Education](#)
 - St. Anne's College, Oxford: M.A. Honours Modern Languages (French & Spanish), 1st Class
 - Paris Chamber of Commerce: Diploma in Business and Economics French
 - The College of Law: Diploma in Law (Commendation).
- [Professional](#)
 - Inns of Court School of Law: Bar Vocational Course (Very Competent, graduated top 3%)
 - Called, Lincoln's Inn (2002).
- [Recent Cases](#)
 - **Derhalli v Derhalli** [2021] EWCA Civ 112 (Court of Appeal). Acted for the successful Respondent in a second appeal concerning the interpretation of a consent order in high value divorce proceedings.
 - **Menzies v Louisiana Properties Ltd** (2019) (High Court, HHJ Kremer) Acted for the successful appellant in an appeal relating to a claim for damages for negligence and nuisance in connection with water penetration from a suprajacent flat.
 - **?London Kendal No 3 Ltd v Daejan Investments Ltd** [2019] 7 WLUK 589 (HHJ Saunders). Acted for the successful landlord at trial in commercial lease renewal proceedings under the Landlord and Tenant Act 1954, in the first ground (f) case since the Supreme Court's decision in *S Franses v Cavendish Hotels*.
 - **Shortland v Hill [2018] 1 P & CR 16** (HHJ Matthews) (claim for declaration as to location of a boundary and scope and enforceability of a right of way).
 - **Pollock v Oldfield** [2018] EWHC 2743 (Chancery Division, Arnold J). Acted for the successful appellant overturning a finding of fact and the first instance judge's construction of an old conveyance in boundary dispute proceedings.
 - **Freehold Managers (Nominees) Ltd v Celestia Management Company** [2017] EWHC 1281 (Chancery Division, HHJ Davis-White QC). Acted for the successful Defendant in a claim for declaratory relief as to the proper construction of an outgoings covenant in a lease forming part of a complicated leasehold scheme
 - **Sparks v Biden** [2017] EWHC 1994 (Chancery Division, HHJ Jarman QC). Acted for the Defendant in a claim for declaratory relief as to existence or otherwise of an implied term in an overage agreement
 - **Goodlad v Tonkinson** (2017) (SYK196094) – Acted for the successful respondent opposing an application to the First-tier Tribunal for a notice protecting an option agreement to be cancelled on the grounds of invalidity / unenforceability.
 - **Westhill Endowment v Birmingham City Council** (2016) (Chancery Division, HHJ Purle QC). Acted for the successful claimant in proceedings for rectification of the register of town or village greens under section 14(b) of the Commons Registration Act 1965, led by Guy Fetherstonhaugh QC.

- **Murdoch v Amesbury** [2016] UKUT 0003 (TCC). Appeal to the Upper Tribunal (HHJ Dight), in a boundary dispute, concerning amongst other things (i) the breadth of the FTT's discretion on an application for a determined boundary under s.60(3) of the Land Registration Act 2002 and (ii) the extent of the *Ali v Lane* exception to the inadmissibility of subsequent conduct.
- **Airport Industrial GP Ltd v Heathrow Airport Ltd** [2015] EWHC 3753. Claim for specific performance of contractual obligations to build and hand over a car park in the immediate environs of Heathrow.
- **Safin v Badrig** [2015] EWCA Civ 739. Appeal to CA about whether and if so in what circumstances the Court may vary a consent order containing a contract of compromise.
- **CF Business Ltd v Munday** [2014] EWCA Civ 1296 (Court of Appeal decision in a mortgagee possession case raising issues of estoppel by convention and cause of action estoppel).
- **Ham v Ham** [2013] EWCA Civ 1301 (Court of Appeal decision on the interpretation of departure provisions contained in a partnership agreement).
- **Director of Land Valuation v Banks** (2012) Civil Appeal No 12 (Bermuda Court of Appeal: construction of the Land Valuation and Tax Act 1967)
- **Lancashire Insurance Co Ltd v MS Frontier Reinsurance Limited** [2012] UKPC 2012 (Appeal from the Bermuda Court of Appeal: interpretation of an agreement for an assignment of a commercial lease; waiver by election)
- **CA Trott (Plant Hire) Ltd v Humble** [2012] UKUT 391 (Lands Tribunal appeal: enfranchisement and breach of natural justice)
- **Director of Land Valuation v Banks** (2012) Civil Appeal No 17 (Supreme Court of Bermuda: rating appeal)
- **Gopaul v Baksh** [2012] UKPC 1 (Privy Council (Trinidad & Tobago): statutory interpretation)
- **Rees v Peters** [2011] EWCA Civ 836 (Court of Appeal decision on restrictive covenants; alteration of the register)
- **Neale v Witney Electric Theatre** (2011) (Court of Appeal decision on interim rent under the 1954 Act)
- **Forrester Ketley & Co v (1) Brent (2) Palette** [2009] EWHC 3441 (Ch) (High Court fraud trial).
- **Royal Oak Property Co. Ltd v Iktilat and anor** [2008] PLSCS 215 (High Court: Sham trusts; whether equity of redemption is a sufficient interest for the purposes of s. 2 of the Charging Orders Act 1979).
- **Plintal SA and another v 36-48A Edgewood Drive RTM** [2008] PLSCS (Lands Tribunal: Jurisdiction of the LVT to award costs under s. 88(1) of the Commonhold and Leasehold Reform Act 2002).
- **The Holt (Freehold) Ltd v Daejan Investments Ltd** [2008] PLCS 75 (Lands Tribunal: Enfranchisement: deferment rate for non-Prime Central London property).
- **Blue Haven Enterprises Ltd v (1) Tully and (2) Robinson** [2006] UKPC 17 (Appeal from the Jamaica Court of Appeal – proprietary estoppel/unjust enrichment).
- **DS (Applicant) v SS (NOW SM) (Respondent) & EM (Intervener)** [2006] EWHC 2892 (Fam) (proprietary estoppel, constructive trusts; competing equities).
- **[Publications](#)**
 - Co-author of Commercial and Residential Service Charges (www.bloomsburyprofessional.com/1528/Bloomsbury-Professional-Commercial-and-Residential-Service-Charges.html)
 - Contributor to the Woodfall Landlord and Tenant Bulletin
 - Contributor to the New Law Journal.

Published Comments

Nathaniel Duckworth is an expert in real property, and residential and commercial landlord and tenant work. He excels in everything from service charge liability disputes and adverse

possession claims to easements and restrictive covenants. "He is technically good and he's one of a very modern breed of barrister who is easy to deal with, very responsive and immensely approachable and commercially minded." "He is incredibly bright and responsive and brilliant with solicitors and clients alike." *Chambers and Partners UK Guide 2022*

‘ Nat is an absolute leader in his field. He is exceptionally astute and his ability to collate facts and evidence is outstanding. He produces some of the best pleadings I have seen, and he is exceptionally user friendly with clients and is a natural leader. Diligent, reliable, incredibly intelligent, a superb advocate and extremely focused. ’ *Legal 500 2022*

An expert in real property, and residential and commercial landlord and tenant work. He excels in everything from boundary disputes and adverse possession claims to easements and restrictive covenants. Strengths: "Nat's work ethic, his knowledge of the case and his client manner is just exceptional." "He is a smart and capable barrister who earns the confidence of clients." "He's excellent as an advocate, very persuasive with the judge and reassuring with the client." *Chambers and Partners UK Guide 2021 (Real Estate Litigation)*

"A true expert when it comes to landlord and tenant disputes." *Legal 500 2021*

An expert in real property, and residential and commercial landlord and tenant work. He excels in everything from boundary disputes and adverse possession claims to easements and restrictive covenants. Strengths: "Gets to grips with issues quickly and gives pragmatic advice." "Commercially focused and provides accessible and insightful advice." "Extremely knowledgeable with impressive turnaround times." *Chambers and Partners UK Guide 2020 (Real Estate Litigation)*

"Recommended for real property and landlord and tenant-related litigation." *Legal 500 2020*

"An expert in real property, and residential and commercial landlord and tenant work. He excels in everything from boundary disputes and adverse possession claims to easements and restrictive covenants. Strengths: 'Has a calm yet confident manner in court and thinks well on his feet.' 'Technically excellent with good court presence.' Recent work: Successfully represented the defendant in a claim for declaratory relief as to the proper construction of an outgoing covenant in a lease forming part of a complicated leasehold scheme." *Chambers UK Guide 2019 (Real Estate Litigation)*

"Excels at conveyancing, boundary disputes and adverse possession." *Legal 500 2018*

"An expert in real property, and residential and commercial landlord and tenant work. He is an expert in everything from boundary disputes and adverse possession claims to easements and restrictive covenants. Strengths: 'Nathaniel very confident in court, proactive, someone with a great eye for detail and a man who delivers on time.' 'Technically shrewd and very industrious.'” *Chambers UK Guide 2018 (Real Estate Litigation)*

"Highly recommended for residential and commercial landlord and tenant work". *Legal 500, 2017*

“An expert in real property, and residential and commercial landlord and tenant work. He is an expert in everything from boundary disputes and adverse possession claims to easements and restrictive covenants. Strengths: ‘Offers excellent, pragmatic advice, which is quickly turned around’.” *Chambers UK Guide 2017 (Real Estate Litigation)*

"He provides a silk's brain with a junior's price tag – compelling on paper and resilient and effective in court." *Legal 500, 2016*

"Acts in disputes covering the full range of property law, and is noted for his expertise in agricultural cases. Strengths: 'He is technically astute and extracts clients from a difficult position.' 'He is very punchy at drafting and an extremely persuasive advocate.' Recent work: Acted in a case which sought to ascertain whether a mortgagee was blocked from pursuing a possession warrant to recover funds secured from provisions contained in the mortgage".
Chambers UK (2016)