



Falcon Chambers



## Tamsin Cox

Called 2005



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## Practice Summary

Tamsin specialises in all areas of property law, including all aspects of real property and both commercial and residential landlord and tenant, as well as property-related insolvency matters. She has extensive experience of litigation in the Court of Appeal, High Court, County Courts across the country, the Lands Chamber of the Upper Tribunal and the Property Chamber of the First Tier Tribunal.

Tamsin's recent cases have related to the following areas:

- Easements, restrictive covenants, rentcharges and boundary disputes;
- Land registration;
- Commercial landlord and tenant including renewals pursuant to the Landlord and Tenant Act 1954, dilapidations, breaches of covenant, consents for alterations and underlettings, rent review, breach of covenant, nuisance and forfeiture;
- Residential landlord and tenant including possession proceedings, enfranchisement, service charges, right to manage, nuisance, forfeiture, deposit schemes and termination under the 1988 Act and the 1977 Act;
- Development issues, including options and tenants' rights of first refusal;
- Mortgages, including possession matters and fraudulent transactions;
- Insolvency, including disclaimer of leases, vesting orders and escheat.

Tamsin has appeared in a number of significant cases including UBS Global Management (UK) Ltd. V Crown Estate Commissioners (corporate insolvency, options and escheat) and Boots UK Ltd v Goldpine Estates Ltd (Landlord and Tenant Act 1954 lease renewals, agreements and interim rents).

Tamsin regularly delivers lectures on property law matters, and writes articles for periodicals including the New Law Journal. She is co-author of The Law and Practice of Charging Orders on Land.

- Education

- New College, Oxford (BA Literae Humaniores)
- City University Diploma in Law.

- Professional

- Inns of Court School of Law, Bar Vocational Course
- Called, Lincoln's Inn (2005)
- Named as one of Square Mile Magazine's 30 Under 30 in the London Talent Awards 2010
- Appointed Junior Counsel to the Crown - B Panel.

- Recent Cases

- **Apexmaster v URC Thames** (High Court, Chancery Division, 23/02/18). Successfully resisted a without notice application for an injunction to restrain an alleged trespass into airspace caused by the Defendant's building works. In rejecting the claim, the Court reaffirmed principles as to when without notice proceedings are appropriate, and refused an injunction on basis that the injury complained of was minor, and that, in London, neighbours have to be reasonable about minor inconveniences caused during building work which is being carried out considerately.
- **Linvale Investments Ltd v Walker** [2016] 2 P&CR 12: Claim to a right of way over an emergency exit from commercial premises.
- **Global Options Worldwide Express Ltd v 57A Logistics Ltd** (EWHC, QB Div, 2016): Urgent injunction proceedings relating to termination of a licence agreement in commercial premises.
- **McCormick v Ivens-Barnes** (EWHC, Ch Div, 2016): Multiple applications pursuant to the Trusts of Land and Appointment of Trustees Act 1996 on dissolution of a joint business venture.
- **Assured Energy LLP v Burgess** (EWHC, Ch Div, 2016): Urgent injunction proceedings relating to forfeiture of a commercial lease of a biofuel power station.
- **Boots UK Limited v Goldpine Estates Limited LTL** 19/06/2014, Court of Appeal: relevance of agreed lease terms in a 1954 Act unopposed renewal being "subject to contract", and whether, where the terms had been agreed on that basis, the Court had to wait and see whether a new lease would be granted on the agreed (or any other) terms, to allow it to determine whether or not the interim rent would fall under sections 24C or D.
- **Begley v Taylor** [2014] EWHC 1180 (Ch): Chancery trial in relation to rights of way and rights to park.
- **Jahangir v Ali** (Birmingham CC, February 2012): Claim in relation to disrepair of commercial premises.
- **Landmark Fiduciary Co Ltd v London Consolidated Pties Ltd** (LVT, April 2011): Complex residential service charge dispute including issues relating to major works at a valuable block adjacent to Harrods.
- **Grey v Kershaw** [2011] EWLandRA 2011/0390: Decision of the Adjudicator to HM Land Registry in relation to a boundary dispute, involving issues of adverse possession under the Land Registration Act 2002.
- **UBS Global Asset Management (UK) Ltd v Crown Estate Commissioners** (EWHC, Ch Div, June 2011): Part 8 claim for order creating and vesting freehold interest in property on behalf of the grantee of an option pursuant to section 181 of the Law of Property Act 1925 following dissolution of the corporate grantor of the option outside the jurisdiction and escheat of its freehold interest to the Crown.
- **ADM Milling v Tewkesbury Town Council & Ors** [2011] EWHC 595 (Ch): Consideration of proper construction of undefined terms in sections 193 and 194 of the Law of Property Act 1925 relating to rights of common in the context of ancient rights of sole vesture over an island in the River Severn, and the application of the rights of the public to use the island for exercise and air conferred by section 193.

- **Bezkorowajny v Dawson** [2010] EWLandRA 2010/1203: Decision of the Adjudicator to HM Land Registry in relation to adverse possession under the Limitation Act 1980. Successfully claiming land for squatter.
- **The Law Society v Andrew Nulty** (EWHC, Ch Div, June 2010): Securing freezing injunction over property belonging to solicitor who had been struck off in order to recover costs of disciplinary proceedings against him following his removal overseas.
- **Patel v Keles** [2009] EWCA Civ 1187: Considers the requirement of 'intention' in the context of a landlord seeking to terminate a lease of business premises and relying on section 30(1)(g) of the Landlord and Tenant Act 1954.
- **Hicklanc Properties Ltd v Bradbury Investments Ltd** [2008] EWCA Civ 691: The Court of Appeal held that the judge at first instance had been entitled to find that the parties to a lease had a common intention that the freehold interest to be acquired pursuant to a tenant's right of pre-emption was to be valued at open market value subject to the lease, rather than with vacant possession as stated therein. The lease was rectified in order to reflect the true agreement.
- **Archer v (1) Eden and (2) Halifax Plc** [2007] EWLandRA 2005/0797: Decision of Adjudicator to HM Land Registry in relation to alteration of the Register to restore the name of the application as joint proprietor of property based on an improperly attested signatures, and allegations that a signature had been forged.
- **Graves v Graves** [2007] EWCA Civ 660 (An assured shorthold tenancy agreement between a former husband and wife was subject to an implied condition that if housing benefit was not payable the tenancy would come to an end).
- **Khan v Edgbaston Holdings Ltd** [2007] EWHC 2444 (QB): Consideration of the meaning of 'promptly' in the context of the Court's discretion to set aside or vary a default judgment pursuant to CPR r.13.3
- **Bexley LBC v Maison Maurice Ltd** [2006] EWHC 3192 (Ch) (A local authority was estopped from denying that a property owner had a permanent means of access to a highway where the owner had reasonably expected that it would receive a new, permanent and safe access in substitution for its old access without additional payment after it had complied with planning conditions imposed by the local authority).
- [Publications](#)
  - Co-author of *The Law and Practice of Charging Orders on Land*, 2013
  - Contributor to the *New Law Journal*.

## Published Comments

Predominantly focuses on landlord and tenant cases in both commercial and residential settings. She also acts in property-related insolvency matters. Strengths: "Clients like her and she has good technical expertise." "A highly effective advocate." Recent work: Acted in a First-tier Tribunal case regarding the reasonableness of service charges at a block of apartments in Nottingham. *Chambers and Partners UK Guide 2020 (Real Estate Litigation)*

"Practical, measured and thorough, with spot-on tactical judgement." *Legal 500 2020*

Tamsin is "superb" and has "excellent knowledge of the field". Her practice covers various issues, including insolvency, forfeiture and deposit schemes. *Who's Who Legal UK Bar 2019 Guide*

"Predominantly focuses on landlord and tenant cases in both commercial and residential settings. She also acts in property-related insolvency matters. Strengths: 'Very responsive and an

excellent advocate.' 'Bright and pragmatic.' Recent work: Acted for the defendants in urgent injunction proceedings relating to alleged trespass by oversailing scaffolding." *Chambers UK Guide 2019 (Real Estate Litigation)*

"She excels in the courtroom with devastating controls of the facts and law." *Legal 500 2018*

"Predominantly focuses on landlord and tenant cases in both commercial and residential settings. Strengths: 'A personable, sensible and commercial barrister. Tamsin always understands the end goal and deals with matters in a refreshingly pragmatic way.' 'Provides reliable 1954 Act advice on interim rent and brings troublesome negotiations back on track.' Recent work: Appeared in a case to determine whether the landlord, tenant or sub tenant was responsible for paying non domestic rates for commercial property under the terms of the leases." *Chambers UK Guide 2018 (Real Estate Litigation)*

"Her work is thorough and well reasoned, and she instils confidence from the beginning" *.Legal 500, 2017*

"Predominantly focuses on landlord and tenant cases in both commercial and residential settings. Strengths: 'Amongst the juniors, she has always stood out and has always been excellent. She's very good on her feet and very reliable.' 'She's a confident advocate who gives superb written advice in a client-friendly form.' Recent work: Advised on a claim to enfranchise made by the representatives of deceased tenants on a large West London estate." *Chambers UK Guide 2017 (Real Estate Litigation)*

"Highly recommended for expedited High Court trespassers actions." *Legal 500, 2016*

"Has recently advised on cases surrounding issues with adverse possession, conditional agreements and service charges. She is praised for being a robust practitioner who cuts to the heart of the matter. Strengths: 'She is very personable, efficient and straight to the point. She thoroughly researches her stuff.' 'She displays admirable commercial judgment and takes a common sense approach.' Recent work: Involved in the neighbour dispute of *Begley v Taylor*". *Chambers UK (2016)*

"An up and coming junior, insightful, and quick to get to the heart of the issues" *.Legal 500 (2015)*

"A well-regarded and knowledgeable junior, who is praised for her advocacy skills. She focuses on residential and commercial landlord and tenant disputes. Expertise: 'She has an understated but tenacious style.' 'A very pleasant, amenable and able junior, who knows the law through and through.' Recent work: Acted successfully before the Land Registry Adjudicator in a family mortgage fraud case." *Chambers UK (2015)*

"A very cool operator; her drafting is a real strength." *The Legal 500 (2014)*

"Tamsin Cox Focuses on real estate law in relation to landlord and tenant matters across the commercial and residential spectrum, receiving particular praise for her strong advocacy. Expertise: 'Very good and very pleasant to deal with, Gets to the issues quickly'. 'She fights tooth and nail for her clients and her submissions are excellent'. Recent work: She achieved a positive outcome for clients in relation to a mortgage arrears controversy and won a case for clients in an adverse possession claim over a garage in the County Court in *Street v Smith*." *Chambers UK (2014)*

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

"The 'fabulous' Tamsin Cox, meanwhile, is 'incredibly good value for money and astoundingly

good for someone of her level'. She acted in *London Consolidated Properties Ltd v Landmark Fiduciary Company Ltd*, a service charge dispute relating to a high value property adjacent to Harrods." *Chambers UK (2013)*

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

"Debuting in the rankings, Tamsin Cox 'has an eye for detail and a persuasive and digestible writing style. She is very level-headed and has an instinctive grasp of what is going on,' say solicitors. Her recent case highlights include *Law Society v Nulty*." *Chambers UK (2012)*

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

Listed as a Leading Junior. *The Legal 500 (2010)*

Listed as a Leading Junior. *The Legal 500 (2009)*

Also of note is the 'conscientious and excellent advice' of new entrant...Tamsin Cox" *The Legal 500 (2008)*