

TANFIELD

PROPERTY & REAL ESTATE BARRISTERS



Charles Joseph

Year of call

1980

Charles Joseph is a barrister specialising in most areas of modern chancery work including property, wills, trusts and probate, commercial work, directors' duties and disqualification proceedings and minority shareholders' rights, and related areas of professional negligence.

Commercial Contracts

Charles is regularly instructed on behalf of corporate bodies, partnerships, LLPs and individuals, including trustees, executors and beneficiaries, and by firms of solicitors ranging in size from very large to sole proprietors. Professional Access (e.g. from surveyors, engineers etc) and Public Access instructions are also accepted. He appears before courts at all levels and before arbitral and other tribunals including disciplinary tribunals. His work encompasses both contentious and non-contentious matters. He gives clients clear and straightforward advice based on a keen appreciation of what is likely to be practical and commercial.

Real Property

Charles has considerable experience in a wide range of property work and focuses on commercial landlord and tenant, real property (e.g. freehold covenants, conveyancing problems, easements etc) and construction matters.

Commercial Disputes

Charles' business and commercial work includes partnership disputes, share disputes, directors' disqualification proceedings, unfair prejudice petitions and all forms of contractual and commercial disputes.

Professional Negligence

Charles acts for claimants and defendants in related professional negligence matters including issues relating to surveyors, solicitors, architects and engineers.

Arbitration

Charles is a Chartered Arbitrator and Fellow of the Chartered Institute of Arbitrators, and so also accepts appointments to sit as an arbitrator. He is a member of the Law Society Arbitration Panel. He is also a sometime legal assessor to the General Optical Council and panel member of the Bar Disciplinary Tribunal.

Cases resolved by arbitration fall into all categories of his practice, and in the past have included such varied matters as an allegedly forged will, a solicitors' partnership dispute and a substantial five-party commercial / contractual dispute.

Notable Cases

Diag Human SE v Czech Republic [2014] EWHC 1639 (Comm)

Whether enforcement in England and Wales of foreign arbitration award under New York Convention susceptible to doctrine of res judicata.

Diag Human SE v Czech Republic [2014] 1 Lloyd's Rep 288

Security for costs against foreign party seeking to enforce foreign arbitration award under the New York Convention.

Hart Investments Ltd v Fidler [2007] PNLR 26, 112 Con LR 33

Engineer's negligence in failing to warn of possible collapse of building due to inadequate temporary works.

Hart Investments Ltd v Larchpark Ltd [2007] BCC 541

Security for costs against insolvent counterclaiming defendant.

Diane (AO) v Davis Frankel & Mead [2005] 1 ALL ER 1074

Inspection of documents on court file.

FSA v Martin [2005] 1 BCLC 495 (CH Div); [2006] 2 BCLC 193, [2006] PNLR 11 (CA)

Solicitor permitting funds to pass through client account where client mis-selling shares.

Re Reynolds (deceased) [2005] EWHC 6 (Ch Div)

Formal and substantial validity of will challenged.

Re Vaughan (deceased) [2005] WTLR 401

Forgery, fraud, unsoundness of mind, lack of testamentary capacity, want of knowledge and approval alleged in wills dispute.

Kupfer v Dunne [2003] EWCA Civ 1549

Proper evidential approach in boundary dispute.

Chittock v Stevens [2000] WTLR 643

Rectification of will out of time.

Dora v Simper [1999] BCC 836

Non-disclosure on Mareva injunction.

Electrotec Services Ltd v Issa Nicholas (Grenada) Ltd [1998] 1 WLR 202

Power to order security for costs in construction case appeal to Privy Council.

Wallace v Brian Gale & Associates [1998] 53 CON LR 2 costs LR 53

Negligent surveyor to pay costs of rectification works.

Ridgeway Motors (Isleworth) Ltd v Charles [1996] EGCS 105

Laches and enforceability of option to purchase land.

Re Leasing & Finance Services Ltd [1991] BCC 29

Winding up – cross claim against creditor.

Publications

- Contributor, Service Charges & Management 3rd Edition 2013 (Sweet & Maxwell)
- Contributor, Service Charges & Management: Law & Practice 2nd edition 2009 (Sweet & Maxwell)
- Contributor, Service Charges & Management: Law & Practice 1st edition 2005 (Sweet & Maxwell)

Qualifications

- Chartered Arbitrator
- BA Hons

Memberships

- Chancery Bar Association
- Chartered Institute of Arbitrators
- London Common Law & Commercial Bar Association
- Property Bar Association