

TANFIELD

PROPERTY & REAL ESTATE BARRISTERS



James Hamerton-Stove

Year of call

2012

James James Hamerton-Stove is developing a busy practice in the full range of Chambers' principal areas of work including real property and landlord and tenant; as well as a variety of other Chancery matters including insolvency and company law.

Recent work includes:

- Drafted particulars of claim for application to FTT for determination of breach
- Dispute between two major retailers over a lease extension regarding units at a shopping centre
- Successful defence of an application to release funds from the Court Funds Office to a BVI-registered company following collective enfranchisement
- Advice on prospects of severing a joint tenancy by course of dealing between two now-deceased parties
- Application to extend time for registration of a legal charge
- 3-day forgery trial

James has an approachable manner but is also a robust advocate who fights his client's corner in court.

James read Philosophy and French at Magdalen College, University of Oxford and is a Queen Mother Scholar and Harmsworth Exhibitioner of the Middle Temple.

Outside of Chambers, he is a keen (but not able) participant in tennis, golf and skiing.

"I have instructed James on several occasions and his advice and performance have never been short of meticulous. I would recommend him without hesitation."

"The client was very pleased with the result."

"Brilliant."

Landlord & Tenant

James acts frequently for both landlord and tenant in a wide variety of disputes, with a focus on possession, service charges and forfeiture. His work has included:

- Drafted particulars of claim for application to FTT for determination of breach
- Dispute between two major retailers over a lease extension regarding units at a shopping centre under the Landlord and Tenant Act 1954.
- Dispute in First-Tier Tribunal (Property Chamber) over whether an application for collective enfranchisement was 'made' in time for the purposes of s.24(1) of the Leasehold Reform, Housing and Urban Development Act 1993.
- Obtained orders for forfeiture of two leases worth over £1m each on grounds of non-payment of service charges.
- Successful defence of an application to release funds from the Court Funds Office to a BVI-registered company following collective enfranchisement.

Real Property

James is developing a busy real property practice, including claims under the Trusts of Land and Appointment of Trustees Act 1996: orders for sale, constructive trusts and resulting trusts.

Recent work includes:

- Advice on prospects of severing a joint tenancy by course of dealing between two now-deceased parties.
- Successful defence of an application for an order for sale under s.14 TLATA.

Matrimonial Finance

James also has a niche practice in matrimonial finance. He acts regularly for a variety of clients including City professionals and other high net worth individuals. His cases are often complex and international in character. For example:

- Appeared before Holman J in the High Court to defend an application for a worldwide freezing order involving a transfer of assets from the UK to Hong Kong.
- Acted in protracted proceedings for enforcement of a financial order in case with alleged assets of c.€15m.
- Appeared before Moylan J in a High Court appeal over orders for maintenance pending suit and legal services imposed on a European hedge fund manager. Orders successfully reduced.
- Advice on asset protection and preparation of pre-nuptial agreement for a buy-to-let landlord with a portfolio of 25+ properties.
- Upcoming 3-day trial in the Central Family Court over an allegation that a party fraudulently procured a financial consent order (and decree absolute) by forging their spouse's signature.

Private Client

- Claims for reasonable financial provision out of an estate under the Inheritance (Provision for Family and Dependents) Act 1975.
- Acted in an inheritance dispute over an estate worth £1.2m.
- Instructed in a mediation of an inheritance dispute at the Society of Mediators (218 Strand) where the central issue was whether a lump sum payment had been a gift or a loan.

Recommendations

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Awards

- Queen Mother Scholarship (Middle Temple)
- Harmsworth Entrance Exhibition (Middle Temple)
- Bar Council Law Reform Essay Competition: Runner Up (CPE category, 2009)

Qualifications

- BA French and Philosophy, Magdalen College, University of Oxford
- GDL, Oxford Institute of Legal Practice
- BPTC, City Law School

Languages

- Spanish
- French
- Basic Russian