

# TANFIELD

PROPERTY & REAL ESTATE BARRISTERS



## Marc Glover

Year of call

1999

Marc Glover has a successful chancery practice, covering the areas of property, company / insolvency and commercial / business law.

Marc is ranked as a leading junior in the Chamber UK Bar Guide 2019 (Real Estate Litigation) and in Legal 500 2019 (Property Litigation).

Marc has developed a sub-specialty in excise & tax, trespass (including boundary disputes and adverse possession) and land registration, in respect of which Marc has successfully appeared in a number of leading cases.

Marc's practice is primarily in the High Court. He has appeared in the Court of Appeal on numerous occasions and in the Supreme Court on three cases in recent years.

Marc's cases often feature in the law reports and leading practitioner texts.

Marc is qualified to accept Direct Access clients.

## Real Property

Trusts. Adverse possession, boundaries, easements, restrictive covenants and mortgage actions (commercial and residential). Sale agreements (auction and private treaty) including VAT issues; Transfer of a Going Concern).

## Landlord & Tenant

Possession actions, unlawful eviction, distress, forfeiture (including Sch B1 Insolvency Act protected cases) and relief, lease renewal, enforcement of covenants (insurance and repair), dilapidations, bailment of tenant's property, enfranchisement.

## Commercial Disputes

Contractual disputes, partnership disputes, the supply of good and services, sale and carriage of goods, debt recovery, banking & finance, joint venture agreements, commercial fraud, agency, factoring and restraint of trade, tax and VAT.

Shareholders' dispute and minority shareholders' remedies, directors' duties & disputes, company meetings and resolutions, memoranda and articles of association, dissolution and restoration of companies, shareholders' agreements, disqualification of directors.

## Notable Cases

R (on the application of Eastenders Cash & Carry Plc) v HMRC [2014] UKSC 34; [2014] 2 W.L.R. 1580; [2014] S.T.C. 1741 - Supreme Court

Property rights – statutory interpretation – statutory powers to interfere with private property – detention of goods – forfeiture of goods – goods must in fact be “liable to forfeiture”; it is not sufficient that there are reasonable grounds to suspect/believe that goods may be “liable to forfeiture”.

R (on the application of First Stop Wholesale Ltd) v HMRC [2014] UKSC 34; [2014] 2 W.L.R 1580 - Supreme Court

The need for reasons when an agent of the state exercises a statutory power.

Barnes v The Eastenders Group [2014] UKSC 26; [2014] 2 W.L.R. 1269; [2014] 3 All ER - Supreme Court

Receivership Costs – Human Rights – Article 1 First Protocol – Order appointing receiver set aside by the Court of Appeal – It would be a breach of a company's human rights if it had to meet the remuneration and expenses of the receiver appointed over it – Unjust enrichment – The CPS, as the appointing party, must

carry the receiver's costs.

### Al-Rawas v Hassan Khan & Co [2017] 1 WLR 2301 - Court of Appeal

Limitation Act 1980 – counterclaims other than an original set-off or claim after the expiry of applicable limitation periods.

### R (Best) v Land Registry [2015] EWCA Civ 17 - Court of Appeal

Adverse Possession of residential buildings – Land registration – Criminalisation of "living in" a residential building, s.144 LASPOA – competing public policies – benefiting from illegal acts.

### Rashid v Sharif [2014] EWCA Civ 377 - Court of Appeal

Boundary dispute – Party wall trespass – injunction requiring demolition of a structure overturned.

### First Stop Wholesale Ltd v HMRC [2013] EWCA Civ 183, LTL & Westlaw - Court of Appeal

Detention of Goods – Reasons not required at the time of detention – Reasons ascertained after detention could be relied upon – However, the exercise of the discretion to detain is susceptible to judicial review on public law grounds.

### Brandon V Eastenders Cash & Carry [2012] EWCA Crim 2436; The Times 15th February 2013, [2013] 1 Cr.App.R 24 - Court of Appeal

Receivership Costs – Human Rights – Article 1 First Protocol – Order appointing receiver set aside by the Court of Appeal – It would be a breach of a company's human rights if it had to meet the remuneration and expenses of the receiver appointed over it.

### Eastenders v HMRC [2012] EWCA Civ15, [2012] 1 WLR 2067; [2012] STC 817; LTL 20/1/2012 - Court of Appeal

Property rights – statutory interpretation – statutory powers to interfere with private property – detention of goods – forfeiture of goods – goods must in fact be "liable to forfeiture"; it is not sufficient that there are reasonable grounds to suspect/believe that goods may be "liable to forfeiture".

### Windsor & Oths v The Crown Prosecution Service [2011] EWCA Crim 143, [2011] 1 W.L.R. 1519; [2011] 2 Cr. App. R. 7; [2011] Lloyds's Rep. F.C.204; LTL 23/2/2011, Times, March 3, 2011 - Court of Appeal

Companies – Proceeds of Crime Act 2002 – Restraint & receivership orders against alleged offenders, including directors – Receivership Orders against the director's company – Minority shareholders' interests –

piercing the corporate veil.

**Stablewood Properties Ltd v Amrit Viridi & Anr [2010] EWCA Civ 865; [2011] W.T.L.R. 723; LTL 28/7/2010 - Court of Appeal**

Creation of a trust in company shares – settlor the legal owner of all the company shares and the sole director of the company – beneficiary of shares right to control and occupy company property and to control the company – beneficiary seizing occupation of the property and retaining rental income – director meeting company's mortgage liability – possession claim by the company against the beneficiary – trustee/nominee shareholder's rights and duties towards a beneficiary where he retains a security in the settled shares – trustee's separate rights and duties in respect of the company property as a director.

**Graham Huntley & Oths v Simon Armes [2010] EWCA Civ 396, 2010 154 (20) S.J.L.B 37 LTL 11/5/2010 - Court of Appeal**

Boundary dispute – Application of a conveyance plan – Adverse possession – Limited original boundary features – Conveyance plan boundary displaced by findings that the physical boundary had been laid out in its present position in the 1930s.

**Panayiotou & Oths v Nicolaou [2010] EWCA Civ (The Chancellor, Etherton & Elias LJJ), 14.04.2010 - Court of Appeal**

Trustee – Possession Claim against a dependant of a beneficiary – TLATA 1996.

**R (on the application of Panesar) v Central Criminal Court [2014] EWHC 2821 (Admin) - Divisional Court**

Retention of private property unlawfully seized.

**R (on the application of (1) Superbrew (Europe) Ltd & Oths) v (1) Bristol Crown Court Service (2) HMRC [2011] EWHC 1899 (Admin), [2011] S.T.I. 2376, LTL 17/8/2011 - Divisional Court**

Application to vary a final order.

**CFC 26 Ltd v Brown Shipley & Co Ltd [2017] 1 WLR 4589 (Newey J) - High Court**

Extended civil restraint orders – 3 totally without merit claims or applications required.

**Europa Oil & Gas (Holdings) Ltd v Persons Unknown [2017] EWHC 403 (Ch), LTL 22/1/2018 -**

## High Court

Possession and injunction including an exclusion zone – protestors – alternative service by social media – ECHR Art. 8, 10 and 11.

## Secretary of State for Business, Innovation & Skills v Atkar 10/6/16 (Nugee J) - High Court

LTL & Westlaw – directors disqualification – stay of execution.

## Pourghazi v Kamyab [2015] EWHC 3635 (Ch) (Birss J) - High Court

Committal orders – demonstrably false evidence.

## Brandon Barnes v Eastenders Cash & Carry (Underhill LJ) - High Court

Company outgoings during receivership – Human Rights – Article 1 First Protocol – Order appointing receiver set aside by the Court of Appeal – A Receiver had to account to the company for sums he had caused to be paid out to third parties for service provided to the company during the receivership, which would not have been paid “but for” the receivership.

# Recommendations

“Diligent, tenacious and does a thorough job.” “Very popular with clients.”

*Chambers UK 2020*

“Gives focused, commercial advice and always gets to the crux of a dispute.”

*Legal 500 2020 (Property Litigation)*

“He is a force to be reckoned with.”

*Chambers UK 2019*

“Very strong, knowledgeable and engaging in his areas.”

*Legal 500 2019*

"A real fighter, who is bright, prepares well and knows how to get the best out of judges."

*Chambers UK 2018*

"He breaks down difficult concepts and has a very good eye for detail, as well as strategy."

*Chambers UK 2017*

"Very proactive, very street wise. He is a street fighter and very intelligent with it."

*Chambers UK 2017*

"He is charming and suave, and a disarmingly quick-witted advocate."

*Legal 500 2017*

## Publications

- Contributor, Criminal Bar Quarterly, Let the Receiver Beware, Spring Issue (2013)
- Co-author, Rights of last look: A legitimate tool, International Banking & Financial Law (2012)
- Contributor, Service Charges & Management: Law & Practice 2nd Edition (Sweet & Maxwell)
- Contributor, Service Charges & Management: Law & Practice, 1st Edition 2006 (Sweet & Maxwell)
- Contributor, RICS online Insurv Service, Oversailing & Trespass
- Co-author, Just Not Cricket, Solicitors Journal (2009)
- Co-author, What's your partner up to? Accountancy Age (2010)
- Author, The Great Divide, Solicitors Journal (2010)
- Author, Out of Practice, Solicitors Journal (2010)
- Co-Author, Simple Possession, Butterworths Property Law Newsletter (2010)

## Qualifications

- LLM International/European Business Law, University of Lancaster
- LLB Hons, University of Lancaster

## Memberships

- Chancery Bar Association
- Commercial Bar Association
- Property Bar Association