

# TANFIELD

PROPERTY & REAL ESTATE BARRISTERS



## Michael Walsh

Year of call

2006

Clients told Legal 500 2022: **“Michael is operating well above his level. He provides brilliant advice that commits to what approach should be taken... Michael is very professional, works brilliantly with all members of the team, and rigorous in his analysis of the law, but also very tactically astute as to how to take the advantage in cases.”**, The Chambers Bar Guide 2022 says **“He had an ability to think on his feet and creatively problem-solve.”** and **“He is user-friendly, responsive and a strong advocate.”**

Previous editions of the directories have described Michael as “Knowledgeable, commercially focused and pragmatic.” and “Responsive, bright, user-friendly and a tenacious advocate.”

Michael frequently appears in the Court of Appeal, High Court, County Court and Tribunals in connection with his expertise in all aspects of the law of property and commercial chancery work. He also advises on a wide range of professional liability matters. Recent work includes acting for the claimant against a firm of solicitors for negligent advice in connection with a development project, where the loss suffered was in excess of £48million.

Previous editions of the Chambers Bar Guide say Michael is *“easy to work with and commercially minded”* and that *“great in his dealings with clients”, “clear-thinking, responsive, personable and efficient.”*

He receives regular instructions in cases and projects where development finance, securities, planning and compulsory purchase intersect with the law of real property. Michael draws on his broad expert knowledge to advise clients on how to best achieve their strategic goals in complex cases and transactions.

He frequently advises in difficult mortgage and security related disputes where the lender is enforcing either by itself or through receivers. He appeared for the successful appellant in the leading decision on the powers of receivers in mortgagor occupied properties: *Menon & Menon v Pask & Goode* [2020] 2 W.L.R. 43.

Michael has significant experience of commercial and contractual disputes across a variety of sectors, including financial services, leisure, hospitality and industry.

He has extensive experience advising both landlords and tenants in disputes under the Pubs Code 2016.

Chambers UK Bar Guide 2020 highlighted Michael's track record of success in seeking urgent injunctions and possession orders in cases of unlawful interference with land, saying "He has developed particular skills in complex possession claims and protesters and he is user-friendly."

On 1 September 2021, Michael was appointed by the Attorney General to his A Panel of Junior Counsel to the Crown. Members of the A panel deal with the most complex government cases in all courts and tribunals, including the Supreme Court. They will often appear against Queen's Counsel. Recent work includes advising on the construction of an overage agreement in respect of land formerly owned by a Government department and a large and complex arbitration in connection with Government property. Michael's appointment to the A Panel follows his five-year appointment to the B Panel between 2016 and 2021.

Developers and other non-lawyers may instruct Michael under the Bar's direct public access scheme.

He is also a visiting lecturer in the law of property at King's College London.

## Real Property

Michael regularly appears before the High Court, Upper Tribunal (Lands Chamber), County Courts and in the First Tier Tribunal (Property Chamber) in interim applications (including interlocutory injunctions) and trials.

He has extensive experience in the following areas of real property litigation and advice:

- Alteration and rectification of the Land Register
- Boundary disputes
- Claims of proprietary estoppel
- Easements
- Freehold covenants
- Long user and claims of adverse possession
- Mortgage litigation
- Priority of interests
- Subrogation
- Trusts of land and co-ownership
- Unregistered land

## Civil Fraud

Michael has acted in many cases involving allegations of dishonesty, forgery and fraud, both in property and commercial matters. He has particular expertise in mortgage fraud and commercial transactions involving disputed documents and dishonesty.

## Commercial Disputes

Michael has extensive experience of commercial disputes including agency, the supply of goods and services, the construction of contractual terms and agreements, sale and purchase of shares and guarantees and indemnities.

## Companies & Partnerships

Michael has acted for clients in a wide range of company and partnership disputes, including shareholder disputes, the duties of directors, matters relating to the constitution of companies and corporate insolvency.

## Agricultural

Michael specialises in property matters relating to the agricultural sector and frequently acts in cases involving farm business tenancies, agricultural holdings and securities over agricultural businesses.

## Landlord & Tenant

He has extensive experience of commercial leasehold matters, enfranchisement, service charge and long-lease disputes. Michael's experience in residential and commercial landlord and tenant matters includes:

- Claims under the Landlord and Tenant Act 1987
- Dilapidations
- Disputes relating to Rent Act tenancies
- Enfranchisement and lease extension

- Lease renewals under the Landlord and Tenant Act 1954
- Management and service charge disputes
- Nuisance and other property related torts
- Possession and forfeiture of residential and commercial leases
- Tenancy deposit scheme litigation

## Professional Negligence

Michael acts for both claimants and defendants on a wide range of professional liability actions, specifically in relation to solicitors, valuers and other property professionals. He is frequently instructed by some of the UK's largest professional indemnity insurers to advise and represent their insured clients.

## Appointments

- Junior Counsel to the Crown – B Panel (2006)

## Publications

- Megarry's Manual of the Law of Real Property, 9th Edition

## Qualifications

- LLB (Hons), King's College London

## Memberships

- Chancery Bar Association
- Property Bar Association