

## Amanda Tipples QC

**Call 1991**

**Silk 2011**

**[atipples@maitlandchambers.com](mailto:atipples@maitlandchambers.com)**



Amanda is experienced in general chancery and commercial litigation, in particular in the areas of specialisation mentioned below. She has extensive High Court and specialist tribunal advocacy experience. Her cases are often complex and of high value, and sometimes involve an international element. Amanda has appeared in a wide range of reported cases over the years.

Before taking silk, Amanda was one of the Junior Counsel to the Crown (appointed to undertake civil advocacy and advisory work for government departments) for over eight years and, from January 2006, was on the A Panel, the most senior of the three panels of Junior Counsel to the Crown.

Amanda is recommended in the 2019 edition of *Chambers UK Bar Guide* for Chancery Commercial, Partnership, Real Estate, and Charities, in the 2018/19 edition of *Legal 500* for Charities, Company & Partnership and Property Litigation and Agriculture and in *Chambers Global* for Dispute Resolution: Commercial Chancery.

Amanda is a Deputy High Court Judge (Chancery Division), Recorder (Crown Court) and a Lieutenant Bailiff in Guernsey. From 2012-2016 she was a Panel Member of The Bar Tribunals and Adjudication Service. Amanda also acts as an arbitrator and as a mediator.

Amanda was the Chairman of the Chancery Bar Association, and a member of the Bar Council, for two years until July 2018. She is a bencher of Lincoln's Inn.

### **Particular Practice Areas**

#### **Chancery and Commercial**

Amanda has a wide range of experience in relation to many different types of business dispute involving individuals, companies, partnerships, joint ventures and LLPs. She has acted for clients in relation to disputes concerning, amongst other things, contracts and asset sale agreements, fraud and misrepresentation, asset tracing and constructive trusts, mortgages, guarantees and other securities, collective investment schemes, directors' duties and breach of fiduciary duty, together with professional negligence in these areas.

Her cases include:

*CFBL v Atkins* (13 July 2012), His Honour Judge Hodge QC (factors a commercial mortgagee has to take into account, when considering the mortgagor's application to let the mortgaged property; challenge to a mortgagee's action for possession and to recover substantial debts; instructed by Moore Blatch for the mortgagee).

*Barclays Bank Plc v Gathpam Properties Ltd* [2008] EWHC 721, Sales J (challenge to a receiver's appointment; instructed by Lovells for the receiver).

*Carnegie v Giessen* [2005] 1 WLR 2511, CA (charging orders and foreign currency; instructed by Speechly Bircham for the creditor).

In June 2016 Amanda was one of the speakers at the C5 Asia Forum on Fraud, Asset Tracing & Recovery, which took place in Hong Kong. She was also one of the speakers representing the Chancery Bar at the Joint Conference with The Singapore Academy of Law in Singapore in March 2015. She spoke about constructive trusts.

### **Traditional Chancery**

Amanda acts and advises in relation to disputes concerning wills and probate, trusts, settled land, proprietary estoppel, bona vacantia and markets. In this regard she has, amongst other things, dealt with applications to remove or appoint trustees/executors, trustees' applications for directions, Beddoe applications, Inheritance Act claims and cases concerning mental capacity. Amanda also deals with cases concerning professional negligence in this area.

Her recent cases include:

*Matchmove Ltd v Dowding* [2017] 1 WLR 749, CA (appeal in relation to oral agreements for the sale of land and common intention constructive trusts; instructed by Bennetts for the successful respondents).

*University of London v Professor Prag* [2015] WTLR 705 (dispute in relation to the construction of the 1944 Trust Deed relating to the Warburg Institute; instructed by the Treasury Solicitor for the Attorney General).

*Herbert v Doyle* [2010] All ER (D) 125, CA (dispute in relation to an agreement to transfer land to allow a development of houses which gave rise to issues of constructive trusts and proprietary estoppel; instructed by Moore Blatch for the defendants).

*Earl of Lonsdale v Benson* (2008/9), Chancery Division (dispute concerning validity of transactions, complex trusts, settled land and mental capacity; instructed by Payne Hicks Beach for the claimant).

*Re Commonwealth Institute* (2007) (issues relating to the closure of the Institute's building in Kensington).

*R (on the application of the Corporation of London) v Secretary of State for the Environment and Rural Affairs* [2006] 1 WLR 1721, HL (dispute as to whether New Covent Garden were entitled to diversify to allow the sale of meat and fish; instructed by Stephenson Harwood for New Covent Garden Market).

In April 2017 Amanda spoke at the *UCL Symposium on New Work in Property and Trusts* about constructive trusts, proprietary estoppel and section 2.

### **Partnership**

Amanda has dealt with a large number of partnership disputes and disputes concerning LLPs. She is very highly regarded for her work in this area, and she has considerable experience in relation to the conduct of partnership litigation in the Chancery Division.

Amanda has acted in relation to many different types of partnership from disputes concerning professionals, such as solicitors, accountants, doctors, or dentists, to disputes concerning other businesses, such as horse-racing and farming. Combined with her broad-based chancery practice, Amanda is used to dealing with the various trust, real property and/or company law issues that often arise in the context of a complex partnership dispute.

These types of dispute are often confidential and resolved before trial but her reported cases include *Tann v Herrington* [2009] Bus LR 1051; [2009] PNLR 22 (duties of care owed by partners to each other; instructed by Kidd Rapinet for the claimant).

## **Charities**

In relation to her charities practice, Amanda deals a wide range of issues from governance and conflicts of interests to interpreting Royal Charters, judicial review and the liability of charities to pay taxes such as VAT, council tax and business rates. Further, as a member of the A Panel, she advised the Attorney General in relation to charity disputes and continues to do so. She has also advised the Charity Commission.

Amanda represented the Attorney General in *University of London v Professor Prag* [2015] WTLR 705. This case concerned the Warburg Institute and gave rise to a 10-day hearing before Proudman J in summer 2014. She acted for the Revenue in *Pollen Estate Trustee Co Ltd v HMRC* [2013] 3 All ER 742, in which the Court of Appeal decided that relief from stamp duty land tax is available to a charity when it contributes to the purchase price of real property.

Amanda represented the Association of Charitable Organisations and three of its members at the hearing of the Attorney General's Reference (No 1 of 2011) in relation to the relief of poverty and public benefit which is reported at *Attorney General v Charity Commission* [2012] WTLR 977.

## **Real property and landlord and tenant**

Amanda has substantial advisory and advocacy experience in relation to all types of property dispute, whether concerning real property or landlord and tenant. Amanda has acted for clients in relation to disputes concerning, amongst other things, easements, adverse possession, options and rights of pre-emption, highways, break clauses, leasehold enfranchisement, rentcharges and rating. She has also acted and advised in relation to a number of cases concerning professional negligence in this area.

In relation to these disputes Amanda has, in addition to appearing in the High Court and the Court of Appeal, appeared before the Adjudicator to HM Land Registry, the Lands Tribunal, the Leasehold Valuation Tribunal and the Valuation Tribunal.

Amanda is regarded as an expert in this area and, on two recent occasions in the Court of Appeal, has acted as the Advocate to the Court.

In June 2012 Amanda was one of the Blundell Lecturers and gave the lecture entitled "*Known Unknowns: Mexfield and Beyond*". In addition to that, Amanda is also very well regarded for her ability to combine her insolvency and property expertise, and has often given talks on this combined topic to property litigators.

Her reported cases include:

*Chief Land Registrar v Silkstone* [2012] 1 WLR 400, CA (whether proceedings before the Adjudicator to HM Land Registry can simply be withdrawn, or whether withdrawal requires a decision of the Adjudicator; instructed by the Treasury Solicitor as the Advocate to the Court).

*Beazer Homes Ltd v Durham County Council* [2010] EWCA Civ 1175 (whether a term could be implied into a conveyance requiring the vendor to co-operate with the Council's application to get an access road adopted); instructed by Walker Morris for BHL).

*Franks v Bedward* (2010) 41 EG 128, Briggs J (whether a pending application for the registration of an entry in the land register, which has been cancelled by the Chief Land Registrar in accordance with an order of the Adjudicator, could be restored to the register in the event that the Adjudicator's order is subsequently overturned on appeal; instructed by the Treasury Solicitor, as the Advocate to the Court).

*Reichman v Beveridge* [2007] Bus LR 412, CA (whether a landlord required to mitigate his loss, when seeking to recover arrears of rent; instructed by the Treasury Solicitor, as the Advocate to the Court).

*Wimbledon Common Golf Club v Lewis* (2007) (whether the golf club in rateable occupation of Wimbledon Common; instructed by HMRC solicitor's office for the valuation officer).

### **Insolvency/Corporate recovery**

Amanda's experience in this area relates to technical issues of company and personal insolvency, administration and voluntary arrangements; claims brought by and against liquidators, administrators and trustees.

Amanda is also very well regarded for her ability to combine her insolvency and property expertise.

Her reported cases include:

*IRC v Exeter City AFC Ltd* [2004] BCC 519, His Honour Judge Weeks QC (voluntary arrangements and specific disclosure; instructed by the Inland Revenue).

*Customs & Excise Commissioners v Anchor Foods Ltd* [1999] 1 WLR 1139, Neuberger J (transaction at an undervalue and freezing injunction; instructed by the Commissioners of Customs & Excise).

*Doorbar v Alltime Securities Ltd* [1996] 1 WLR 456, CA (voluntary arrangements and future rent; instructed by the creditor).

### **VAT and duties**

Amanda has specific experience of cases involving VAT, betting duty, insurance premium tax and stamp duty. These cases include:

*Pollen Estate Trustee Co Ltd v HMRC* [2013] 3 All ER 742 (stamp duty land tax; charities relief; see above under Charities).

*Wrag Bam Golf & Country Club v HMRC* [2012] STC 1574, [2013] UKFTT 406 (VAT; option to tax; partnerships).

*HMRC v Mobilx Ltd* [2008] STC 3071 (VAT; tribunal's jurisdiction in relation to appeals).

*Courts UK Ltd (in administration) v HMRC* (2007) (insurance premium tax).

*HMRC v Enron Europe Ltd* [2006] STC 1339; [2006] BCC 953, Lightman J (VAT; duty points; derivatives).

*Prize Provision Services Ltd v HMRC* (2005) (lotteries, fixed odds betting and betting duty).

In addition Amanda has also been involved in litigation concerning the application of the Money Laundering regulations:

*Moneygram Payment Systems Inc v HMRC* [2010] UKFTT 132 (Tax).

*James Paul (Car Sales) Ltd v HMRC* (2008).

### **Confiscation proceedings**

Amanda has acted on many occasions for receivers appointed under the Criminal Justice Act 1988 and the Drug Trafficking Offences Act 1994. She has been involved in cases concerning the resolution of asset ownership in the Administrative Court. These cases include:

*Re Capewell* (2011) (determination of the Receiver's remuneration; instructed by the Receiver).

*Re M, Munir v Bassaid* (acting by the enforcement receiver Nigel Heath Sinclair), Mr Michael Supperstone QC (sitting as a Deputy High Court Judge), 20 May 2010.

*Re M*, His Honour Judge Denyer QC (sitting as a Deputy High Court Judge), 4 December 2008.

*Re S, Williams v Ingram*, Davis J, 5 July 2007.

### **Notable Cases**

*Matchmove Ltd v (1) Mark Dowding (2) Jane Church* (2016)

*University of London v John Prag & HM Attorney General* (2014)

*Wrag Barn Golf & Country Club v Revenue & Customs Commissioners* (2013)

*Pollen Estate Trustee Co Ltd & Ors v Revenue & Customs Commissioners* (2013)

*Pollen Estate Trustee Co Ltd, King's College London v Revenue & Customs Commissioners* (2012)

*Wrag Barn Golf & Country Club v Revenue & Customs Commissioners* (2012)

*Attorney General v Charity Commission for England and Wales & 10 Ors* (2012)

*Chief Land Registrar v Leonard Stuart Silkstone* (2011)

*Beazer Homes Ltd v Durham County Council* (2010)

*Julian Roger Herbert v Leonard Doyle & Xerxes Keki Talati* (2010)

*Alexander Franks & Irene Franks v Roy Bedward & Angela Bedward* (2010)

*Reichman v Gauntlett* (2006)

*R v Secretary of State for Environment Food And Rural Affairs & Ors* (2006)

*Enron Europe Ltd (In Administration) v Revenue & Customs* (2005)

*Prize Provision Services Ltd v Revenue & Customs* (2005)

*Carnegie v Giessen & Ors* (2005)

### **Memberships**

Chancery Bar Association

Charity Law Association

ACTAPS

South Eastern Circuit

### **Qualifications**

MA (Cantab)



Amanda Tipples QC



### Recommendations

#### Chambers UK

##### Chancery: Commercial

"A very clear, no-nonsense advocate. She is clearly marked for further greatness." "She is a bright cookie." (2019)

"Simply the most organised person around. She's a very clear, crisp speaker, who also produces limpid prose."

"Sensible and helpful to deal with outside court." (2018)

"She is reasonable and trustworthy. She takes the right points and really is phenomenal at organisation." (2017)

"She is brilliant and one of the most organised people on earth." (2016)

#### Chambers UK

##### Charities

"A very impressive advocate who is a fine choice if you're going to court on a charities case." "Her written advice is particularly clear and accessible to clients." (2019)

"Wise, pleasant and really easy to work with." "She is very impressive intellectually, and also commercial and client-friendly." (2018)

"A barrister of great intellectual rigour, she is adaptable and gives commercial advice." (2017)

"She is very commercial and user-friendly. She answers the clients' questions about what to do for the best practically." (2017)

"Very clear-sighted." "She is highly approachable, especially for a QC, which is refreshing, and both her written and oral work is succinct and precise." (2016)

#### Chambers UK

##### Partnership

"She is dynamic and driven, has incredible attention to detail and is extremely thorough and well prepared." "Fantastic to work with, she's highly intelligent and very thorough. Her advice is always clear and thoughtful." (2019)

"Compassionate, perceptive and articulate; gives advice to the highest of standards and is very measured. Judges carefully take on board what she has to say." "A go-to QC for anything involving complex advice." (2018)

"Brilliant, accessible and so easy to work with." (2017)

"On partnership and trust disputes, she's absolutely amazing - there's no other way to put it - and she goes the extra mile over and over again." (2017)

"Very good on her feet, pretty near unflappable in court and very good with her clients, she speaks with a quiet confidence and authority that reassures people." "Fantastic and so user-friendly, she's quick, bright and pleasant to work with." (2016)

### **Chambers UK**

#### **Real Estate Litigation**

"An effective and concise advocate." (2019)

"She's fantastic, very able and terribly clever." "She's brilliant with clients, very calm and collected." (2018)

"She knows her onions and clients love her, as she is an effective advocate." (2017)

"She is consistently brilliant." (2017)

"She is really good at getting to grips with it all and leading the juniors. She is very user-friendly." "She is brilliant with documents, and great on her feet." (2016)

#### **UK Legal 500**

#### **Charities**

"Very clever and gives clear advice." (2018/19)

"She is an excellent choice for a heavy case requiring stamina and hard work." (2017)

"She is commercial and user-friendly." (2016)

#### **UK Legal 500**

#### **Company & Partnership**

"Highly intelligent and presents her advice very clearly." (2018/19)

"She is a measured and attractive advocate, who has the ear of the court." (2017)

"A go-to leading counsel for partnership issues; clients love her." (2016)

#### **UK Legal 500**

#### **Agriculture**

"She is amiable, sympathetic and beloved by clients though suitably direct and punchy." (2018/19)

"She breaks legal ground, always focusing on the desired outcome." (2017)

### **Chambers Global**

#### **Dispute Resolution: Chancery Commercial**

"Recommended" (2017)