

James Hanham

Call 1996

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James's principal area of practice is real estate related litigation and advice concerning all aspects of real property and commercial/residential landlord and tenant matters. His extensive expertise and experience includes contracts for the development and sale of land, highways, restrictive covenants, easements and rights of light, overage and options, mortgages, land registration, business tenancy renewal, forfeiture, dilapidations and rent review.

He has recently been instructed on applications for access orders, including the first application for a generation for access to carry out surveying under the Mines (Working Facilities and Support Act) 1966.

He is also regularly instructed in relation to professional liability cases in the real estate sphere, relating to the negligence of construction professionals, solicitors, surveyors, valuers and architects.

A substantial part of James's practice is also in the area of commercial/chancery. This work will often (although not exclusively) have a real estate focus concerning company and/or insolvency law (both personal and corporate), directors' duties, trusts, joint ventures, the law of partnership and LLPs, unincorporated associations, insurance, finance and fraud.

His clients range from individuals through to large global commercial corporations, property development and construction companies, investors, banks and other organisations within the financial services industry.

In the last year, James has appeared in the Business and Property Courts, the County Courts, the Upper Tribunal (Lands Chamber) and the First-Tier Tribunal (including service charges and leasehold enfranchisement). He undertakes all types of hearings and is equally as comfortable before the Applications Court as he is conducting a lengthy High Court trial. He is also experienced in arbitration work under the Arbitration Act 1996, ICC or LCIA Rules. Frequently, James will be instructed in the mediation process.

He read history at Oxford before taking a first class law degree at City University, London. He was a Harmsworth scholar of the Middle Temple and began practice in the Temple before moving to 9 Stone Buildings in 1999, from where he joined Maitland in 2008.

Recommended as a Leading Junior for Property Litigation in *Legal 500*.

Reported cases

- *Bermondsey Exchange v Koumetto* [2018] 4 WLUK 619 (appeal, landlord & tenant, Airbnb ©, injunction)
- *Bullring Ltd Partnership & Ors v Laing O'Rourke Midlands Limited* [2016] 170 Con LR 112 (construction contracts, early/specific disclosure)
- *Shlaimoun v Mining Technologies International Inc* [2012] 1 WLR 1276 (foreign proceedings, disclosure)

- Eaton Mansions (Westminster) Limited v Stinger Compania de Inversion SA [2011] L&TR 24 (CA) (trespass, landlord's consents, air-conditioning units)
- Aribisala v St James' Homes (Grosvenor Dock) Ltd (No 2) [2008] 3 All ER 762 (resisting recovery of purchaser's deposit)
- Aribisala v St James' Homes (Grosvenor Dock) Ltd (No 1) [2007] 37 EG 234 (CS) (lawfulness of exclusion of section 49(2) Law of Property Act 1925)
- St James Group Limited v Powell [2006] All ER (D) 261, ChD (developer's claim for damages on contract for sale of land)
- Representative Body of Church in Wales v Newton & ors (2005) 16 EG 145 (landlord's claim for rent and disputed claim to an assignment)
- Banjo v London Borough of Brent [2005] 1 WLR 2520, CA (tenant's claim to secure tenancy)
- Woodbridge v Smith [2004] BPIR 217, ChD (insolvency practitioner's remuneration)

Representative recent judgments

- BPT Ltd v Patterson [2016] (Order under Access to Land Act)
- Re No 42 Berkeley Square (2013) (s.34 rent)
- S&K Group Limited v Grant Thornton & Ors (2013) (receivership, debentures)
- Fitzroy Robinson v Equity Trusts (Jersey) Limited (2013) (guarantees, trustees)
- Hive Energy Limited v EEW Energy World Limited (2013) (solar energy, joint ventures, freezing order)
- Re Mission Hall, Gifford St, London N1 (2013) (mortgages, land registration)
- 31/32 Ennismore Gardens (2013) (residential landlord and tenant, consents)
- Africa Edge SARL v Madhvani (2011) (judgments, CPR Part 71 examination)
- St James Group Limited v Holt (2011) (contracts of sale, assessment of damages)

Articles/publications

"Creating a licence for trouble" (Jan 2018 Estates Gazette)

"Specific Performance – The comparative law dimension" (2016- Chancery Bar Association)

"How good is your expert evidence" (2007- Property Litigation Association)

"Uncertainties for Tenants" (2005) 152 PLJ 9

Case commentary on Representative Body of Wales v Newton (2005) L & T Review Vol 9(4) 108

Contributor to Chancery Litigation Practice (2005 Jordans)

James has recently also presented seminars on real estate topics concerning restrictive covenants and easements, tenant insolvency and pre-pack administration and updates on commercial landlord and tenant

Memberships

Chancery Bar Association

Property Bar Association

Qualifications

MA(Oxon); LLB(London)



Recommendations

Legal 500 UK

Property - Leading Junior

"A very measured and talented advocate, virtually unflappable." (2018/19)

"He is reliable, user-friendly and goes the extra mile." (2017)

"Highly recommended." (2016)

"He offers excellent advice." (2015)

"Really well prepared and a fabulous advocate." (2014)