

Nigel Thomas

Call 1976

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Nigel Thomas is a highly experienced advocate in the fields of property and Chancery litigation with particular reference to the specialisations listed below.

He regularly appears in the Courts at all levels together with tribunal work and arbitrations. He also relishes the challenge of achieving resolution of complex disputes through mediation and other forms of ADR.

He has sat as a Recorder since 2002 in the Crown Court and he is also a Civil Recorder who is authorised to hear Chancery cases. Since 2001 he has been Chairman of the Midlands Area Agricultural Land Tribunal and from July 2013 he is the Principal Judge of the Agricultural Land and Drainage division of the Property Chamber. He is also a Judge of the Land Registration Division of the Property Chamber.

Chancery: Nigel was pupilled to a trust and probate specialist and since then he has handled a substantial case load of trust actions including breach of trust, TOLATA and Beddoe applications, removal of defaulting trustees, recovery in cases of civil fraud and other trust litigation. He has appeared in a number of notable cases including *Perdoni v Curati* [2012] on the interpretation of wills, the interaction between English and foreign wills and domicile in which on appeal as *Curati v Perdoni* the Court of Appeal considered rules of interpretation of English and foreign wills; *Sen v Headley* (*donatio mortis causa* and constructive trusts) *Dunbar v Plant* (Forfeiture Act 1982) and *Taylor v Taylor* (Trustees' costs). He is experienced in actions seeking proprietary interests in quasi – matrimonial property (*Kernott v Jones*) and proprietary estoppel actions, as well as for equitable remedies such as setting aside transactions for undue influence.

Probate: contested probate actions have included claims of testamentary incapacity due to dementia, alcoholism and illiteracy and allegations of undue influence. He also undertakes cases concerning mental capacity appearing in the Court of Protection most recently in two applications to make a statutory Will and has handled many claims under the Inheritance (Provision for Family & Dependents) Act 1975.

Partnership: advice on partnership issues and disputes. Nigel's approach has commended itself to clients because of his willingness to embrace an holistic approach to these problems. Described by one client as "accessible sensible and practical" he is equally at home on the one hand in fighting tenaciously for his clients in court or on the other seeking to settle cases through mediation or negotiation. Recent cases he has undertaken include two multi million pound farming partnership dissolution actions and a professional partnership break up involving complex issues of the valuation of work done.

Property: the whole range of property disputes, including landlord and tenant, land registration, easements and boundaries, restrictive covenants and land development agreements. Nigel was counsel in *Parshall v Hackney* [2013] when the Court of Appeal considered the nature and effect of the registration of land. Recent cases of note have been *Peachey v Theaker* concerning a commercial tenancy by representation/estoppel (High Court Cardiff) land covenants *Dwr Cymru Cyf v Hamblyn* and easements of a right of way *Rigby v Davies*. Nigel is recommended in Legal 500 UK 2017 as a Leading Individual in

Property Litigation.

Agriculture and Rural Affairs: Nigel is recognised as a leading expert on agricultural law. He acts and advises in relation to agricultural holdings and farm business tenancies, farming partnership disputes, and agricultural arbitrations and hearings before the Agricultural Land Tribunal. He has been appointed an inspector by various local authorities to hold inquiries into the registration of town or village greens and has extensive knowledge of the water industry and water law having appeared in a number of important cases concerning the water industry.

He is a door tenant at Linenhall Chambers, Chester.

The clerks are happy to discuss the basis on which Nigel will act in any given matter. In the absence of express written agreement otherwise, the terms under which Nigel accepts instructions are The Standard Contractual Terms for the Supply of Legal Services By Barristers to Authorised Persons 2012 (as updated from time to time) referred to in the BSB Handbook.



Recommendations

Chambers High Net Worth

Chancery: Traditional

"He is well respected by our clients and we have many clients who see him as their preferred choice of counsel. He is very reliable and completely unflappable; it's a pleasure to work with him."

"Well thought-out and very thorough opinions" and he "gives very sound advice that clients trust."

"A very well-respected traditional chancery junior" who "knows his stuff and is good on his feet." (2019)

"He was very good and he knew many elements to tie the case together. He was well-suited to the role. He always made himself available to suit our client's requirements and then went even further. He is incisive and clear in his advice."

"He is a punchy advocate. I rate him and he is a forthright and formidable barrister." (2017)

Chambers UK

Chancery: Traditional

"He's excellent. He's very approachable and always makes himself available. He's an extremely safe pair of hands." (2020)

"Very experienced, very thorough and more than capable of undertaking major cases." "He is very reliable and completely unflappable; it's a pleasure to work with him." (2019)

"He was very good and he knew many elements to tie the case together. He was well suited to the role. He always made himself available to suit our client's requirements and then went even further. He is incisive and clear in his advice." "He is a punchy advocate. I rate him and he is a forthright and formidable barrister." (2018)

"A senior junior, who is a good man for sensitive cases." (2017)

"He is very good on his feet" and "can untangle complicated issues." (2016)

"A specialist in proprietary estoppel who is very user-friendly and practical." (2015)

Chambers UK

Agriculture & Rural Affairs

"He is a respected advocate. He has clarity of thought and mind and speaks exceptionally well in front of judges." "He is extremely approachable and knowledgeable." (2020)

"Laid back and experienced, he has empathy for the client and is a kind man." (2019)

"An agile and engaging advocate." "He is very charming and clients find him sympathetic and reassuring." (2018)

"He's a very specialised agriculture lawyer," who is "completely unflappable and always takes the weight off the instructing solicitor's shoulders." (2017)

"He gives very straightforward advice and is a very user-friendly lawyer."

"He was very approachable, and he explained issues in an understandable way." (2016)

"He always does a cracking job. He's got fabulous experience and he can talk to the client in the right language." (2015)

"He's approachable, easy to contact, quick in providing written work, and a very good advocate." (2014)

"An experienced agricultural litigator with excellent advocacy skills,"

UK Legal 500

Property Litigation

"Very approachable, knowledgeable and hugely experienced." (2018/19)

"He has a formidable grasp of his subject and is a great advocate with quick, incisive intellect." (2017)

"He has a formidable grasp of his subject and is an excellent advocate." (2016)

"Highlights the commercial realities behind complex issues with clarity, in a manner easy to handle for lay clients." (2015)

"Extremely knowledgeable, brilliant on his feet and also very calm." (2014)

"Good-value." (2013)

Agriculture

"First choice for Agricultural Holdings Act matters. First choice for Agricultural Holdings Act matters." (2020)

"He is knowledgeable of the big landowners, local farming nuances and big estates." (2018/19)

"He shows great empathy with often emotional clients but steely determination in cross-examination." (2017)

"Wonderful on his feet... charming and quick-witted."