



Simon Edwards

Year of call: 1978

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'A very strong forensic brain allied to a lot of experience.' The Legal 500 2018

Simon has vast experience of all aspects of costs and litigation funding. He appears frequently in high level cases in the Senior Courts Costs Office (SCCO) and advises on knotty retainer issues helping with the drafting and the problems that arise with changes in solicitors' practices (conversion to LLP status, takeovers, etc). Simon is also a member of the Court of Protection team, dealing with property and affairs matters. He appears in the Court of Protection, Chancery Division and County Courts dealing with issues relating to the property and affairs of those who lack mental capacity. He is the principal property and affairs editor of 39 Essex Chambers' Mental Capacity Report. Simon's property work ranges from contentious Landlord and Tenant Act 1954 matters to issues of principle, including the boundaries of the right to relief from forfeiture, which he has recently successfully argued at first instance, in the Court of Appeal and the Supreme Court for the extension of the right to relief from forfeiture to licences of land.

Simon is recommended by Chambers and Partners and The Legal 500 for Costs Litigation.

Areas of expertise

Costs and Litigation Funding

Court of Protection (Property and Affairs)

Property

Property

Simon's property work ranges from contentious 1954 Act matters, through the interpretation of clauses in leases, restrictive covenants, rights of way and general property dispute resolution.

Most recently, he has successfully argued at first instance, in the Court of Appeal and the Supreme Court for the extension of the right to relief from forfeiture to licences of land.

Cases of note

- ***Manchester Ship Canal Co Ltd v Vauxhaul Motors Ltd (Formerly General Motors UK Ltd)* [2019] 2 W.L.R 852** - The Supreme Court extended the jurisdiction of the court to grant relief from forfeiture to licences of land where the licence granted to the licensee possessory rights over the land. In so doing, the court rejected arguments that this would create uncertainty in relation to

transactions concerning land, rather holding that there was no principled objection to treating rights to possession of land differently to rights to possession of chattels.

- **ARCEO v Pall Mall Investments 3 Ltd (2016) LTL 19/5/2016** - A leaseholder carrying out rebuilding work was granted an interim injunction to require the freeholder to allow access to the building site with vehicles, including a crane, so long as that did not interfere with others' access rights.
- **Kettell v Bloomfold [2012] EWHC 1422 [2012] 2 P & CR DG16 [2012] L & TR 30** - Dispute between long leaseholders and freeholder over whether the freeholder could build a new block of flats on a car parking area.

Recommendations

Simon is recommended by Chambers and Partners and The Legal 500 for Costs Litigation.

Education

- Inns of Court School of Law. Bar Finals: 1977-1978
- Cambridge University. MA (Law): 1974-1977

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