



## 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

## Costs and Litigation Funding

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*"He is extremely knowledgeable, and provides secure and pragmatic advice on costs matters"* Chambers and Partners 2019

*"He is a very bright chap." "In a detailed assessment hearing, he proved very helpful and practical."* Chambers and Partners 2017

*"He has a very professional attitude and shows very good attention to the technical issues of a case." "He's very experienced and knowledgeable, and is an empathetic barrister whose sensitivity is appreciated by lawyers and clients."* Chambers and Partners 2016

*"A key name in this area."* Legal 500 2015

Simon is a member of the costs team, having advised and spoken extensively on conditional fee and other

costs issues. He appears frequently at the SCCO. He has assisted in the drafting of conditional fee agreements both individual (bespoke) and group (standard terms), including those for 39 Essex Chambers. His extensive experience of litigation in many different fields equips him with an understanding of the varied occasions in which costs are actually incurred, ranging from common law through commercial and property to family. When acting for insolvency practitioners he has advised on the specialist costs considerations that arise in that field.

## Cases of note

- ***SE Eric Christopher Dunbar v Virgo Consultancy Services Ltd (2019)* LTL 1/3/2019 : [2019] 2 WLUK 463** - A solicitor should not, on an assessment, recover costs that had been unreasonably incurred as a result of a failure to provide adequate costs advice. In the instant case, the solicitors' charges would be reduced by over 75% as a result of their failure to provide adequate costs advice to the client.
- ***SE Maiden London Ltd v Ruddick & Anor (2018)* [2018] EWHC 3684 (QB)** - In making an order awarding costs for three planning appeals, the Secretary of State for Communities and Local Government might have intended that duplicated costs would be paid once rather than three times, but the order stated that common costs incurred in the three appeals should be excluded. A costs judge could not go behind the words of the order and a deputy master had been wrong to assess costs as what the order should have been rather than what it was. The order should have been challenged by way of judicial review.
- ***SE Spartafield Ltd v (1) Penten Group Ltd (2) Ranjith Ratnasingham (2017)* [2017] EWHC 1121 (TCC) [2017] 3 Costs LR 467** - The court did not exercise its discretion under s51 Senior Courts Act 1981 to make a director of the defendant company pay the costs of the proceedings. The director had funded approximately 25% of the proceedings and wanted the company to recover money held by the court, but not for his personal benefit; he had wanted to pay off the company's creditors.
- ***SE Bolt Burdon Solicitors v (1) Aijaz Tariq (2) Azeem Tariq (3) Aimees Tariq (2016)* [2016] EWHC 811 (QB) [2016] 2 Costs LR 359** - Where a client objected to a non-contentious business agreement as being unfair or unreasonable, pursuant to the s57 (5) Solicitors Act 1974, the court had to consider the issues of fairness and reasonableness separately. Fairness related principally to the manner in which the agreement came to be made, whereas reasonableness related principally to the terms of the agreement.
- ***SE Garnat Trading & Shipping (Singapore) PTE Ltd v Thomas Cooper (A Firm) (2016)* [2016] EWHC 18 (Ch)** - An additional agreement made between solicitors and their client, after successful litigation but before a subsequent appeal hearing, fundamentally altered the original basis on which the firm had been entitled to charge the client and created a single, new and unenforceable contract. However, it could be severed, leaving the original retainer to cover everything except the appeal.
- ***SE Howes Percival LLP v Nicholas Page and Sarah Page* [2013] EWHC 4104** - A challenge based on alleged breach of the Contracts Made in a Consumer's Home or Place of Work Regulations 2008.
- ***SE Marcus Sinclair (a firm) Claimant -and- (1) Buttonwood Legal Capital Limited (2) Rylatt (a firm) (3) Alternative Real Estate Fund Limited (4) Roskill Advisors (Cayman) Limited Defendants 9 October 2013* [2013] EWHC 2974 (Ch)** - A successful party wanted to get an order for costs against the unsuccessful party's solicitors.

## Recommendations

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

## Education

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

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