



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

Court of Protection (Property and Affairs)

Simon works extensively in the Court of Protection, Chancery Division and the County Court in matters relating to the property and affairs of those who lack capacity. His recent cases have included matters concerning statutory wills, the running of a personal injury trust, the occupation of a property bought with a patient's damages award, the recovery of overcharges made by a professional attorney, the recovery of sums taken without authorisation from a patient's account, what to do when an executor loses capacity, nursing and care home fees, the appointment of deputies where there is a foreign element. He is also the principal editor for property and affairs for the 39 Essex Chambers Mental Capacity Report.

Cases of note

- *Anthony John Day (Claimant/Interpleader Defendant) v (1) Royal College of Music (2)*

Toby Harris (Defendants) & (1) Katherine Louise Arnold (2) Robert Malcolm Arnold (Interpleader Claimants) (2013) [2013] EWCA Civ 191 [2013] 3 WLR 1560 [2014] Ch 211 - Had Sir Malcolm Arnold's manuscripts been given away either by himself or the Royal College of Music and what did his will mean? What was the effect of the fact that Sir Malcolm suffered from bouts of incapacity, had an attorney and subsequently a receiver?

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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