



Barry David

Attorney

CONTACT

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"A stellar mind and intellectual ability" who "has an excellent depth of knowledge. He has incredible attention to detail and provides robust and detailed advice which stands up to scrutiny.". **Barry David** specialises in private client, property and commercial disputes.

He regularly appears in high-value High Court litigation and has wide experience of ADR. He also undertakes a wide range of non-contentious chancery work. He is recognised for his expertise in the real estate and private client spheres by both *Chambers UK Bar* and *The Legal 500 UK Bar*, recent quotes include:

"Barry has an excellent depth of knowledge. He has incredible attention to detail and provides robust and detailed advice which stands up to scrutiny." (Private Client: Trusts and Probate, *Legal 500 UK Bar* 2024).

"Barry has a stellar mind and intellectual ability. His detailed advice is always second to none and he can get to grips with complicated issues very well. He is logical and hardworking." (Property Litigation, *Legal 500 UK Bar* 2024)

"Hugely clever, very knowledgeable, insightful and excellent with clients. He is remarkably thorough and very willing to go above and beyond." (Chancery: Traditional, *Chambers UK Bar* 2024)

"Barry has a forensic, amazing attention to detail. He is good at drilling down to the nitty-gritty." (Real Estate Litigation, *Chambers UK Bar* 2024)

PROPERTY

Barry's practice includes litigation concerning trusts of land, proprietary estoppel, equitable accounting, conveyancing disputes, boundary disputes, adverse possession claims, litigation over easements and restrictive covenants, legal and equitable charges and mortgages, landlord and tenant disputes, disrepair and possession actions. His work includes dealing with property related disputes in insolvency litigation, family litigation, in the administration of estates and in criminal confiscation proceedings.

Barry's recent experience includes dealing with property other than land in England, including disputes concerning a luxury yacht, and also with foreign real property and conflicts of laws issues, including a claim in connection with a

purported sale of a group of Balinese islands, and a case concerning the declaration of trusts pursuant to English law over French land.

Barry's recent landlord and tenant work also includes acting in a claim for forfeiture of a £2m maisonette in Mayfair and acting successfully for the owner of a four star hotel in Manchester in a disrepair claim against the freeholder.

His recent reported cases in this area include:

- *Morshead Mansions v Di Marco* [2014] 1 WLR 1799 – Acting for the landlord in a case considering whether a tenant was able to seek an injunction forcing the landlord to comply with obligations under the Landlord and Tenant Act 1985.
- *Blue Manchester Ltd v North West Ground Rents Ltd* [2019] EWHC 142 (TCC) – Acting as junior counsel for the successful claimant, the tenant and owner of the Hilton Hotel in the iconic Beetham Tower in Manchester, in a case concerning a repairing covenant in the hotel lease.
- *Blue Manchester v Simpsonhaugh* [2021] EWHC 3095 (TCC) – Acting as junior counsel representing the freeholder of the Beetham Tower in Manchester in a professional negligence action against the architects and subcontractors. Successfully obtained directions striking out aspects of the defence evidence for non compliance with PD57AD Trial Witness Statements in the Business and Property Courts.
- *Lord v Kinsella* [2023] EWHC 2748 (Ch) – Acted for a group of members of an unincorporated timeshare club with interests a prestigious holiday resort in resisting the attempts of the management company to buy out member's interests, wind up the club and acquire the site.

His recent and current work includes:

- A v B – Acted for the long leaseholder of commercial premises on the ground floor and grounds of a large quayside development against the freeholder seeking damages and injunctive relief for failure to promptly address defects in the building posing a danger to the public, and engaging the provisions of the Building Safety Act 2022.
- A v B – Presently acting for landowners in a dispute with a land promotor in respect of the sale of certain land for an eight-figure sum ahead of an anticipated £300m+ infrastructure project.
- A v B – Presently acting for beneficiaries of the estate of a deceased businessman in resisting a claim by way of proprietary estoppel to his property and business empire by one of his children.
- A v B – Presently acting for the leaseholder of a landfill site in pursuing a claim for injunctive relief, loss and damage arising from works on the boundary by a third party undermining the structural integrity of the site.

WILLS AND ESTATES

Barry has a wide experience of wills, trusts and probate litigation. He is ranked for his private client expertise in *Chambers UK Bar* and *The Legal 500 UK Bar*. He is described as a “*respected name in the private client area*” in *Chambers UK Bar 2019*, which also quotes clients as saying: “*The depth of his legal knowledge is really unbelievable and he is excellent with clients.*” “*What would normally take a year to understand, he will grasp in a week. He absorbs absolutely everything in a case and he leaves no stone unturned.*” He is praised for his “*clear and calm style in court*”, with clients reporting that “*judges like his style*”. *The Legal 500 UK Bar* describes him as having “*the ability to analyse complicated commercial situations and provide clear advice a lay client can understand*”.

He regularly acts in contentious probate litigation, both challenging and defending wills, as well as acting for personal representatives in connection with such disputes.

Barry also regularly advises and acts in relation to claims for relief under the Inheritance Act 1975. Edward regularly advises and acts in claims in connection

with the administration of estates, in particular in disputes arising in relation to the administration of estates, including kin inquiries, construction and rectification of wills, disputes over beneficial title to estate property, removal and appointment of personal representatives, and disputes about the proper exercise of the personal representatives' powers.

His reported cases include:

- *Gibbs v Pick* [2017] EWHC 1117 (Ch) – Appearing in a case concerning a master's entitlement to remove the executor of a will and replace her with an independent professional
- *Re Devillebichot* [2013] WTLR 1701 – Appearing in a case concerning the disputed capacity of a testator.

COURT OF PROTECTION

Barry regularly acts in Court of Protection litigation, including representing the Official Solicitor. Recent work includes advising and litigating in relation to statutory wills, both challenging and defending the appointment of attorneys, and protecting the welfare of dementia patients.

COMMERCIAL DISPUTES

Barry has a wide experience of commercial litigation, regularly advising and acting in commercial disputes at all stages from initial advice to enforcement of judgments. Edward's work includes advising and acting in relation to disputes concerning all aspects of the law of contract and restitution for unjust enrichment.

Barry's recent work includes defending a procurement provider in the catering industry from allegations of conspiracy to defraud, and acting for a four star hotel in disputes with the freeholder, contractors and architect in relation to defective cladding on a substantial skyscraper.

Barry has acted in a number of recent cases in which contract disputes have arisen in connection with family law disputes, most recently successfully acting for the "bank of mum and dad" in a trial on an intervention in financial remedy proceedings regarding the validity of a loan to the divorcing husband.

His recent reported cases in this area include:

- *Blue Manchester Ltd v North West Ground Rents Ltd* [2019] EWHC 142 (TCC) – Acting as junior counsel for the successful claimant, the tenant and owner of the Hilton Hotel in the iconic Beetham Tower in Manchester, in a case concerning a repairing covenant in the hotel lease
- *Morshead Mansions v Di Marco* [2014] 1 WLR 1799 – Acting for the landlord in a case considering whether a tenant was able to seek an injunction forcing the landlord to comply with obligations under the Landlord and Tenant Act 1985
- *Log Book Loans Ltd & Nine Regions Ltd v Office of Fair Trading* (CCA/2009/0010 and CCA/2009/0011) – Appearing in proceedings to revoke a consumer credit license.

RECOGNITION

Barry is recognised for his expertise in the real estate and private client spheres by both *Chambers UK Bar* and *The Legal 500 UK Bar*, with recent comments in editorial including:

- *"Barry has an excellent depth of knowledge. He has incredible attention to detail and provides robust and detailed advice which stands up to scrutiny."* (Private Client: Trusts and Probate, *Legal 500 UK Bar* 2024)
- *"Ed has a stellar mind and intellectual ability. His detailed advice is always second to none and he can get to grips with complicated issues very well. He is logical and hardworking."* (Property Litigation, *Legal 500 UK Bar*

2024)

- *"Hugely clever, very knowledgeable, insightful and excellent with clients. He is remarkably thorough and very willing to go above and beyond."* (Chancery: Traditional, Chambers UK Bar 2024)
- *"Barry is an impressive advocate who quickly gets to grips with the issues and gains clients' trust and confidence."* (Chancery: Traditional, Chambers UK Bar 2024)
- *"Barry has an incredible depth of knowledge and displays great attention to detail. His ability to deal with client expectations in complex matters is excellent and I am always confident in recommending his services."* (Chancery: Traditional, Chambers UK Bar 2024)
- *"Barry has a forensic, amazing attention to detail. He is good at drilling down to the nitty-gritty."* (Real Estate Litigation, Chambers UK Bar 2024)
- *"Barry is very analytical and very good at very complex matters."* (Real Estate Litigation, Chambers UK Bar 2024)
- *"Barry is hugely clever, very knowledgeable, insightful and excellent with clients. He is remarkably thorough, leaving no stone unturned, and he is very willing to go above and beyond. Our go-to barrister."* (Chancery: Traditional, Chambers HNW London Bar 2023)
- *"Barry is an impressive advocate who quickly gets to grips with the issues and gains client's trust and confidence."* (Chancery: Traditional, Chambers HNW London Bar 2023)
- *"Barry has an incredible depth of knowledge and attention to detail. He leaves no stone unturned. His ability to deal with client expectations in complex matters is excellent and I am always confident in recommending his services."* (Chancery: Traditional, Chambers HNW London Bar 2023)
- *"Barry is impressive at pulling extremely complicated issues together in a way that impresses a judge."* (Real Estate Litigation, Chambers UK Bar 2023)
- *"Barry has a sharp mind and fantastic analytical skills. He is able to de-construct complex issues and give detailed advice on tricky matters in a language his clients understand. His ability to think on his feet in court and respond to any issues as they arise is a great strength."* (Property Litigation, Legal 500 UK Bar 2023)
- *"Barry is thorough and relentless in both his preparation and presentation. He is a good all rounder and can be relied on to do a good job and get results."* (Private Client: Trusts and Probate, Legal 500 UK Bar 2023)
- *"He is a go-to person for matters of intricate detail. He makes well-structured submissions."* (Real Estate Litigation, Chambers UK Bar 2022)
- *"A very technical lawyer with a forensic eye for detail, he's very approachable and always happy to talk through matters. Calm and composed in court, he is a good strategist who is able to assess the merits of a claim dispassionately and accurately."* (Chancery: Traditional, Chambers UK Bar 2022)
- *"Barry has a forensic eye for detail able to review complex matters and distil the key details for both lay clients and the Court. He is excellent in getting into a judge's mind, assessing a claim dispassionately with unerring accuracy."* (Private Client: Trusts and Probate, Legal 500 UK Bar 2022)
- *"Blessed with a very powerful brain, and has no trouble getting stuck into hideously detailed and complicated issues."* (Chancery: Traditional, Chambers HNW London Bar 2021)
- *"His knowledge is incredible, and he's always helpful and proactive." "He is meticulous, displaying a strong attention to detail and a good balance in conference between providing fine legal detail and ensuring that the client understands what's going on."* (Chancery: Traditional, Chambers UK Bar 2021)
- *"A go-to person for matters of intricate detail. He makes well-structured submissions." "He's very bright and industrious and he has a good knowledge of landlord and tenant law."* (Real Estate Litigation, Chambers UK Bar 2021)
- *"He has a forensic eye for detail and is excellent in getting into a judge's mind, assessing a claim dispassionately with unerring accuracy."* (Private

Client: Trusts and Probate, *Legal 500 UK Bar 2021*)

- *"Barry has a forensic eye for detail and is excellent in getting into a judges mind, assessing a claim dispassionately with unerring accuracy. He has an excellent manner with both clients and his instructing solicitors."* (Property Litigation, *Legal 500 UK Bar 2021*)
- *"His knowledge is incredible, he's always helpful and always proactive."* (Chancery: Traditional, *Chambers HNW London Bar 2020*)
- *"He is meticulous, with a strong attention to detail and a good balance in conference between providing fine legal detail and translating things so the client understands."* (Chancery: Traditional, *Chambers HNW London Bar 2020*)
- *"He is extremely proactive with a huge appetite for work – I don't know another barrister who attacks their work with such enthusiasm."* (Chancery: Traditional, *Chambers UK Bar 2020*)
- *"Very detail-oriented and offers good, effective advice." "Ed is approachable, organised and thorough."* (Real Estate, *Chambers UK Bar 2020*)
- *"Excellent attention to detail and legal analysis, comfortable in conference with lay clients and on his feet in court."* (Private Client: Trusts and Probate, *The Legal 500 UK Bar 2020*)
- *"He has an excellent eye for detail, is very top of his papers and prepares very well. He is very client friendly and is enjoyable to work with."* (Property Litigation, *The Legal 500 UK Bar 2020*)
- *"A respected name in the private client area." "The depth of his legal knowledge is really unbelievable and he is excellent with clients." "What would normally take a year to understand, he will grasp in a week. He absorbs absolutely everything in a case and he leaves no stone unturned."* (Chancery: Traditional, *Chambers UK Bar 2019*)
- *"Very thorough, well prepared and client-friendly."* (Real Estate Litigation, *Chambers UK Bar 2019*)
- *"Thorough, great attention to detail and very bright."* (Property Litigation, *The Legal 500 UK Bar 2019*)
- *"Has the ability to analyse complicated commercial situations and provide clear advice a lay client can understand."* (Private Client: Trusts and Probate, *The Legal 500 UK Bar 2019*)
- *"His legal knowledge is just astounding – the depth of this knowledge is really unbelievable." enthuses a source, who adds: 'He is excellent with clients.' He is praised for his 'clear and calm style in court' and a source reports that 'judges like his style.' A source enthuses: 'His attention to detail and thoroughness is excellent. What would normally take a year to understand, he will grasp in a week.'"* (Chancery: Traditional, *Chambers HNW 2018*)
- *"His attention to detail is exceptional, he leaves no stone unturned."* (Real Estate Litigation: *Chambers UK Bar 2018*)
- *"Has detailed legal knowledge and can deal with the most complex of matters. He give superb opinions and advice in conference and has a very commercial mind."* (Chancery: Traditional, *Chambers UK Bar 2018*)
- *"Diligent, conscientious, experienced and a very impressive advocate, who always goes the extra mile."* (Property Litigation, *The Legal 500 UK Bar 2017*)
- *"Easy to work with and good with clients."* (Real Estate Litigation, *Chambers UK Bar 2017*)
- *"Barry is great. He is very knowledgeable and I completely trust that what he's saying is true. He is clear and articulate in court, and professional but lovely with it."* (Real Estate Litigation, *Chambers UK Bar 2017*)
- *"Commercial, decisive and thorough, with a wonderful degree of empathy."* (Property litigation, *The Legal 500 UK Bar 2016*)

SEMINARS

Recent seminars and papers include:

- Central Scotland Law Group Ltd Property Mock Appeal on drones and private law

(2018)

- ChBA Conference Landlord and Tenant Workshop (2017)
- Strategic planning, commerciality and costs benefit analysis in litigation (2017)
- Damages in Property Litigation (2017)
- Heir Hunters and Kin Inquiries (2015)
- Lessons from Morshead Mansions v Di Marco (2015)
- Bankruptcy and Trusts of Land (2015)
- Undue Influence: Equity and Probate Compared (2015)
- Probate Fraud (2015)
- A will Writer's Work of Fiction TEL&TJ 2014, 162 (Dec) 24-28
- The Perils of Assisting with a Will TEL&TJ 2014 156 (May) 9-12
- Economic Duress (2014)
- Damages in Property Litigation (2014)

QUALIFICATIONS

Barry was a scholar at Magdalene College, Cambridge between 1999 and 2002, taking a triple first class MA in Law. He then studied at Oriel College, Oxford, for the BCL between 2002 and 2003 which he passed with distinction. During his Bar Vocational Course in 2003-4 he supervised Land Law at Magdalene and Wolfson Colleges, Cambridge. He was called to the Bar in November 2004 by the Middle Temple.

MEMBERSHIPS

- Chancery Bar Association
- Property Bar Association

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