PAUL STAFFORD

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Paul Stafford is a property lawyer with a particular expertise in manorial rights.

Typically these arise within land transactions or disputes involving landowners or developers and which engage the law of minerals and mineral reservations, the law of commons, local authorities, and – increasingly – renewable energy. The work is sometimes litigious but mostly advisory in nature and of significant complexity, and he receives enquiries and instructions from individual and corporate clients across the globe.

His book, *A Brief Guide to Modern Manorial Law* (366 pp), was published in June 2025 in hardback (£99.99) and paperback (£79.99). It is available through Amazon, Wildys, and the publishers Law Brief Publishing Ltd on https://www.lawbriefpublishing.com/ManorialLaw/

He sits as one of the panel chairs of the National Disciplinary Committee of the Conservative Party, dealing with complaints against party members from local level to senior political figures with household names. He is a former member of the Legal Services Panel of the Government of the British Virgin Islands.

EXPERTISE

PROPERTY

Trusts of land, reverter of sites, mortgage fraud, joint ventures, rights of way, land registration, ecclesiastical law, chancel repair liability, mineral rights, manorial rights and professional negligence in relation to property matters have all been aspects of Paul's real property practice. The litigious side of this practice has involved long and complex cases with repeated appearances in the senior appellate courts over many years. The advisory side includes clients, both individual and corporate, who may be trustees, landowners or developers.

His litigation and advisory experience of land registration and manorial rights was drawn on by the House of Commons Justice Select Committee who invited him to provide evidence to their inquiry into the future of manorial rights law. In their report, published in 2015, his contribution was extensively referred to and his advice reflected in the report's conclusions. He has published substantial articles on the law of manorial rights in relation to its land registration and litigation aspects.

In recent years he has also lectured, written and blogged on the property law aspects of fracking. His article, 'Free to Frack? –

Landowners and the loss of common law rights under the Infrastructure Act 2015' appeared in the *Property Law Journal* for June 2017.

REPORTED CASES

- **Stephens-Dunn v Cawthorne [2015] EWHC 2800 (Ch), Norris J** – Trusts of land – partition -application of TOLATA 1996 s 15.
- **Burton v Walker [2013] EWCA Civ 1228; [2012] EWHC 978 (Ch), Jeremy Cousins QC** – Manorial waste and land registration: Crown land in demesne and duty owed on first registration under LRA 2002); (REF 2007/1124 (10 Dec 2010)), LR Adjudicator (manorial lordships: proof of and protection of title under LRA 2002.
- **Clarke v Corless [2009] 2 P&CR DG 24 (Ch D); [2010] WTLR 751, CA** – Joint venture agreement to acquire property – property kept by one party – *Pallant v Morgan* equity.
- **Mortgage Express Ltd v Newman *(No.1)* [2000] PNLR 298 (Ch D), Hart J** – Mortgage fraud – solicitor's insurers disclaiming liability on ground of alleged dishonesty); [2001] PNLR 5, CA; *Mortgage Express Ltd v Newman (No.2)* [2001] Lloyds LR (PN) 669 (Ch D), Etherton J.
- **Fairview New Homes Plc v Government Row Residents Association Ltd [1998] EGCS 92, Scott V-C** – Developers and user of private right of way.
- **Inverugie Investments Ltd v Hackett [1995] 1 WLR 713, PC** – Measure of damages for trespass to commercial property.

PARTNERSHIP & LLP

Regulatory proceedings, including complaints to ombudsmen, are now widely used against professionals as an alternative to negligence claims. Paul has extensive experience of defending professionals against all three routes of attack – primarily solicitors in the context of property or commercial chancery work, but also accountants, surveyors and financial advisers. The advisory aspect of this work has involved keeping professional partnerships or individuals on the right side of the regulator. The contentious aspect has involved representing them before the ombudsman, in disciplinary proceedings and in court.

For ten years Paul sat regularly as a member and occasional chairman of the Disciplinary Committee, the Admissions and Licensing Committee and the Appeals Committee of the Association of Chartered Certified Accountants (ACCA). In the Administrative Court he was the first, or one of the first, barristers to obtain a successful judicial review against a decision of the Financial Services Ombudsman: Garrison Investment Analysis Ltd v Financial Ombudsman Service Ltd [2006] All ER (D) 110; [2006] EWHC (Admin) 2466, Sullivan J. He has been recognised in the Legal 500 for his significant caseload in relation to disciplinary hearings involving solicitors.

REPORTED CASES

- **Webb v SRA [2013] All ER (D) 50; [2013] EWHC 2078 (Admin), Jeremy Baker J** – Appeal for solicitor found dishonest by the SDT when registering transfer in breach of undertaking.
- **Garrison Investment Analysis Ltd v Financial Ombudsman Service Ltd [2006] All ER (D) 110; [2006] EWHC (Admin) 2466, Sullivan J** – Financial Services Ombudsman wrong to require redress to be made by independent financial adviser.
- **White v Office for Supervision of Solicitors [2001] EWHC (Admin) 1149, Lightman J** – Solicitor challenging OSS finding of inadequate professional service.

COMMERCIAL & BUSINESS DISPUTES

Paul Stafford has significant experience of the contentious and non-contentious aspects of chancery commercial practice over many years. His contentious work has included disputes involving banks, guarantees and indemnities, corporate insolvency, cause of action

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assignment and VAT fraud. He acted for Names in the closing phases of the long-running Lloyds litigation, and for HMRC in a large carousel fraud case. Examples of his non-contentious work include the drafting of management buy-out and shareholders' agreements for a major professional services company; advising on the duties of trustees in relation to building contracts; advising on sensitive pre-merger issues following the merger of two large firms of solicitors.

Fundamental to commercial chancery work is contractual interpretation, which is also central to what is normally regarded as the different and distinct area of construction law. Throughout his time at Ten Old Square, Paul has received instructions in relation to very substantial building and civil engineering cases. These have ranged from advising trustees of a major London hospital in connection with their duties under a building contract to acting for government, at local authority level and overseas, in major arbitration and/or litigation with a multi-jurisdictional element. Due to the sums involved, these cases have often involved representation in the appellate courts.

REPORTED CASES

- **Amey LG Ltd v Cumbria County Council [2016] EWHC 2856 (TCC), Judge Stephen Davies** – Final Account dispute on local government highways maintenance contract.
- **Estor Ltd v Multifit *(UK) Ltd (No.1)* (2009) 126 Con LR 40; and (No.2) [2010] CILL 2800, Akenhead J** – Adjudication: practice and procedure; test to identify parties to contract.
- **Harris v The Society of Lloyds [2008] EWHC 1433 (Comm), David Steel J** – Names and Re-insurance to close.
- **AG for the Falkland Islands v Gordon Forbes Construction (Falklands) Ltd [2003] BLR 280, Supreme Court of the Falkland Islands** – Meaning of clause 53 of FIDIC Conditions of Contract for Works of Civil Engineering Construction.
- **Saigol v Cranley Mansion Ltd (No.3) [2000] 72 Con LR 54, CA** – Effect on claimant's damages of compromised claim against another defendant.
- **Clive Brooks & Co Ltd v Baynard [1998] TLR 269, CA** – Cause of action assignment by insolvent construction company in breach of security for costs order.
- **Fairview New Homes plc v Government Row Residents Association Ltd [1998] EGCS 92 (Ch D), Scott V-C** – Developers and user of private right of way.
- **Saigol v Cranley Mansion Ltd (No.2) [1996] EGCS 81, CA** – Cause of action assignment by co-defendant.
- **Inverugie Investments Ltd v Hackett [1995] 1 WLR 713, PC** – Measure of damages for trespass to commercial property.

APPOINTMENTS

- Paul sits as one of the Chairmen of the National Disciplinary Committee of the Conservative Party.
- Paul is appointed to The Legal Services Panel for the Government of the Virgin Islands.
- Former Legal Member (and occasional Chairman) of the Disciplinary Committee, the Admissions and Licensing Committee and the Appeals Committee of the Association of Chartered Certified Accountants
- Former elected Member of the Bar Council
- Former member of the Bar Council Remuneration Committee

ASSOCIATIONS & MEMBERSHIPS

- Chancery Bar Association
- Ecclesiastical Law Society

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EDUCATION & QUALIFICATIONS

- MA (First Class Hons in Modern History): Christ Church, Oxford
- D. Phil (on the Mediterranean origins of the Second World War): St Antony's College, Oxford
- Diploma in Law: City University, London
- Certificate in Theology (University of Wales)
- Holker Scholar, Gray's Inn
- Karmel Prize in Chancery law, Gray's Inn

PUBLICATIONS

- A Brief Guide to Modern Manorial Law – due for publication in March 2025
- Paul Stafford – Ten Old Square – Third party Mineral Rights talk – 2018
- Infrastructure Act 2015 – Free to Frack?
- What does the future hold for manorial rights?
- Deadlines for Manorial Title Holders
- Manorial rights – Title Challenge
- Re-constructing Manorial Title

REGULATORY INFORMATION

Paul Stafford is a self-employed, independent barrister whose practice is governed by the Code of Conduct of the Bar of England and Wales. He is regulated by The Bar Standards Board [Bar Ref 22796] and is fully insured with the Bar Mutual Indemnity Fund [BMIF Ref 2360/020] to provide legal services, please refer to the BMIF website for full details of the world-wide cover provided. He is registered for VAT under the reference 524130883.

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