ISSUE #1

Quarterly Civil Team Newsletter

CORNWALL ST

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Welcome from our Head of Civil Law - Michael Trevelyan

Welcome to this first edition of the Cornwall Street Barristers Civil Team Newsletter. Since taking over as Head of the Civil Team in Chambers recently, it has been one of my goals to see this newsletter up and running. Therefore, I was very pleased to be asked to write this introductory message but I must take very little, if any, credit for the work itself. A huge amount of effort has been expended 'behind the scenes', primarily by Esther Sheppard and Imogen Smalley, civil team members based in Birmingham and Maidstone respectively, to corral the articles and comments into the impressive format in which they now appear. I'm sure it has also been no easy task for them to gently remind members of the submission deadline!

I am pleased to say that the contents of this edition of the newsletter showcase the breadth and depth of legal talent across the civil team. From our most junior members all the way to established and leading Counsel in their fields, as well as my own contribution, this is a treasure trove of information for the junior and expert alike. We hope to produce further editions of this newsletter every quarter and our aim is to become a leading source of analysis and discussion about a wide range of developments across the entire spectrum of civil litigation.

If you find this newsletter interesting, informative, useful or all three then please do forward it on to colleagues and others who may also like to read it. Finally, if you have been involved in or become aware of any legal development that you would like the team to cover in an upcoming edition then please do not hesitate to email us at civil@cornwallstreet.co.uk.

CONTENTS

Editors:
Esther Sheppard
Imogen Smalley

Introduction

This edition provides a compilation of varied reading, ranging from exclusion clauses to planning law niches. Recent success for Megan Fletcher-Smith in the Administrative Division of the High Court is explored at page 8, and this edition's 'Spotlight' is about one of our civil tenants Esther Sheppard (2022 call).

The following topics appear in this quarter's edition.

- **Michael Trevelyan** delves into the proper interpretation of exclusion clauses, and the recent discussion about the ability to exclude liability for loss of profits in the Court of Appeal, in the case of *EE Limited v Virgin Mobile Telecoms Limited* [2025] EWCA Civ 70.

- **Tim Jacques** explores whether it is necessary to have occupied land for at least ten years *immediately before* application for adverse position is sought, and what the recent UKSC judgment *Riley v Brown* [2025] UKSC 7 says about it.

- **Paul Harris** SC discusses compulsory wayleaves (also known as necessary wayleaves) that are not registered against the title of property but are enforceable against the a new owner or occupier when the land ownership or occupation changes. Paul informs the reader about how to apply for compulsory wayleaves.

- **Megan Fletcher-Smith** in June had success in her appeal to the Administrative Division of the High Court when representing the Royal College of Nursing. The case serves as a reminder that a decisive factor to the outcome of a case is robust cross-examination of witnesses when giving their live testimony.

- **Esther Sheppard** shares her journey to the Bar, the perks of her flourishing civil law practice and a little into life outside the law.

We hope that you enjoy this varied and full edition of the Civil Team Newsletter.

Imogen Smalley

Have you heard our Civil Law Podcast?

Michael Trevelyan explores all things civil law in his podcast. The episodes are under 30 minutes and provide bitesize insights into topics such as: compensation to secondary victims and crypto currency.

You can listen to the podcast on Amazon music here.

Exclusion Clauses: A Strong Signal or Poor Reception from the Court of Appeal?

- Michael Trevelyan

An unusual display of intellectual disagreement was evident in the recent Court of Appeal case of *EE Limited v. Virgin Mobile Telecoms Limited* [2025] EWCA Civ 70. The case concerned the proper interpretation of an exclusion clause entered into between the parties as one element of a carefully drafted and extensive Telecoms Supply Agreement dated 28th August 2013. The central aim of the agreement was for Virgin to use EE's radio access network so that its mobile telephone customers could access 2G, 3G and 4G mobile services (Virgin being one of many operators that do not own their own radio access network). In exchange, Virgin agreed to pay various charges to EE. However, after entering into the agreement Virgin began to migrate its customers from the EE network to one owned by Vodafone. A dispute arose about Virgin's entitlement to migrate its customers away from EE which culminated in EE bringing a claim against Virgin for loss of revenue in the sum of £24,635,684.00.

The interesting, and divisive, issue in the case was whether EE's claim was, in reality, one for "anticipated profits" because, if it was, Virgin alleged that such a loss was excluded by Clause 34.5(a) of the agreement which provided that "neither party shall have liability to the other in respect of anticipated profits". At first instance, Smith J. found that the claim was so excluded and granted reverse summary judgment to Virgin. EE then appealed to the Court of Appeal.

It is clear from the judgments of Zacaroli, Coulson and Phillips LJJ that the Court of Appeal was deeply troubled. Giving the lead judgment, Zacaroli L.J. dismissed the appeal. The Judge recognised EE's submission that "on the [first instance] Judge's construction, exclusion of liability for loss of profits is capable of obliterating virtually every claim by the victim of a breach of contract to recover their expectation loss" (para. 45) because what else is intended by most commercial contracts than the generation of profit by one party payable by the other in consideration for goods or services? However, in answer to this issue the Judge took a broad view of the exclusion clause and identified that excluding the claim for loss of profits did not exclude other remedies potentially available to EE for breach of contract including specific performance, an injunction or a claim for damages based on wasted expenditure.

Phillips L.J. gave a dissenting judgment. The Judge stated that "...it would be surprising if the parties intended that [Virgin] could breach the key exclusivity provision, unlawfully diverting its customers to a third party supplier, without incurring liability to pay EE damages reflecting the loss of revenue resulting from that breach. A right to claim for the amount of lost charges...by reason of such diversion would be conventional, straightforward and would simply reflect the commercial bargain made. To exclude that right would undermine the bargain and it is unclear why the parties would have so provided consistently with business common sense." (para. 105).

Therefore, it fell to Coulson L.J. to solve the judicial deadlock and his Lordship sided with Zacaroli L.J. but, in so doing, acknowledged that he had "...not found the central issue in this case easy to decide. Like Phillips LJ, my original instinct was that the claim for sums that would otherwise have been due under the [agreement] was not caught by the exclusion clause, because that would strike at the heart of the bargain between the parties. However, I have concluded that the analysis of Zacaroli LJ is to be preferred." (para. 112).

The Judge went on to explain that "There is nothing whatsoever in the words [of the agreement] themselves to indicate that they are referring only to anticipated profits to be earned outside [of it], not profits under [it]. On the face of it, such a construction requires the insertion of words that are just not there." (para. 115).

Therefore, by a majority, the appeal was dismissed and EE's claim for nearly £25,000,000.00 was brought to an end.

This case is a stark example of the importance of carefully drafted exclusion clauses. Such clauses are common to many commercial contracts and the conclusion of the Court of Appeal should cause practitioners to think very carefully about the potentially wide-ranging impact of such clauses on potential claims. Even where, as here, the effect of an exclusion clause appears to be to excuse a breach of contract and deny the innocent party even the contractual profits that they had agreed to receive under it the clause can be so interpreted and relief denied. All of the judgments of the Court of Appeal merit careful consideration and identify that what a Court should consider when interpreting an exclusion clause is whether it can be properly construed in the context of the contract as a whole without reading additional words into it. If it can, then notwithstanding that (in the words of Phillips L.J.) this can lead to a "commercially surprising result" (para. 110), that is the effect it will have."

Michael accepts instructions in a range of civil matters with a particular emphasis on property disputes and contract issues, including business to business and business to consumer.

Brown v Ridley – effective pain relief in boundary litigation

- Timothy Jacques

As Lord Hoffman observed in *Wibberley Building Ltd v Insley* [1999] 1 WLR 894: "Boundary disputes are a particularly painful form of litigation." For litigants that pain is accentuated by having to live next door to the very person against whom they are waging legal warfare; for lawyers decoding the provisions of Schedule 6 to the Land Registration Act 2002 can be the source of more than a mild headache.

In short, Schedule 6 provides a squatter with three alternative shields by which they might resist a registered proprietor's objection to their application. Of those, the most commonly seized is the 'mistake as to general boundaries' provision, which permits the squatter to claim title to land immediately adjacent to theirs upon fulfilment of certain conditions. One of those conditions is that:

> "for at least ten years of the period of adverse possession ending on the date of the application, the applicant (or any predecessor in title) reasonably believed that the land to which the application relates belonged to him" (paragraph 5(4)(c) of Schedule 6).

What does that mean? Is it:

(i)that for at least the ten years immediately preceding the application the squatter reasonably believed the land was his; or,

(ii)that for some period of at least ten years the squatter reasonably believed the land was his, but that period need not have been immediately before the application?

I was recently instructed in a case where this question arose.

The client had bought a property from the council and had for a long time after purchase occupied an adjoining field which she wrongly believed to form part of what she had bought. She then received a letter from the council which asserted title to the field. There followed an impasse of several years during which little happened. The client continued to occupy the field, but knew its ownership was in dispute. She eventually made an application under Schedule 6.

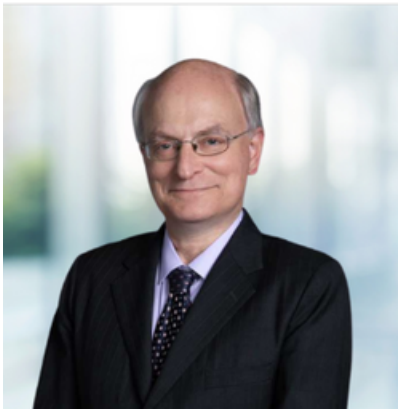
Under the interpretation (i) above, her application would have failed, because her reasonable belief did not subsist up to the date of the application; under application (ii) it would have succeeded (assuming she could satisfy the other limbs), because there had been a 10-year period before the council wrote to her during which she genuinely and reasonably believed the field was hers.

Until earlier this year, the leading authority on the question was *Zarb v Parry* [2011] EWCA Civ 1306 in which the Court of Appeal assumed that interpretation (i) was correct. However, in February the Supreme Court handed down judgment in *Brown v Ridley* [2025] UKSC 7 and determined that interpretation (ii) should prevail.

That decision accords with common sense. The very reason squatters apply for registration is that their occupation of land is challenged by the paper owner. It is unlikely that, once such a challenge has been made, the squatter will continue to believe, reasonably or otherwise, that the land is theirs. Similarly, it is unrealistic to expect a squatter to make an application the moment that an objection is raised. Such an expectation would run roughshod over the principle that parties should seek to resolve their disputes outside the court arena before embarking upon litigation. Given the particularly painful features of boundary disputes, that principle should be afforded a prominent place in this type of litigation, and so the clarification offered in Brown v Ridley might be considered a welcome painkiller for both litigants and lawyers.

Tim accepts instructions in a range of property matters, including boundary disputes and claims for adverse possession of both registered and unregistered land.

Obtaining wayleaves for electric power lines - Paul Harris SC



The law of planning and of compulsory purchase are well-known legal topics with extensive jurisprudence.

Less well-known is the procedure to be used when a developer requires not possession of land but the right to run an electric power cable over or under a landowner's land for the purpose of electricity generation or distribution.

The legal framework for obtaining wayleaves for electric power lines is governed by paragraphs 6, 7, 8 and 9 of Schedule 4 to the Electricity Act 1989 ("the 1989 Act"), the Electricity (Necessary Wayleaves and Felling and Lopping of Trees) (Hearing Procedures) England and Wales Rules 2013 ("the Hearing Rules"), and the Electricity (Necessary Wayleaves and Felling and Lopping of Trees (Charges) (England & Wales) Regulations 2013.

The national electricity networks of Wales as of England are owned and operated by National Grid Electricity Transmission plc and by electricity distribution companies such as SSEN. Electricity distribution companies hold licences granted under Section 6 (1) (c) of the Electricity Act 1989, described as "distribution licences".

Electricity generating companies require an electricity generation licence under Section 6(1) (a) of the 1989 Act.

Both types of licences are granted by OFGEM.

Licence holders need permission to install their electric lines and associated equipment on, over or under private land and to have access to that land for the purpose of inspecting, maintaining, repairing or removing the lines and equipment. This is usually done through a contractual arrangement with the landowner known as a voluntary wayleave. However where agreement cannot be reached through negotiation the licence holder may apply for a compulsory wayleave (known as a "necessary wayleave") under paragraph 6 of Schedule 4 to the 1989 Act. Any necessary wayleave is usually granted for a period of 15 years but may be granted for a shorter or longer period on a case by case basis depending on the representations of affected parties. Paragraph 9 of Schedule 4 provides for the wayleave to include the lopping of trees if required.

A necessary wayleave is not registered against the title of the property but is enforceable by the licence holder against subsequent landowners or occupiers where the land ownership or occupation changes while the wayleave is in force.

Paragraph 6(1) of Schedule 4 provides that before applying for a necessary wayleave the licence holder must give the landowner or occupier a minimum period of 21 days written notice that it requires the grant of a necessary wayleave.

If at the expiry of this 21 day period the landowner/occupier has failed to grant a voluntary wayleave or granted it subject to terms and conditions to which the licence holder objects, the licence holder may apply to the Secretary of State for Energy and Climate Change for the grant of a necessary wayleave in accordance with paragraph 6(3) of Schedule 4.

An application to the Secretary of State for a necessary wayleave should normally be submitted with supporting documentation through the on-line electric portal service of the Department for Energy and Climate Change. The relevant URL is https://www.og.decc.gov.uk/EIP.htm. There is a charge of £34 payable on submission.

The application must be accompanied by the following information and documentation:

(1)Details of the owner(s) and occupier(s) of the land affected by the proposed wayleave. In the case of registered land this requires submission of a copy of the relevant Land Registry entries;

(2)Details of the location of the land;

(3)Details of the electric line and apparatus in question;

(4)A statement as to whether the application is for one or more necessary wayleaves and the number of lines covered by each necessary wayleave applied for;

(5)A statement as to whether the application is to install a new electric line or to keep an electric line already installed;

(6)A plan or map clearly detailing:

(i)The landowner and/or occupier's affected land boundaries;

(ii)The electric lines in question crossing that land (showing a distinction between lines to be placed under or over ground) and

(iii)Any other electric lines crossing the land but not subject to the necessary wayleave application;

(7)Confirmation of the position with regard to negotiations with the landowner/occupier;

(8)Confirmation that at least 21 days notice has been given to the owner/occupier requiring them to grant the necessary wayleave in accordance with paragraph 6(1) (b) of Schedule 4 to the 1989 Act (a copy of the notice given should be attached to the application);

(9)Confirmation that the affected land is not covered by a dwelling (as defined in paragraph 6(8) of the Schedule 4 to the 1989 Act);

(10)Confirmation that there is no planning permission in force for a dwelling to be constructed on the affected land;

(11)Any other relevant information.

Other relevant information must include evidence of the ownership of the land in the case of unregistered land. This will require local enquiries, which may be difficult, particularly as the land in question appears to be agricultural land on which no council tax is payable. It is not sufficient to establish that Mr Lewis owns the land. It will be necessary to establish that he and no-one else has an interest in the land. It may be that a direct enquiry to Mr Lewis about the boundaries of his land may elicit the necessary documentation.

A copy of the application and supporting documentation must be sent to the landowner/occupier. If it transpires that some-one other than Mr Lewis also has an interest in the land that person and Mr Lewis must both be sent copies of the application.

In considering an application for a necessary way leave the legal view taken by the Secretary of State is that he only has power to grant or refuse the application, and that he has no power to approve an alternative route to that proposed in the application.

Consideration of applications for necessary wayleaves may be either by way of an oral hearing or by use of a written procedure, to which each party (licence holder and landowner/occupier) must consent.

On receipt of a valid application the Secretary of State is required by Rule 3(2) of the Hearing Rules to give notice to each party to seek that party's consent for the written representations procedure to apply in respect of determination of the application. If the parties wish to consent to use of the written procedure a notice to that effect must reach the Secretary of State within 30 days. If they consent, or if no response is received, the Secretary of State will apply the written representations procedure unless he considers that there are exceptional circumstances which require an oral hearing.

When the Secretary of State has decided that the written procedure will be used, he will ask each party to submit a Statement of Evidence within 30 days after the date of the notice that the written procedure will be applied. The Statement of Evidence must provide a description of the location of the proposed electric line by reference to a map and the applicant's reasons for wishing to install the electric line (i.e. why it is necessary or expedient).

Following the circulation of the Statements of Evidence each party may make representations in respect of a Statement of Evidence made by another party (Rule 5 of Hearing Rules). These should be made within 10 days.

The Secretary of State will then appoint an inspector to consider the relevant evidence and to submit to the Secretary of State a report and recommendation. The inspector may give notice to any party to request further information, and may also conduct a site visit, either accompanied by the parties or unaccompanied.

On receipt of the inspector's report and recommendation the Secretary of State may ask the inspector for further information if he considers that there are matters which the inspector needs to consider which have not been considered.

There is no statutory or procedural time limit within which the Secretary of State must make a decision but the aim of the Department of Energy and Climate Change is that decisions should be notified within six months of the inspector's report.

The procedure described above does not deal with the issue of compensation. This is not a matter for the Secretary of State. The normal expectation is that compensation will be agreed between the licence holder and the landowner/occupier after the grant of the necessary wayleave. In the event of an irreconcilable disagreement over compensation, either party may apply for a determination of the compensation payable to the Lands Chamber of the Upper Tribunal, pursuant to the provisions of the Land Compensation Act 1973.

Much further useful information about applications for necessary wayleaves is contained in a Department of Energy and Climate Change publication "Electricy Act 1989 – Guidance for Applicants and Landowners and/or Occupiers – Application to the Secretary of State for Energy and Climate Change from 1 October 2013 for the grant of a Necessary (Compulsory) Electricity Wayleave or Felling and Lopping of Trees Order in England and Wales".

Paul Harris accepts instructions in a wide range of civil and public law matters including many aspects of land law.

Megan Fletcher-Smith Successful in High Court appeal:

Laura Yalda Hindle v Nursing and Midwifery Council [2025] EWHC 373 (Admin)

Megan Fletcher-Smith, instructed by the Royal College of Nursing, represented a nurse Registrant before the Administrative Division of the High Court; in an appeal against a decision of the Nursing and Midwifery Council.

The appeal raised questions as to the reasoning to be expected of fitness to practise and other professional discipline tribunals when making findings of fact on the balance of probabilities, which turn on witness' conflicting factual narratives.

The case is a reminder that the live testimony of witnesses at a hearing, and robust challenge to them in cross-examination, can still be the decisive factor in the outcome of a case.

The case was reported in the Industrial Cases Reports, and is now regularly referred to as precedent in professional disciplinary tribunal determinations, reminding themselves not to adopt a 'silo' approach to charges.

The Background

Ms Hindle had been the Nurse Manager at a private boarding school. In the proceedings before the NMC, she had faced 32 misconduct charges arising from a collective grievance, jointly submitted by 4 nurses who were under her management in the boarding school's health centre. The charges included bullying, intimidating and manhandling some of the pupils, failures or record keeping and medicines management, improper management of medical issues and dishonesty.

Megan had demonstrated, in the course of the NMC final hearing, that there were significant inconsistencies & factual anomalies in the evidence of the complainant nurses. Other NMC witnesses described the nurses as having undertaken a 'witch hunt' against the registrant, making multiple complaints against Ms Hindle without ever formalising them, before coming up with a collective grievance in which some nurses complained of matters they had not, themselves, witnessed. Despite this, the Panel 'preferred' the evidence of the nurse witnesses, and did not address these inconsistencies and anomalies in their determination.

The Panel found the bulk of the allegations proved against the registrant, and that these amounted to serious professional misconduct; that the registrant's fitness to practise was currently impaired and that the proportionate sanction was a 6 month Suspension Order. The Panel also imposed an 18 month Interim Suspension Order, to cover the appeal period.

The Appeal

The Royal College of Nursing agreed to fund an appeal against the Panel's findings; and in November 2024, Megan attended the High Court to make oral submissions in this regard. The hearing took the format of a re-hearing by reference to extensive transcripts, the evidence which had been available to the Panel, and the Panel's written determination.

It was Megan's submission, and the crux of the appeal, that the Panel had failed to have proper regard to the general credibility and reliability of any witness, had failed to provide reasons for 'preferring' NMC witnesses' evidence over the evidence of the registrant and/ or her witness, and had failed to properly take account of evidence in support of the registrant's case.

It was submitted that these failings rendered the findings of fact both wrong, and unjust because of a serious procedural or other irregularity, as per CPR 52.21(3).

Held

Deputy High Court Judge Alan Bates made wide-ranging criticisms of the approach adopted by the Panel to making findings of fact. In particular, he found as follows:

1) It was incumbent upon the Panel to provide informative reasons & rational explanations for its findings, in relation to all the facts necessary for supporting a finding that the NMC had discharged the burden of proof. The Panel's reasoning needed to be adequate to enable the registrant to understand why the Panel had found disputed allegations proved against her, believed the evidence of the complainant nurses and thus, implicitly, rejected the contrary evidence of the registrant and/ or her witness;

2) The reasoning of the Panel was inadequate for sustaining the findings that were made against the registrant;

3) The panel did not properly assess the general credibility and reliability of certain witnesses. The Panel should have given express, careful consideration to all the points made by the registrant as to why the NMC witness' various accounts should be viewed with caution (albeit that it would have been for the Panel to assess how much weight to give to those points, after paying careful attention to how the witnesses responded to relevant questions put to them in cross-examination);

4) The Panel also failed to make any assessment, or even comment, with respect to the general credibility and reliability of Ms Hindle and her witness;

5) The Panel's approach of considering the evidence relating to each charge against the registrant on an individual charge-by-charge basis, led the Panel into error. It failed to consider whether the fact that a witness' account in relation to one allegation was found to be untrue should affect the degree of confidence that it should place on that witness' assertions in support of other allegations;

6) The Panel also failed to properly evaluate the contextual evidence relating to the NMC witness' behaviour prior to, and during their employer's internal investigation of their joint complaint submission, which was relevant to a proper assessment of the degree to which the Panel could have confidence in the truthfulness and reliability of their evidence;

7) The Panel's failure to grapple with assessing the credibility and reliability of key witnesses had the consequence that it failed to deal adequately with the crux of the registrant's case: that the complainant nurses had created a catalogue of fabricated and exaggerated allegations against her, in order to rid themselves of a manager with whose decisions they disagreed and whose job they thought should have gone to one of them;

8) When a witness repeatedly answered cross-examination questions with 'no comment', the Panel Chair ought to have intervened to instruct the witness to either answer the question or make clear that she was claiming her right not to incriminate herself;

9) It was not within the gift of the Panel to require Megan to 'tweak' her questioning of NMC witnesses so as to assist the Panel in 'getting the best out of' a witness in their oral evidence. Rather, it was Megan's forensic questioning which revealed information which was itself potentially useful to the panel. A witness' attempts to deflect questioning was not a good reason for the Chair effectively to ask Megan to modify her approach;

10) The Panel was wrong to reduce the registrant's concerns regarding the complainant nurse's having 'colluded' in presenting their accounts, to a specific allegation that there had been a 'conspiracy to deceive' (a definition provided by the Panel itself, effectively putting words into the registrant's mouth). That error was compounded by the Panel then implicitly placing a burden of proof on the registrant in respect of that allegation that they had colluded and then finding that she had not discharged that burden;

11) The Panel's reasoning revealed that it took several approaches which were legally unsustainable:

i) That the Panel sometimes chose to prefer a witness' written evidence, even when they effectively abandoned, in the oral evidence, an allegation made in their written statement. This undermined the importance of oral evidence and Ms Hindle's right to cross-examine;

ii)That Panel made unjustified assumptions that the registrant's evidence did not relate to the incident which was the subject of the charge, a determination for which there was no basis; and

iii)The Panel's reliance upon its assessment of the registrant having had a difficult relationship with a particular student as evidence justifying a conclusion that the registrant shouted at, or otherwise behaved inappropriately towards, that student. Feelings of frustration is not a basis for inferring that a registrant has acted inappropriately or unprofessionally. The Panel had failed to keep in mind the proper starting point, namely that the burden was on the NMC to present cogent evidence sufficing to satisfy the Panel that the alleged conduct had occurred;

12) By the time the Panel made their decision, the allegations had already been hanging over the registrant for 6 years. The time taken by the NMC to progress this matter had been far too long.

His Lordship determined that:

1) the facts not admitted by the registrant, and found proved by the Panel, were found not proved;
2) the registrant's fitness to practise is not currently impaired; and
3) there is to be no sanction.

The full judgment can be found here.

Megan Fletcher-Smith's civil practise focuses on professional discipline. She is known, in particular, for her robust defence of medical professionals before their regulators.

SPOTLIGHT ON: Esther Sheppard

Year of Call: 2022

1.For how long have you been practicing with Cornwall Street Barristers? I have been with Cornwall Street Barristers for almost three years.

2. What are your practice areas? I currently only practice civil law. I have dealt with cases in general tort, personal injury, housing, contract, TOLATA.

3.Briefly, can you describe your route to the bar?
I studied for my LLB with the Open University while I was a stay at home Mum. During this time I volunteered with CAB, which was invaluable experience. I then became a money adviser for a Housing Association and had the opportunity to represent tenants in welfare benefit tribunals, while I studied the BPTC part time. I gained pupillage in 2021 with the Government Legal Service, most of which was done online, as some Covid restrictions were still in place. On gaining my practicing certificate I obtained a probationary tenancy at Cornwall Street.

4.What are your future ambitions?
As I came to the bar later in life, I am content to simply enjoy my practice and develop into interesting area of law. I would like to undertake some inquest work, but who knows, maybe becoming an assistant coroner or DDJ at some future point. I am also keen to develop a regulatory law practice.

5.What do you find the biggest challenge and biggest reward of being a barrister?
The biggest challenge is sometimes receiving last minute instructions on an area of law in which you have little previous experience and having to research from the beginning in a small amount of time, but you learn as you go and are lead into new practice areas – every day is a school day!

The biggest reward is the flexibility of being self-employed, while still having the support of clerks and fellow members of chambers, who are unfailingly available and helpful.

6.Tell us something about your hobbies and/or interests
I attend a yoga class once a week, which I love and although I feel like I'm dying for an hour and a quarter, I always feel good afterwards. I also love to travel with my husband and sometimes our grown up children chose to come along as well. Coming up is a road trip around Normandy with our 19 year old son.

7.What is your favourite book/film?
I really struggle to pick one favourite book, as there are a few books that are like old friends, these are:

Persuasion (my favourite Jane Austen), Pride and Prejudice, Rebecca and Gone With The Wind. I also love whodunnits by Agatha Christie, Anthony Horowitz and more recently have started reading P D James.

8.Where is your favourite place to stay or visit?

Rome, which I visited last year and absolute love. You can walk around and just stumble across amazing historical sites like the site of Julius Ceasar's assassination, which was outside our hotel window, and The Pantheon. Not to mention the Trevi fountain, Colosseum, Spanish steps and the Vatican City, all nearby to be explored.

9.What is your favourite cuisine/meal?
Italian. I love a really good pasta dish with a glass of wine, followed by a tiramisu. My favourite breakfast is Eggs Royal, as I love smoked salmon.

Esther accepts instructions in a range of civil matters including housing, personal injury and property disputes.

We are thrilled to announce that our head of the Civil Law Team, Michael Trevelyan, has been accepted onto the LLM Professional Law Team at Coventry University where he will be teaching students on the SQE.

Chambers extends its congratulations to Jonathan Storey on his appointment to the Independent Appeals Panel of the Football Association of Wales.

Paul Harris S.C., an experienced member of the civil law team at Cornwall Street Barristers and former Chairman of the Hong Kong Bar, has produced a powerful article for Counsel magazine describing the breakdown of the rule of law in Hong Kong following the passing by the Chinese government of the Hong Kong National Security Law in 2020.

Seminars

Thank you to those who attended Jonathan Storey's seminar about Teaching Regulation Agency matters on 20 June 2025.

To obtain the slides and materials, please contact Jonathan: jonathan.storey@cornwallstreet.co.uk

Social events

Our annual summer party was at the Edgbaston Golf Club on 28 June 2025. The Jazz Band kept us up until the early hours.

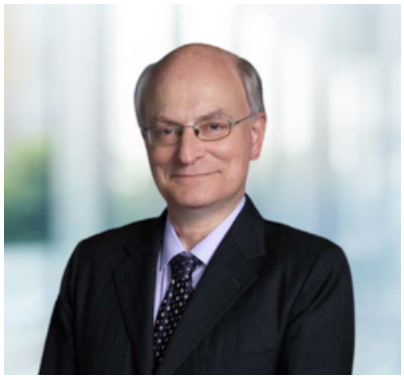
Contributors

Michael Trevelyan

Michael accepts instructions in a range of civil matters with a particular emphasis on property disputes and contract issues, including business to business and business to consumer.

Tim Jacques

Tim accepts instructions in a range of property matters, including boundary disputes and claims for adverse possession of both registered and unregistered land.



Paul Harris SC

Paul Harris accepts instructions in a wide range of civil and public law matters including many aspects of land law.

Megan Fletcher-Smith

Megan Fletcher-Smith's civil practise focuses on professional discipline. She is known, in particular, for her robust defence of medical professionals before their regulators.

Pupillage News

Chambers are excited to announce that Raheel Ahmed has joined us to complete his pupillage. Raheel has been licensed to practice in Pakistan since January 2015 and is an internationally accredited civil-commercial mediator. Raheel has also been involved in legislative reform in Pakistan and does various work in respect of human rights. Raheel was granted a reduction in pupillage by the BSB which is reflective of his extensive advocacy experience and therefore only needs to complete three months of his second six. Raheel will be returning to Pakistan on completion of his pupillage.

Chambers are also thrilled to be welcoming in October four new pupils across the Birmingham and Oxford branches: Susan Guest, Sharanjeet Sidhu, Elizabeth Sawyer and Georgina Kuponiyi. Watch this space!

Editors

Imogen Smalley

Imogen is a second six pupil who practises out of Cornwall Street's Maidstone branch. She accepts instructions in all areas across the Southeast (including London and Essex). However, she is keen to develop a focus in planning and environment regulation, as well as consumer and financial markets regulation. She is a member of the Association of Regulatory and Disciplinary Lawyers, and the Planning and Environment Bar Association.

Esther Sheppard

Esther has been a tenant of Cornwall Street Barristers for almost three years and accepts instructions in a range of civil matters including housing, personal injury and property disputes.

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