

OLIVER MITCHELL

Call 2009

✉	oliver.mitchell@guildhallchambers.co.uk
☎	0117 930 9000



Oliver Mitchell's practice encompasses **Property & Estates** (commercial and residential), **Inheritance, Wills, Probate & Estates** and **Commercial** work.

He has extensive experience acting for corporate clients, individuals and **Insolvency** practitioners.

Oliver appears in the High Court, County Court and First-Tier Tribunal (Property Chamber), and has been led in the Court of Appeal and High Court. His practice involves Court and Tribunal work as well as a broad range of advisory and drafting work.

Expertise

Property, Trusts & Estates

Oliver accepts instructions covering a wide range of property and trusts/estates matters, including:

- Easements and covenants
- Trusts of land and proprietary estoppel
- Nuisance
- Landlord & Tenant
- Possession and sale
- Inheritance (Provision for Family and Dependents) Act claims
- Interpretation of Wills
- Probate claims
- Applications in relation to trustees/personal representatives and the performance of their functions

Water & Utilities

Oliver has a particular interest in the water industry, and more generally in the law relating to utilities and utility assets. He has an understanding of the statutory underpinnings of the utility sector, including detailed knowledge of the legal framework relating to public water and sewerage assets, having worked for almost

two years within the in-house legal team of a large water and sewerage undertaker prior to practising at the Bar. He is therefore particularly happy to receive instructions in matters concerning rights and obligations in respect of utility services and assets.

Featured Property, Trusts & Estates cases

Appearing for the successful defendants in a multi-day trial of a boundary dispute concerning contested evidence as to the historic physical boundary location.

Representing a defendant in a forfeiture action relating to commercial premises, involving a question of the present state of the law on remediability of breaches.

Appearing for the claimant in a two-day trial of an unlawful eviction claim in respect of a business.

Claims concerning vesting orders to permit enfranchisement in the context of untraceable freeholders.

Appearing for a utility company in a complicated warrant of entry application raising the question of the interaction of the statutory regime and planning law.

Representing one of the defendants at trial in the High Court in a claim challenging a will for want of knowledge and approval.

Appearing on an application for a Re. Benjamin order to assist personal representatives.

Advising on questions of rectification of wills.

Commercial Dispute Resolution

Oliver draws upon a broad experience of commercial practice, and is available to provide advice, drafting

and representation in areas including the following:

- Breach of contract and misrepresentation
- Promissory estoppel
- Guarantees
- Sale of goods and supply of services
- Professional negligence
- Debt claims

Featured Commercial Dispute Resolution cases

Appearing (led by Hugh Sims QC) in the High Court in an appeal concerning the admissibility of redacted documents, and in the hearing of the same matter in the Court of Appeal as part of a three-day hearing of linked appeals.

Appearing at trial for a claimant seeking repayment of sums paid under disputed energy supply contracts, in a claim giving rise to issues of economic duress and ostensible/apparent authority.

Claims involving disputed authenticity of documents.

Court of Protection

Oliver sees property and financial affairs work within the jurisdiction of the Court of Protection as a natural extension to his trusts and estates practice, engaging many of the same considerations and underlying fiduciary principles.

Oliver will be pleased to consider instructions concerning property and financial affairs matters specifically within the Court of Protection, as well as matters raising issues which crossover between that jurisdiction and the Chancery Division or County Court, such as claims by or concerning estates and involving the actions of attorneys and deputies.

Education

- BVC (Very Competent), The College of Law, Birmingham
- GDL (Distinction), The College of Law, Birmingham
- LLB Hons, The College of Law, Birmingham
- MA (Oxon), University of Oxford

Memberships

- Chancery Bar Association
- Court of Protection Bar Association
- Contentious Trusts Association