

## OLIVER MITCHELL

CALL: 2009

"Oliver is very knowledgeable and quick to grasp the facts of a case. His advice is detailed, yet clear and concise."

*LEGAL 500 2022*

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Oliver's practice encompasses property (commercial and residential), probate and trusts 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 on matters ranging across the field of property and estates, as well as a broad range of advisory and drafting work.

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### PRACTICE AREAS

- Property and Estates
- Commercial
- Court of Protection

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### PROPERTY AND ESTATES

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

- Easements and covenants
- Trusts of land and proprietary estoppel
- Nuisance
- Landlord and 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.

#### **Recent Cases**

Recent instructions for Oliver relating to property and estates have included:

- 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.
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## COMMERCIAL

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

## 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 of the water industry, and 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.

### Recent Cases

Recent instructions and appearances for Oliver include:

- 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.
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## 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, and he is accordingly seeking to develop his practice to cover relevant Court of Protection work as part of chambers' specialist offering in this area.

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 cross over between that jurisdiction and the Chancery Division or County Court.

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## RECOMMENDATIONS

### CHAMBERS & PARTNERS 2022

Real Estate Litigation

'Oliver is very thorough and can quickly get a handle on the main issues of matters. He is also very user-friendly, happy to speak on the phone or answer emails, and very good with clients and in conference.' 'He is very knowledgeable in his area. He shows great skill in both advising and advocacy work.'

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## LEGAL 500 2022

### Chancery, Probate and Tax

'Oliver is very knowledgeable and quick to grasp the facts of a case. His advice is detailed, yet clear and concise.'

### Property and Construction

'Intellectually able. A very bright junior.'

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## LEGAL 500 2021

### Chancery, Probate and Tax

'An approachable barrister who provides thorough and detailed advice.'

### Property and Construction

'Very detailed and thorough advice. Very approachable when working on cases together.'

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## MEMBERSHIPS:

Chancery Bar Association

Court of Protection Bar Association

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## EDUCATION:

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

- Our first ever Podcast has gone live!
  - Hugh Sims QC and Oliver Mitchell successful in High Court appeal on 'best evidence' rule and redaction
  - Property & Estates E-News - Court Of Appeal Decision In Parmar v Upton - December 2015
  - Guildhall Chambers quiz night goes down a "sturm" - September 2015
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