



Name: Callum McLean

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PRACTICE OVERVIEW

Callum joined Kings Chambers Partners as a tenant in 2019 following his successful completion of pupillage in Chambers.

He accepts instructions in all of Chambers' civil practice areas, and has a particular interest in Chancery, Landlord and Tenant, Housing, and Property law.

Callum has represented clients in the County Court at both first-instance and appellate level, and has also appeared in both the Magistrates Court and the High Court.

Callum has also undertaken advisory work for clients on a broad range of legal problems in practice areas such as property law, landlord and tenant law, consumer law, wills, sureties, and bailment. He regularly drafts statements of case on behalf of claimants and defendants across the spectrum of his civil law practice.

ADR

- Has acted for clients in successful mediations across the spectrum of his civil practice.
- Has often achieved negotiated settlements of proceedings both at court and through correspondence.

COMMERCIAL CHANCERY

Court

- Winding-up petitions.

- Multi-Track contractual disputes.
- Successfully appeared for the Applicants in the High Court on an application to set aside default judgment in a misrepresentation case involving the sale of property, despite the clients' application being made nearly six months after judgment.
- Small claims hearings related to the incorporation of terms in business recruitment contracts.
- Applications under the Companies Act 2006, for example Section 859M.

Advice

- Interpretation of personal guarantees of directors of a dissolved company where the debt was purported to be assigned in part to another company before dissolution.
- Compliance of contracts with The Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013 and the impact of non-compliance.
- Interpretation of consumer construction contracts and consideration of misrepresentation, *non est factum* and other defences.
- Professional negligence of costs draftsmen and solicitors.
- The proper reasoning behind a decision by an insurer to withdraw insurance for non-disclosure of endorsements on a consumer driver's licence.
- Insolvency of limited companies and the impact of a later discovery of assets by liquidators missed by administrators.
- Enforcement of adjudication decisions in JCT contracts.
- Specific performance in contracts for the transfer of performance shares in limited companies

PROPERTY

Court

- Possession proceedings, including Fast Track trials, for both Claimants and Defendants, both on instructions or as part of Housing List Duty Advice schemes.
- Equality Act 2010 defences to possession.
- Disrepair claims and counterclaims.
- Boundary disputes.
- Continuation of interim charging orders where there have been errors in the service and filing of documents.
- Enforcement of charging orders by way of an order for sale.
- TOLATA 1996 claims, directions hearings and settlement hearings.
- Has appeared in a County Court appeal on the correct application of CPR r.55.8 for the Respondent and successfully argued that no order for costs should be made in favour of the successful Appellant.
- Trespass claim concerning an overlapping roof in a row of terraced houses.
- Drafting grounds of appeals under the Homelessness legislation, which has led to prompt settlement by the housing authority.
- Tenancy deposit claims under Sections 213 and 214 of the Housing Act 2004.

Advice

- Enforcement of legal charges under Sections 101 and 103 of the Law of Property Act 1925.

- Lease extension disputes relating to maintenance covenants and the impact of Right to Manage Company's assumption of duties under the Leasehold Reform, Housing and Urban Development Act 1993, The Leasehold Reform (Collective Enfranchisement and Lease Renewal) Regulations 1993, and Commonhold and Leasehold Reform Act 2002.
- Business tenancy renewals and dilapidations.
- Resisting business tenancy renewals when future occupation is intended to be by a member of a landlord company's group.
- Liability of an owner of a shopping centre where a business tenant's shop within the centre was accessed by burglars using a fire escape door controlled by the landlord.
- Mandatory injunctions and trespass where an adjoining roof extends over the boundary line.
- Status of a tenancy and whether it benefitted from Rent Act 1977 protection despite changing to Assured Shorthold Tenancies after 1990.
- Wording of statutory notices under the Leasehold Reform, Housing and Urban Development Act 1993.
- Merits of homelessness appeals.
- Tenancy deposit claims under Sections 213 and 214 of the Housing Act 2004.
- Boundary disputes.
- Legal aid opinions in possession claims.
- The risk of forfeiture or injunctive proceedings following significant improvements to commercial property carried out in accordance with planning permission but without the consent of the local authority as the landlord (but which was also the planning authority that granted planning permission)

TRUST, ESTATES, PROBATE AND PRIVATE CLIENTS

Court

- TOLATA 1996 case management conferences, settlement hearings and directions hearings.
- Drafting applications to the Probate Registry and Section 50 applications to the High Court.

Advice

- Construction of residuary clauses.
- Application of the cy-près doctrine.
- TOLATA 1996 claims.
- Inheritance Act 1975 claims and defences.
- Appropriate litigation routes where an Estate has been administered without grant of probate and one of the executors believes the other executors unduly influenced the deceased prior to her death.

PERSONAL INJURY

Court

- Stage 3 MoJ hearings.
- Contested hearings on liability only, liability and quantum, and quantum only.

- Fast track trials on liability and quantum.
- Infant settlement hearings.

PLANNING

Court

- Appeared in the High Court in a claim for a planning enforcement injunction on behalf of the defendant, who was serving a custodial sentence and is a member of the Traveller community, where he successfully ensured that no final injunction was granted and the defendant would be given another opportunity to plead his case.
- Has prosecuted breach of planning enforcement notices in the Magistrates Court.
- Drafting planning enforcement notices.

Advice

- Whether or not there has been a sufficient agreement in writing to extend the period for determining a planning application for the purposes of Regulation 9A of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012.

QUALIFICATIONS, MEMBERSHIPS AND APPOINTMENTS

Property Bar Association

Called to the Bar in July 2018 by The Honourable Society of Lincoln's Inn

Bachelor of Arts with Honours in History (First Class), University of Exeter

Kitchener Scholar 2013, The Lord Kitchener National Memorial Fund

Graduate Diploma in Law with Commendation, City Law School

Bar Professional Training Course (Very Competent), City Law School

Lord Brougham Scholar, The Honourable Society of Lincoln's Inn

Lord Denning Scholar, The Honourable Society of Lincoln's Inn

City Law School Postgraduate Scholar 2017-2018