

Adam Boyle



YEAR OF CALL: 2012

INN: LINCOLN'S INN

“Adam has an excellent legal brain and is extremely personable and very good to work with. He is very accessible. His advice is detailed and accessible to the lay client and he prioritises things very well.”

CHAMBERS UK, 2022
CHANCERY

Practice Overview

Adam is a specialist Commercial and Chancery barrister. His practice covers a wide range of areas including real estate work, court of protection matters, wills, trusts & probate cases, commercial disputes and agricultural law.

At the beginning of his career at the Bar, Adam spent a large proportion of his time advising and assisting a hub of Welsh Authorities in relation to public procurement contracts worth circa £300,000,000, this gave him early exposure to large-scale commercial work.

More recently he has been involved in numerous complicated property law cases, shareholder litigation, Companies Act applications, international will disputes and various other types of Chancery and Commercial work, including a variety of involved contractual and construction disputes. Adam is regularly instructed in cases which raise difficult or esoteric points of law. For example, earlier this year he acted in a week-long trial in a farm-centric case which raised numerous complex and involved property and agricultural law issues, and in which the facts were hotly contested too.

Adam is also an experienced mediator having trained with the London School of Mediation in 2015, worked pro bono as a mediator for a charity for a number of years, and carried out numerous commercial mediations (both in person and remote) over the last few years. For further details in relation to his mediation practice please see his dedicated mediation webpage which can be accessed [here](#). In addition, Adam has substantial experience representing clients in mediations as counsel.

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Areas of Expertise

Agriculture & Rural Affairs

Adam is a well respected chancery barrister who has significant experience of farming matters. Most notably he recently appeared in a week-long trial which concerned a hotly contested Farm Business Tenancy (under the Agricultural Tenancies Act 1995) and involved other complicated matters such as lease/licence distinction

arguments, issues relating to the nature of a "grass keep" agreement and what constitutes implied surrender (in an agricultural context). You can read more about this case [here](#).

Adam has a thriving property law practice so his agricultural work often has a property law flavour (including trespass/boundary issues; estoppel claims; land purchase issues and landlord/tenant disputes). However he also has substantial experience of farm partnership cases and related commercial issues, and notable experience of wills, trusts and probate matters, such that he can generally turn his hand to any issues which may arise in the farming context.

Commercial

Adam is a very experienced commercial barrister who is regularly instructed in complex and high value cases. Adam began life at the Bar advising and assisting a hub of Welsh Local Authorities in relation to public procurement contracts worth circa £300,000,000. During this time he worked with various teams from large commercial organisations in relation to complicated and intricate contracts. This gave him real insight in relation to client needs and concerns in the commercial landscape.

Further, before coming to the Bar he spent time working in a management consultancy in London which gave him exposure to various large and very large businesses and the fundamentals of how to run a company.

In practice, he has significant experience across a variety of commercial areas. A selection of his more interesting commercial cases includes the following:

- ▶ Acting in a tricky company law matter involving a shareholder dispute concerning the allegedly irregular creation of new share capital;
- ▶ Acting in a case which turned on the nature of a registered incorporated association (i.e. a non-company incorporated body) and the consequences of its dissolution in unusual circumstances;
- ▶ Advising on a statutory construction issue in the context of the Insurance Act 2015;
- ▶ Advising in an involved partnership case which entailed disentangling partnership funds still held by a partnership many years after a relevant partner's death;
- ▶ Successfully enforcing an adjudicator's decision in respect of a construction dispute, which was also (unusually) held to be binding on a relevant guarantor;
- ▶ Acting in an involved farm property dispute, in which the ownership of the relevant farm was being contested on trusts-based, partnership-based, and TOLATA-based analyses;
- ▶ Various cases involving property damage and/or business interruption in the context of commercial tenancies.

Adam deals with all manner of commercial cases and is regularly instructed in cases which raise difficult or esoteric points of law.

Insolvency

Adam accepts instructions in a wide variety of insolvency cases. In addition to the run-of-the-mill winding-up orders, bankruptcies and so on, Adam has been involved in a variety of associated litigation such as successfully representing the liquidators of a company in relation to a Section 239 (Insolvency Act 1986) preference payment and regularly representing parties in applications to set aside statutory demands.

Court of Protection

Adam accepts instructions in a wide range of Court of Protection matters. Notably, he succeeded in a tricky appeal to the High Court in a case which, at the time it was decided, broke new ground in relation to the use of Lasting Powers of Attorney. Following his success in the case, Adam wrote an article for the Law Society Private Client magazine which discussed the impact of the decision. That article can be found [here](#). Further, Adam was recently successful in a multi-day trial relating to a contested Deputyship application in which international family issues were at play.

In addition, Adam advises and appears on applications to the COP arising out of various issues, including: financial planning (such as the approval of Deeds of Variation made on behalf of a protected party); deputyship applications under the COP; and applications to remove Attorneys who have acted inappropriately.

When it comes to COP cases Adam takes the same kind of pragmatic approach which is often adopted by the Courts in COP cases, and he recognises and endorses the emphasis that is rightly placed on acting in the best interests of the relevant protected parties.

Mediation

Adam is passionate about mediation and the benefits it can offer to the parties who participate in it. He trained as a commercial mediator with the London School of Mediation in January 2015 and has been mediating disputes since shortly after that.

His mediation experience ranges from commercial mediations in the context of litigation, organised through St John's Chambers, to extensive pro bono work, having dedicated countless hours over a number of years to mediating community disputes for the local charity Resolve West (formerly Bristol Mediation). Adam's years of pro bono experience greatly assisted his development as a mediator, both in respect of the requisite talking and listening skills, and he considers that it brings an extra dimension to his approach to mediations. In addition, Adam has hosted numerous remote mediations through Zoom since the onset of the COVID-19 pandemic and is always willing to receive enquiries or give live demonstrations on how that technology works.

Adam prides himself on being able to see difficult disputes from all the relevant angles. He is a very well-respected Chancery barrister who is listed in the leading legal services directories. Those things being so he considers that he can always find a way to analyse the case or to challenge the parties or their lawyers in a way which moves all sides closer to settlement.

More generally, Adam thoroughly enjoys his mediation work, and takes a practical but people-centric approach to the disputes which he mediates. He also finds that his involvement in cases as a mediator is instructive and informative when giving professional advice at the Bar.

Adam has a very high success rate as a commercial mediator which he puts down to the breadth of his relevant experiences, most notably his years of community mediation work.

Client feedback from Adam's mediations includes the following:

- ▶ A strong mediator who worked incredibly hard to bring the parties to a successful settlement."
- ▶ "He made an anxious client feel at ease."
- ▶ "Very professional" with a "client-centric approach."
- ▶ "Completely informed as to the problems and explained everything very clearly."
- ▶ "I don't think he could have been more helpful."

Lastly, Adam has given numerous talks on the topic of mediation (and remote mediation) and is always willing to receive inquiries or questions about the potential suitability of a case for mediation, whether in person or held remotely. In addition, Adam is also able to host cost-effective half-day mediations in appropriate cases which lend themselves to that more time efficient format.

Professional Negligence

Adam's experience of professional negligence cases focuses in the main on solicitors' negligence, in relation to which he is happy to advise, draft pleadings and/or represent parties at trial.

In addition, he will also consider accepting cases relating to other forms of negligence on a case-by-case basis.

Real Estate

Adam is a very experienced Real Estate practitioner who is fast becoming a "go to" barrister in relation to difficult property matters.

He has been noted in Chambers and Partners as a specialist in proprietary estoppel, a topic in which he maintains a keen academic interest, having written on the subject numerous times and having appeared in the Court of Appeal (led by Leslie Blohm QC) in the now famous [Davies](#) case.

In addition, he regularly acts in a very wide array of property matters. He is frequently instructed in cases involving complicated aspects of landlord and tenant law (such as breaches of tenancy agreements, surrender, disclaimer, service charges and so on). He is notably experienced in complex possession cases and those which throw up unusual legal issues. He is also regularly instructed in relation to commercial tenancies and issues involving the 1954 Act.

In addition, Adam is well versed in dealing with TOLATA, nuisance, trespass, boundary issues, rights of way, adverse possession and easements and has assisted many clients in respect of difficult neighbour disputes.

Adam is also experienced in dealing with issues arising in respect of the registration of land (including overreaching and overriding interests), high-value overage agreements, covenants and mortgages/lending secured against land.

A selection of his more notable Property cases includes the following:

- ▶ Advising on the interpretation and effect of a 7-figure overage agreement;
- ▶ Acting in a complex and high value farm property dispute, which involved trust, partnership, and TOLATA themes;
- ▶ Acting for the landlord in a long-running possession dispute concerning an unusual common law lease (i.e. outside all usual statutory regimes) granted to a company but used for residential purposes;
- ▶ Representing the defendants in a multi-faceted property case involving (among others) claims for a prescriptive right of way and adverse possession;
- ▶ Advising and acting for a management company in FTT (Property Chamber) proceedings relating to service charges and dispensation in respect of consultation requirements, where the recent freehold enfranchisement of relevant tenants provided an additional complicating factor in the dispute;
- ▶ Advising an aggrieved vendor in relation to a house-sale (which was part of a conveyancing chain) that fell through when numerous purchasers failed to complete;
- ▶ Various cases involving property damage and/or business interruption in the context of commercial tenancies (including securing a circa quarter of a million pound settlement in one such case).

Lastly, Adam has been involved in numerous cases which raise difficult and esoteric points of property law and is more than happy to be instructed in matters which require a sophisticated and/or nuanced approach to the legal issues at play.

Property Damage

Adam has vast experience of property damage litigation, having been involved in dozens of substantial cases over a long number of years.

He often acts for large insurers in subrogated claims and is extremely well versed in the relevant commercial considerations at play in such cases.

In his property damage work he often draws upon his wider property law knowledge (see also his [Real Estate page](#)) and his significant commercial experience (see also his [Commercial page](#)).

Adam has notable experience of the following property damage claims:

- ▶ Contribution and indemnity claims
- ▶ Defective and/or negligent works
- ▶ Water damage

- ▶ Fire damage
- ▶ Latent defects
- ▶ Tree roots
- ▶ Nuisance
- ▶ Trespass
- ▶ Damage caused in the context of tenancies

In addition Adam has significant experience of bringing high value business interruption claims on behalf of companies who have suffered losses as a consequence of property damage (often in the context of commercial tenancies).

He has helped to steer countless property damage cases from the initial advice/prospects stage, through drafting pleadings to successful settlements of up to, and over, six-figures. In one particularly memorable multi-faceted commercial fire damage case (in which an adjacent business tenant negligently started a fire but where the relevant landlord was also implicated owing to potentially deficient fire-proofing between the tenanted premises) Adam negotiated a circa quarter of a million pound settlement at a large multi-party mediation in central London.

Wills & Trusts

Adam has extensive experience of wills, trusts and probate work and is regularly instructed in all manner of cases across this area. His cases often include assisting executors and administrators with the administration of estates, and the various problems which they can encounter.

Adam is regularly instructed in involved matters which relate to complex trusts and cohabitation issues. He is also well versed in dealing with disputes relating to the interpretation of wills, the validity of wills, mental capacity (including the COP), the Inheritance Act (1975), and constructive trust/proprietary estoppel issues.

Of late his cases have included multi-faceted and high value disputes, including cases with an international flavour.

Proprietary Estoppel

Proprietary estoppel is one of Adam's main specialisms. As a pupil he attended the Court of Appeal with Leslie Blohm QC, also of this Chambers, in the proprietary estoppel case of [Davies v Davies](#) [2014] EWCA Civ 568. Adam then wrote the article '[The Promised Land](#)' which analysed the main issues in the case and was published in the Law Society's Private Client magazine. He was then (as a tenant) instructed to act for Eirian Davies and appeared alongside the QC in the matter's second trip to the Court of Appeal on the topic of quantum ([Davies and Another v Davies](#) [2016] EWCA Civ 463). He has since been involved in another reported proprietary estoppel / common intention constructive trust case – [Culliford v Thorpe](#) [2018] EWHC 426 (Ch). Adam is fast becoming the "go to" barrister for some solicitors in this area.

In addition, Adam has given numerous talks and seminars on the topic of proprietary estoppel, and maintains an ongoing academic interest in the evolution of the doctrine.

Recent Cases:

- ▶ [P v D](#) [2021] - acted in a week-long trial in front of HHJ Mitchell which involved various complicated agricultural law themes.
- ▶ [Culliford v Thorpe](#) [2018] EWHC 426 (Ch)
- ▶ [X v Y](#)
- ▶ [P v A](#)
- ▶ [D v H](#)
- ▶ [M v W](#)
- ▶ [Darby v James](#)
- ▶ [Stenor Environmental Services Limited v SDL Ground Engineering Limited \(In Liquidation\)](#)

- ▶ *Miles v The Public Guardian; Beattie v The Public Guardian* [2015] EWHC 2960 (Ch)
- ▶ *Davies and Another v Davies* [2016] EWCA Civ 463
- ▶ *Culliford v Thorpe* [2018] EWHC 426 (Ch)

Professional memberships:

- Chancery Bar Association
- Property Bar Association
- Western Circuit

Qualifications & awards

- ▶ MA (Cantab) Cambridge University (Philosophy)
- ▶ Graduate Diploma in Law (Distinction)
- ▶ Bar Professional Training Course (Outstanding)
- ▶ Buchanan Prize
- ▶ New Court Chambers Prize
- ▶ Lord Denning Scholarship
- ▶ Northumbria University BPTC Scholarship
- ▶ Lord Brougham Scholarship
- ▶ Hardwicke Entrance Award

Directory quotes

- ▶ “A very persuasive advocate, and is particularly strong on the more esoteric legal points of a case.”
LEGAL 500, 2022
CHANCERY, PROBATE AND TAX
- ▶ “He is very reliable and will go the extra mile. Adam makes solicitors feel that he has all the time in the world for us and our clients.”
LEGAL 500, 2022
PROPERTY AND CONSTRUCTION
- ▶ “Adam is very approachable. He is thorough and explains things in layman’s terms. He approaches things with a sensible position in mind that will only be to the benefit of the parties going forward.”
CHAMBERS UK, 2022
REAL ESTATE LITIGATION
- ▶ “Very intellectually strong and he is able to think around a problem. If you present him with scenario A, he will look for scenarios B, C and D.”
CHAMBERS UK, 2021
CHANCERY
- ▶ “Very approachable and good to work with... provides sound advice that leaves no stone unturned.”
LEGAL 500, 2021
CHANCERY, PROBATE & TAX

- ▶ “A specialist in proprietary estoppel with additional expertise in probate and will cases. He attracts praise for his down-to-earth approach. ‘Very friendly and unstuffy. He’s very easy to use and comes up with ideas that he’s happy to discuss and get creative about.’ ‘Impresses with his ability to pick up on factually heavy matters and present them in a high-pressure area.’ “

CHAMBERS UK , 2020
CHANCERY

- ▶ “Adam is diligent and extremely approachable.”

LEGAL 500 , 2020
COMMERCIAL, BANKING, INSOLVENCY AND CHANCERY LAW

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