



## James McCreath

Call: 2009

[jmccreath@wilberforce.co.uk](mailto:jmccreath@wilberforce.co.uk)

### Clerks' Details

+44 (0)20 7306 0102  
[tcj@wilberforce.co.uk](mailto:tcj@wilberforce.co.uk)

### Qualifications and Appointments

- BA Oxon (First Class), DipLaw (City) (Distinction)
- Major Scholar (Inner Temple), Scholar (Balliol College, Oxford)

*“He masters complex cases with relative ease”*

Chambers & Partners, 2016

## Memberships

- Chancery Bar Association
- Commercial Bar Association

## Publications

- Co-editor (with Andrew Mold) of the negligence section of *Cordery on Legal Services*
- Contributor to Atkins' Court Forms (Restrictive Covenants)

## Practice Overview

James has a growing reputation as an up and coming junior in Chambers' core areas, with a practice focusing on commercial disputes, property, pensions, trusts, and associated professional liability. He has been recommended in Chambers & Partners 2015 and 2016 for Commercial Chancery work (the first junior of his call to be ranked in this field), and in Chambers & Partners 2016 for Pensions. The directories noted his communication skills, his ability to get on top of the details of a case, and his attention to client service. He was also "highly recommended" in Legal Week's 2016 'Stars at the Bar'.

His recent highlights include acting as junior Counsel for the successful appellant in *Cavendish Square Holdings BV v Makdessi* [2015] UKSC 67, [2015] 3 WLR 1373, in which the Supreme Court redefined the test for identifying a contractual penalty. That was his second appearance in the Supreme Court in two years, having previously appeared for the successful appellant in *Manchester Ship Canal Company Ltd v United Utilities Water Plc* [2014] UKSC 40, [2014] 1 WLR 2576.

James' practice combines both advisory and litigious work and he has a busy practice acting in cases as junior to silks inside and outside Chambers, often in cases involving an international element or proceedings in several different jurisdictions. Alongside these, he also undertakes his own substantial cases and regularly appears as an advocate, appearing at all levels up to and including the Court of Appeal.

He has been recommended in the directories in the following terms:

- Chambers and Partners 2016, Chancery: Commercial: *"A notable young junior who has a growing reputation among solicitors and peers alike", "He is thorough and articulate and demonstrates very good research skills."*
- Chambers and Partners 2016, Pensions: *"He masters complex cases with relative ease, and is always helpful no matter what the demands of the case are."*
- Chambers and Partners 2016, Chancery: Commercial: *"He has an excellent grasp of detail and is very user-friendly and available."*



---

## Property

James has a substantial and wide-ranging property practice which encompasses all aspects of real property and landlord and tenant related litigation and advice. He is regularly instructed on disputes in the County Court, High Court and property Tribunals.

James' landlord and tenant practice includes residential and business tenancies, service charge disputes, terminal dilapidation claims and disputes with managing agents.

Real property related cases in which he has been involved include:

- Easements
- Restrictive covenants
- Boundary disputes
- Town and Village Greens
- Adverse possession
- Mortgages
- Nuisance
- Land registration issues

### His recent cases include:

- Acting for the tenants of a City wine bar in complex proceedings including a contested 1954 Act renewal claim, a claim for adverse possession, and a claim for rectification of the register. James acted unled against Martin Hutchings QC in a number of interim hearings, and was led by Kirk Reynolds QC for the trial (the matter settled very shortly before the trial was due to begin).
- Acting in the First-Tier Tribunal for an applicant to be registered as proprietor of an estate on the basis of adverse possession. Prior to James' instruction, the matter had gone to the Court of Appeal, which had held that the criminalisation of squatting did not prevent title from being acquired through adverse possession (*R(on the application of Best) v Chief Land Registrar* [2015] EWCA Civ 17, [2016] QB 23).
- Acting for United Utilities (as junior to Jonathan Karas QC and [Julian Greenhill](#)) in defending a claim brought by the Manchester Ship Canal Company about the lawfulness of the use of a very substantial amount of infrastructure. Among the issues raised by the case are questions relating to statutory authorisation, construction of local statutory provisions, compulsory purchase powers and compensation, and issues under the 1954 Act. James was part of the successful team in UU's successful appeal to the Supreme Court on its summary judgment application ([2014] UKSC 40, [2014] 1 WLR 2576), and its recent successful opposition to the claimant's attempt to amend its pleadings to avoid the consequences of that judgment ([2016] EWHC 259 (Ch)).
- Acting (as junior to Jonathan Karas QC) successfully resisting an application to register part of the grounds of the University of Kent as a town or village green.
- Acting and advising in a considerable number of matters concerning the powers and duties of various statutory undertakers, including in particular sewerage and water undertakers.
- Acting (as junior to [Ian Croxford QC](#)) in the re-trial of *Barr v Biffa Waste Services*, a group litigation claim alleging that odours from a landfill site constituted a nuisance.
- Acting in a number of disputes relating to the construction of development agreements.
- Acting (as junior to [Martin Hutchings QC](#)) in a claim for breach of contract and for breaches of duty of confidence arising out of a bid for a development site.
- Acting (as junior to [Joanna Smith QC](#)) for the claimant in a multi-million pound claim against solicitors for allegedly negligent drafting and advice in relation to the overage provisions in an agreement for the purchase of a substantial London office building.