



## James Ayliffe QC

Call: 1987

QC: 2008

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### Clerk's details

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### Qualifications and Appointments

- First in Philosophy Politics & Economics  
New College, Oxford
- Distinction in Diploma of Law.  
City University, London

## “The epitome of the modern QC”

Chambers & Partners

### Publications

- [Transaction Avoidance in Insolvencies](#), OUP (2012)
- [Hill and Redman's Law of Landlord and Tenant](#) (2016) Specialist Editor

### Memberships

- Chancery Bar Association
- COMBAR
- Commercial Fraud Lawyers Association
- Professional Negligence Bar Association
- Property Bar Association
- Member of the Bar of the British Virgin Islands

### Practice Overview

James is an experienced QC providing advice and advocacy services across a wide range of commercial fields, including business and financial contracts, banking, company, insolvency, financial services, civil fraud, professional negligence, real estate and contentious trust matters.

Disputes and issues arising, directly or indirectly, from the ownership or exploitation of real property assets feature particularly prominently in James's work.

Much of James's work has an international dimension with cases involving jurisdictions as diverse as BVI, Cayman Islands, Channel Islands, Cyprus, South Africa, Netherlands, Isle of Man, Gibraltar, New York and Ukraine.

James is currently ranked in the legal directories (Chambers & Partners, Chambers Global and/or Legal 500) in the following fields:

- Commercial (Chancery)
- Financial Services
- Real Estate Litigation
- Professional Liability
- International & Offshore.

Recent editions of the directories describe him as (among other things): "very, very good to work with", "very user-friendly", "extremely good in court", "very good at reading judges and anticipating what they will say", "a fantastic mind", "very knowledgeable", "good strategically", and giving "concise advice which saves time and instils confidence" (Chambers & Partners 2019); "great with clients", "strong strategically", having an "excellent advocacy style", "very commercial", and "pro-active and hardworking" (Legal 500 2019); "exceptionally intelligent" with a "brilliant ability to analyse contractual situations", providing "very balanced and measured advice", "excellent" advocacy and written work, and "a very safe pair of hands" (Chambers & Partners 2018); "a very talented individual" with a "good client manner" (Legal 500 2017).

Comments in past directories include: "the epitome of the modern QC"; "an excellent legal brain"; "a real team player" who "works alongside everyone to achieve the right result"; "always adopts a practical commercial approach"; "superb at anything", "excellent", "a fine barrister with a charming manner", "very good with clients", "a first rate intellect with a user-friendly manner that engenders confidence", "has the ability to digest information and



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## Practice Overview continued

*advise coherently on the most complex of legal arguments*, "an excellent communicator who provides supremely intelligent advice", "very confident in implementing the advice he gives", "a real specialist", "his advocacy is fantastic and he is able to sway the judge's mind", "a great guy to work with", "fantastic", "dynamic", "level-headed and focused", "easy to deal with", "always on top of his cases", "a splendid understated style", "held in high regard", "widely respected", "meriting the most notable compliments", "intellectually tough", "will stand up to anyone", and "a star of the commercial Bar".

James also acts as an arbitrator, mediator and expert.

## Property

James has extensive experience of property matters, including:

- contracts for the sale or grant of interests in land;
- options;
- restrictive and other covenants affecting land;
- easements;
- adverse possession;
- land registration;
- landlord & tenant;
- mortgages and charges; and
- trusts of land.

James also has particular expertise in relation to property-related insolvency. He is the editor of the insolvency chapter of Hill & Redman's Law of Landlord & Tenant (Lexis/Nexis) and a co-author of *Transaction Avoidance in Insolvency, OUP*, 3rd ed (2018).

Reflecting his wider commercial experience, much of James's property work is of a commercial nature or involves other areas of law such as banking, company, insolvency, financial services, professional negligence or trusts.

James has been ranked in the directories for real estate litigation for many years. Chambers & Partners 2019 states that he is "much praised for his approach to property cases and his effectiveness as a communicator", "regularly handles high-value property disputes", has "a fantastic mind", and "brings together the financial and real estate worlds seamlessly". The Legal 500 2019 similarly describes him as "very commercial and great with clients". Past editions of the directories have commented in relation to his real estate litigation practice that he is "a very safe pair of hands", "exceptionally intelligent", "the man for brain teasers at the interface of property and insolvency law", "an excellent specialist property barrister", "superb", "very bright", "gives detailed but practical advice", "very good at putting people at ease", and "a real team player, who really works alongside everyone to achieve the right result".

Some representative cases include:

- representing major US engineering company on successful strike out of claim for damages for repudiation of agreement for sale and purchase of land for construction of new manufacturing facility;
- acting for property group facing claim by former joint venture partner for breaches of agreement for acquisition of development of land now alleged to be worth £80m;
- acting for a well-known FTSE company in connection with issues and disputes arising under a £2bn sale and leaseback of portfolio of 6,000 properties;
- acting for defendant facing claim for alleged repudiation of £20m contract for sale of former Royal Mail sorting office in Kensington (*Royal Mail Estates v Maples Teesdale* [2016] 1 WLR 942);



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## Property continued

- advising co-owner of retail park in relation to dispute with its co-owner regarding sale of its interest in the retail park;
- providing expert evidence regarding English property law in Dutch proceedings regarding the enforceability of agreement for sale of Euro 8m office building in Utrecht;
- advising property unit trust regarding its rights under CVA entered into by tenant of one of its retail units;
- representing partner in a property joint venture in multi-million pound dispute arising out of failures by other partner to disclose personal interests and profits from dealings with joint venture vehicle;
- acting for defendant in successful defence of a £55m claim concerning alleged breach of options to grant leases of the airspace above a portfolio of UK petrol filling stations (*Ridgewood Properties v Valero Energy* [2013] 6 EG 105);
- acting for the administrators of HMV in relation to proceedings by landlords for possession of its flagship Oxford Circus store and other stores;
- acting for vendor in a claim for specific performance of contract for sale of multi-million pound factory premises involving difficult issues regarding s 2 Law of Property (Miscellaneous Provisions) Act 1989;
- representing guarantor seeking a vesting order in respect of a commercial lease following insolvency of tenant so as to mitigate against £2.5m yearly rental liabilities;
- advising landlords of retail premises with insolvent tenants regarding entitlement to payment of rent as an expense of the tenants' administration;
- advising residents of a luxury development in wide-ranging dispute with developer/freeholder
- advising a well-known supermarket chain regarding claims arising out of the disposal of portfolio of stores;
- acting for a well-known car dealership on a complex claim for the recovery of valuable leasehold land following dissolution of the tenant company and disclaimer of lease;
- acting for trustees of a property unit trust in dispute regarding priority of competing interests in £28m warehouse premises (*Dominion Trustees v Capmark Bank Europe* [2011] 2 EGLR 87);
- advising owner of valuable advertising sites regarding the status and priority of its rights;
- acting for vendor in dispute regarding enforceability of contract for sale of development property in west London (*Best Beat v Mourant & Co* [2009] PLSCS 1);
- acting on dispute regarding the operation and effect of section 28 Land Registration Act 2002 (*Halifax v Curry Popeck* [2009] 1 P&CR 7);
- acting for well-known house-builder in multi-million pound dispute regarding enforceability of overage provisions in contract for sale of development property;
- advising London borough regarding easements in connection with the multi-million pound development of a well-known London landmark.