

## Sam Phillips

Called: 2011  
samphillips@fivepaper.com

"Sam is a very talented and pragmatic counsel and achieves great results."

"Sam is a talented advocate on his feet. He is personable to those instructing him and lay clients."

The Legal 500 UK 2023 and Chambers and Partners 2023



### PROFILE

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Sam is a property and trusts specialist and member of Five Paper's Property Division. Sam is ranked as a leading individual in both Chambers and Partners and Legal 500.

Sam Phillips accepts instructions in all areas of property law, but with particular emphasis on trusts of land, real property and leasehold matters. Sam frequently acts on behalf of private and commercial banks in proceedings relating to charges and mortgages regularly appearing in the County Court, High Court and Property and Land Chambers of the Tribunal.

Most recently Sam has acted as sole counsel in the Court of Appeal, Chancery and Queen's Bench Divisions of the High Court and appeared, as junior counsel to Nicholas Grundy KC in the leading succession case of Simawi.

Before joining Chambers, Sam managed and developed a portfolio of 850 properties in London for one of the largest landlords in the UK. Drawing on his industry experience, Sam provides a clear, accessible and commercially sensible service to clients at all stages of litigation and in mediation.

Sam also accepts instructions through the Bar Pro Bono Unit.

### EXPERTISE

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#### Property litigation

Release from covenants, enforcement of covenants, adverse possession claims, commercial leases, leasehold enfranchisement, injunctions and boundary disputes. Claims arising from Japanese Knotweed and

associated issues. Acting for landlords, property managers and RTM companies in the Property Chamber.

Recent experience:

- Resisted an appeal to the Court of Appeal in the matter of Frejek v Frejek on the basis that unwitting breach of a Court order still constitutes contempt of Court
- Application for release from restrictive covenant in the Upper Tribunal to allow for residential development
- Resisted an appeal in the B&PC (Chancery Division) relating to beneficial interests determined by a gifted deposit form
- Acted for the successful Respondent trustees in an appeal in the B&PC (Chancery Division) in a claim for adverse possession of commercial property
- Defeated a claim under TOLATA for a beneficial share of a portfolio of homes in West London;
- Obtained possession of residential properties in the final hearing of an £8million development claim in the Queen's Bench Division of the High Court;
- In the FTT and Upper Tribunal (Land Registry) resisted a claim for registration based on an alleged beneficial interest in multiple houses, on the basis of the presumption of advancement;

## Trusts

Contested applications under the Trusts of Land and Appointment of Trustees Act (TLATA), property disputes arising from contested wills and probate.

Recent experience:

- Successfully argued for findings of contempt of court against the former executor of a will for failure to comply with an order made in the Chancery Division of the High Court;
- Obtained an order for the removal of an executor and replacement with an independent professional at a contested final hearing in the Chancery Division of the High Court (Birmingham);
- Defeated a claim under TLATA for a beneficial share of a portfolio of homes in West London;
- Acted in a multi-party Chancery Property trial, successfully defending a wife from her husband's claims of dishonest behaviour relating to the purchase of investment properties;

## Landlord and Tenant

Acting for landlords and tenants in all areas of commercial property and housing law, particularly contested possession claims, article 8 and proportionality challenges as well as homelessness appeals, obtaining Anti-Social Behaviour Injunctions and enforcement through committal proceedings.

Recent experience:

- Appeared for the successful respondent in a Declaration of Incompatibility claim in the Court of Appeal (led by Nicholas Grundy QC);
- Obtained £100,000 Unlawful Profits Order resulting from AirBnB lettings;
- Resisted application for a Declaration of Incompatibility relating to the Housing Act 1985 in the Queen's Bench Division of the High Court.

## FURTHER INFO

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### Directory Quotes



*"Sam is a very talented and pragmatic counsel and achieves great results."*  
**Chambers and Partners 2023**

*"Sam's previous experience, prior to being called to the Bar, puts him in a unique position in terms of client cases and understanding of the challenges that face our clients."*  
**Chambers and Partners 2023**

*"Sam's advice is pragmatic and he is a talented advocate on his feet. He is personable to those instructing him and lay clients."*  
**The Legal 500 UK 2023**

*"He has an excellent client manner and provides pragmatic solutions." "Sam is excellent on his feet, he's very easy to have a conversation with and he gets the results – he's a joy to work with."*  
**Chambers and Partners 2022**

*"Sam is immensely knowledgeable and always obtains excellent results. Sam is quick-witted in both his intelligence and humour, making him a favourite amongst clients"*  
**The Legal 500 UK 2022**

*"He is absolutely brilliant in his attitude and knowledge. He produces excellent work and has very good technical knowledge."*  
**Chambers & Partners 2021**

*"Sam is very adept at adapting his style to suit the case. He is also excellent with our clients and witnesses and has a very gentle manner whilst being knowledgeable and formidable on his feet. He is extremely well liked amongst clients who know that he will always give 100% to achieve their desired outcome. It is obvious that he puts a lot of effort into preparation to ensure that he fully knows and understands the papers."*  
**The Legal 500 UK 2021**

*"Knowledgeable, accessible, good with clients and always gets excellent results." "He is incredibly organised in his approach, utterly unflappable and understands the practical side of housing."*  
**Chambers & Partners 2020**

*"A truly formidable advocate. Whether he is in the High Court, Court of Appeal or in the County Court, he is eloquent and nimble on his feet and devastating in cross-examination."*  
**The Legal 500 UK 2020**

*"Incredibly knowledgeable and calm, he's fantastic to deal with." "His friendly persona and ability to explain complex issues to the court make him a favourite among solicitors."*  
**Chambers & Partners 2019**

*"Possesses the knowledge and command of a barrister with many more years call."*  
**The Legal 500 UK 2019**

*"Has fantastic, practical insight into the realities of court decisions and how they impact clients. You can't pay*

for that experience. In addition, he is thorough, quietly confident and his preparation is brilliant.”  
**Chambers & Partners 2018**

## Recent Reported Cases

**Lovett v Wigan Borough Council [2022] EWCA Civ 1631; [2023] 1 WLR1443; [2023] HLR 19:** Before Stuart-Smith, Birss and Edis LJ. The leading case on committals from the Court of Appeal giving guidance on sentencing options following breach of an Injunction under the Anti-Social Behaviour Crime and Policing Act 2014. Sam appeared as sole counsel for one of three landlords in joined appeals.

**Thompson and Rickard v Collins & Collins [2020] UKUT 330; [2020] WLUK 179:** Before Judge Martin FRICS. An application to discharge restrictive covenants to allow for farm land to be developed in accordance with the local plan.

**Thomas v Smalling [2020] EWHC 3816 (Ch); [2020] WLUK 336;** Before Trower J. The Court considered the effect of a Gifted Deposit Form and an appeal against a case management decision, which prevented the Defendant/Appellant from giving evidence at trial. The Court held that a GDF is generally decisive as to beneficial interests even if not signed at the time of purchase.

**Frejek v Frejeck & Foote [2020] EWHC 1181 (Ch); [2020] 5 WLUK 157;** Before Roth, J, at a hearing held via Skype. Successfully argued for findings of contempt of court against the former executor of a will for failure to comply with an order made in the Chancery Division. The Court was persuaded to make findings of fact in the absence of the Defendant, applying *Sanchez v Oboz [2015] EWHC 225 (Fam)*.

**LB Haringey v Simawi and Secretary of State for Communities and Local Government [2019] EWCA (Civ) 1770; [2020] All ER 701; [2020] PTSR 702; [2019] WLUK 445; [2020] HLR 13;** Before Lewison, Bean and Baker LJ, who rejected the Defendant's appeal of the decision of Murray J. Sam was led by Nicholas Grundy QC. The underlying claim related to a declaration of incompatibility (between Article 14 of ECHR and the succession provisions of the Housing Act 1985).

**City of Westminster v Harman The Times 29 July 2019 (CC);** Successfully resisting an application for permission to appeal a possession order premised on sub-letting via AirBnB and obtaining a record £100,000 unlawful profits order (also reported in the Telegraph). Sam was instructed on behalf of the landlord.

**LB Haringey v Simawi and Secretary of State for Communities and Local Government [2018] EWHC 2733 (QB); [2019] 2 All WE 334; [2019] PTSR 615; [2018] 10 WLUK 342; [2019] HLR 13; [2019] 1 P&CR;** Before Murray and Supperstone, JJ, rejecting the Defendant's application for a declaration of incompatibility (between Article 14 of ECHR and the succession provisions of the Housing Act 1985). Sam was instructed on behalf of the successful Claimant landlord.

**LB Haringey v Simawi and Secretary of State for Communities and Local Government [2018] EWHC 290 (QB);** Before Nicklin, J, considering whether a defence based on a declaration of incompatibility (Article 14) should proceed, even if the underlying possession claim became academic and where all parties have the benefit of some form of public funding.

**Richards v IPT and 19 others [2017] EWHC 560 (QB);** Before Nicol, J, successfully arguing that an Extended Civil Restraint Order could be made against an individual even if only one entirely without merit claim had been issued against multiple defendants, on the basis that each defendant had a without merit claim made against them.

## Qualifications

- M.A. (Hons) in International Relations from the University of St Andrews, (First Class specialist modules in International Legal Regimes and Conflict Intervention);

- Graduate Diploma in Law, City Law School (Distinction)
- Bar Professional Training Course, City Law School (VC, Outstanding in Civil Litigation and Civil Remedies)
- Sam Phillips was one of the five Inns of Court Law School Scholars in 2011

## Articles and Publications

- Landlord and Tenant Review, vol 23 – ‘*Succession, Survivorship and Incompatibility with Human Rights: The Saga Continues*’ (2019 LTRev Issue 3)
- Landlord and Tenant Review, vol 22 – ‘*Succession, Survivorship and Incompatibility with Human Rights*’ (2018 LTRev Issue 3)
- *Considering the impact of LB Haringey v Simawi and Secretary of State for Communities and Local Government [2018] EWHC 290 (QB) on future possession claims and other applications for declarations of incompatibility.*
- Law Society Gazette (Property) – ‘*Clarity needed for process for obtaining writs of possession*’ (October 2017) *Examining the effect of the recent High Court case of Partridge v Gupta on the notice requirements for possession order enforcement.*

## Professional Memberships

Chancery Bar Association