

## James Reckitt

Barrister

### Overview

**James joined Dere Street Barristers in 2017, having successfully completed a common law pupillage in chambers. He regularly appears in the civil, family and criminal courts and has a burgeoning civil paper practice.**

### Civil

#### Real Estate Litigation

A particular interest of James's, he has experience in commercial landlord and tenant matters, social housing, boundary disputes as well as property development disputes. Recent cases include:

- Assisting senior counsel in advising on the sale of a farm, which was held on trust, to property developers with the added complication of an overage covenant relating to part of the land.
- Advising a property developer on the terms of a Section 106 agreement and subsequent Part 8 claim for a declaration on the construction of the agreement in circumstances where the Local Authority sought to enforce it, alleging implied terms concerning an affordable housing condition.
- Advising and drafting a defence for a developer in a misrepresentation and breach of contract claim made by a house purchaser who claimed the construction of social housing next to their property was hidden from them at the time of purchase.

Prior to pupillage, James worked in the commercial property department of a solicitor's firm where he gained experience in matters ranging from residential conveyancing to high value commercial transactions between landowners and property developers.

#### Commercial Dispute Resolution

James accepts instructions in all kinds of commercial dispute resolution ranging from breaches and construction of contracts, data protection, construction disputes and general debt recovery. Recent cases include:

- Advising a defendant company which purchased contact details from a third party company which had allegedly failed to adhere to data protection rules and was facing a claim for damages. Advising the company on inclusion of the third party as a Part 20 Defendant to a claim for a contribution and/or indemnity.
- Advising an owner of a static caravan on a site that was sold by the owners of the site to another party who then changed the nature of the park from wholly private to partly rental, causing the claimant to suffer loss due to a drop in value of their pitch. Advised on misrepresentation and breach of contract.



Year Of Call:

**2016**

### Practice Areas

[Civil](#)

[Company and  
Commercial](#)

[Credit Hire](#)

[Crime](#)

[Employment](#)

[Family](#)

[Personal Injury and  
Clinical Negligence](#)

[Property](#)

[Trusts and Probate](#)

James also accepts instructions in the contentions probate and Inheritance Act matters, together with insolvency, including personal, corporate and partnership disputes. James also has a keen interest in trusts law, and in his university dissertation explored the relationship between the equitable wrong of dishonestly assisting a breach of trust or fiduciary duty and the tort of inducing breach of contract.

#### **General Civil and Personal Injury**

James has a developing paper practice and enjoys advising on a wide array of matters including liability and quantum in personal injury cases, and commercial contractual disputes.

He regularly receives instructions to represent both sides in a range of civil matters in the small claims track and the fast track, accepting instructions on a CFA basis where appropriate. He is equally at home appearing in trials as he is in interlocutory hearings, whether the cases involve accidents at work, breaches of contract, or road traffic collisions.

#### **Crime:**

James has prosecuted and defended a variety of cases in the Magistrates Court and has also appeared in the Crown Court for appeals against sentence and conviction. In pupillage, he observed an Attorney General's reference in the Court of Appeal which was brought in relation to a sentence he attended at first instance in the Crown Court.

As part of James's degree dissertation he explored accessory liability in the criminal law under the Accessories and Abettors Act 1861.

#### **Family (Children):**

James frequently receives instructions to represent local authorities, guardians and parents in public law cases at all stages of proceedings before Lay Benches, District Judges and Circuit Judges. He recently represented a local authority in an application by another party for a Human Rights injunction to prevent the implementation of a care plan some time after care proceedings had formally concluded.

James also has a busy private law practice and regularly represents clients in cases involving children and domestic abuse.

#### **Family (Financial Remedy):**

Financial remedy proceedings are of particular interest to James. In pupillage he attended the high court to oversee a case involving an application brought several years after a clean break for a property adjustment order, combined with an application under Schedule 1 Children Act 1989. He assisted trial counsel by researching the legislative history of property adjustment orders and exploring whether it is possible for the court to make more than one property adjustment order in circumstances where the second application is made for the benefit of a child.

## **Education & Awards**

University of York, Law (LLB) –  
First Class Honours

BPP Law School (Leeds) – BPTC  
– Excellence Scholarship

The Honourable Society of  
Lincoln's Inn – Hardwicke  
Scholarship

Member of the North Eastern  
Circuit Commercial Bar  
Association (NECCBA)