

Seth Kitson

Barrister



Year Of Call:

2017

Seth joined Chambers in 2018 following successful completion of a general common law pupillage. Seth immediately specialised in civil law, with a particular focus on business and property matters which was the focus of his pupillage under Stephen Fletcher.

Seth undertakes work in all areas of commercial and chancery law and has secured a reputation as a tenacious junior with an exceptional attention to detail and a focus on achieving practical outcomes for his clients. His approachability and amicable manner have quickly established him as a favourite with professional and lay clients alike.

In addition to his commercial practice, Seth is also regularly instructed in a wide range of civil proceedings including professional negligence, defamation, intellectual property matters and proceedings in the Court of Protection. Seth is frequently asked to assist instructing solicitors as a 'problem solver' in recondite areas of law.

Seth accepts instructions in the following areas:

Commercial Litigation

Seth acts in all kind of commercial disputes from simple debt recovery to more complex contractual disputes including sale and supply of goods and services, breach of contract, misrepresentation, partnership disputes, directors & shareholder disputes as well as consumer credit. Seth is trusted by solicitors in the most serious of commercial matters, including in relation to commercial disputes arising from fatal accidents.

Seth recently enjoyed success as sole counsel for a Defendant in multi-day £1.3 million commercial dispute (Bioconstruct GmbH v Winspear and another [2020] EWHC 7 (QB) involving arguments of estoppel by convention and the validity of a deed.

Practice Areas

[Civil](#)

[Court of Protection
and mental Health](#)

[Employment](#)

[Family](#)

Professional Qualifications

The Honourable Society of
Gray's Inn

BPTC, University of
Northumbria (Outstanding)

BA (Hons) Jurisprudence
with Senior Status, Harris
Manchester College,
University of Oxford

MA (Hons) Modern History
and English Literature,
University of St. Andrews

Emmanuel College,
Gateshead

Insolvency

Seth undertakes work for both creditors and respondents in both commercial and personal insolvency cases in relation to an array of applications, for example: misfeasance claims against directors, TUV claims and claims for the recovery of assets.

Real Property and Landlord & Tenant

Seth's burgeoning real estate practice covers both real property and landlord and tenant disputes. His experience includes advising and appearing on the client's behalf in a range of matters including co-ownership, mortgages, easements, restrictive covenants, nuisance, boundary disputes, adverse possession, and residential and business tenancies, including complex possession and disrepair claims.

Contentious Probate and Inheritance

Seth's practice includes contentious probate, construction of wills and trusts, and claims under the Inheritance (Provision for Family and Dependents) Act 1975.

Professional Negligence

Seth is often instructed in claims relating to multi-track financial mis-selling and professional negligence. His expertise in this area means he often is relied upon by professional clients in responding to professional negligence claims.

Broader Civil Practice

Seth is regularly instructed in a wide-range of civil jurisdictions, including defamation, intellectual property, licensing and personal injury.

Awards

SIR Dingle Foot Award
(Gray's Inn)

Norton Rose Fulbright Prize
(University of Oxford)

Oxley Ching Scholarship
(University of Oxford)

David Karmel Entrance
Award (Gray's Inn)

Dean's Award
(Northumbria)

Dean's Award (St.
Andrews)

Ancillary Relief

Seth's inter-personal skills and forensic approach give him the ideal skillset to assist clients in ancillary relief. He is frequently briefed by solicitors in medium to large financial remedies proceedings, including applications for maintenance pending suite.

Court of Protection

Seth is regularly instructed in the Court of Protection. He is keen to expand this area of his practice.

Employment

Seth frequently advises clients in relation to discrimination, TUPE and unfair dismissal claims and appears in the Employment Tribunal.

Reported/Notable Cases

Bioconstruct GmbH v Winspear and another [2020] EWHC 7 (QB)
– Successfully defended a claim under a deed for £1.3m. Seth successfully argued that (i) estoppel by convention could not be used to remedy a deed that was flawed on its face, and (ii) any estoppel could only operate within a contract to broaden its terms and not to perfect an agreement that would otherwise fail.

T v L [2019], HHJ Kramer, County Court at Newcastle – successfully obtained a grant of a new commercial tenancy, overcoming the landlord's objection under s30(1)(g) of the LTA 1954. Seth was able to establish through cross-examination that the landlord did not have a 'settled' intention for the purposes of the act as there was no reasonable prospect of being able to bring their intention about.