



Trust Mediation



Sir Paul Morgan

Specialist areas: Property, insolvency & professional negligence

After 14 years as a High Court Judge, Paul retired as a judge on 30 September 2021 before joining Wilberforce Chambers as an arbitrator on 1 October 2021. He is an accredited mediator. Before becoming a High Court Judge in 2007, he was a Deputy Chairman of an Agricultural Land Tribunal from 1999 to 2007 and sat as a Deputy High Court Judge between 2001 and 2007.

Paul was called to the Bar in 1975 and commenced practice in specialist chambers, later known as Falcon Chambers. He took silk in 1992. Throughout his career at the Bar, he specialised in property law but his practice included many connected areas of law, such as insolvency and professional negligence. His work involved a high volume of litigation and court appearances at first instance, principally in the Chancery Division and in the County Courts, but often in the Court of Appeal and on six occasions in the House of Lords. He frequently appeared as counsel in arbitrations involving the valuation of property (both rental and capital valuations) or involving agricultural land.

Paul is a member of the London Court of International Arbitration (LCIA), the International Council for Commercial Arbitration (ICCA), the International Chamber of Commerce (ICC) and Chartered Institute of Arbitrators (MCI Arb). He is also a member of the KC Appointments Panel.

Sir Paul's expertise:

Cases at the bar

In view of the large number of reported decisions in which he appeared, the references are restricted to cases in which Paul appeared as counsel in the House of Lords:

- Bakewell Management Ltd v Brandwood [2004] 2 AC 519 (prescription and illegality)
- Runa Begum v London Borough of Tower Hamlets [2003] 2 AC 430 (Article 6 of the Convention on Human Rights and Fundamental Freedoms)
- Malekshad v Howard de Walden Estates Ltd [2003] 1 AC 1013 (leasehold enfranchisement)
- Elitestone Ltd v Morris [1997] 1 WLR 687 (fixtures) Melluish v BMI (No. 3) Ltd [1996] AC 454 (capital allowances)
- Landau v Sloane [1982] AC 490 (Rent Acts)

Cases as a judge:

Paul was a judge of the Chancery Division from April 2007 to September 2021. In addition to sitting in the Chancery Division he also sat as a judge in the Upper Tribunal (both the Tax and Chancery Chamber and the Lands Chamber), the Competition Appeal Tribunal and the Administrative Court. He dealt with the full range of litigation in the Chancery Division, including:

- General commercial litigation
- Civil procedure
- Jurisdiction
- Company law
- Unfair prejudice petitions
- Partnership
- Domestic Insolvency
- Cross-Border Insolvency
- Competition
- Trusts

- Pensions Intellectual property
- Real property
- Probate
- Charities
- Taxation and duties

Paul consistently delivered his judgments within a reasonable time. Many of the judgments which he gave are available on bailii.org and the usual websites. There are too many judgments over a 14 year period to list here but the following are some of the judgments given in his last three years as a judge:

General commercial litigation

- Abdulrida v Al_Najar [2021] EWHC 398 (Ch)
- Goyal v Florence Care Ltd [2020] EWHC 659 (Ch)
- Engineering Equipment & Materials Users Association v JT Ltd [2019] EWHC 2753 (Ch)

Civil Procedure

- Credit Agricole Corporate and Investment Bank v Persons Unknown [2021] 1 WLR 3834
- Ideal Shopping Direct Ltd v Visa Europe [2020] EWHC 3399 (Ch)
- Future Publishing Ltd v Edge Interactive Media Inc [2019] EWHC 2752 (Ch)

Jurisdiction

- Satfinance Investment Ltd v Athena Art Finance Corp [2020] EWHC 3527 (Ch)
- Apple Retail UK Ltd v Qualcomm UK Ltd [2018] EWHC 1188 (Pat) and [2018] EWHC 2711 (Ch)

Company Law

- Re A Company (Injunction to restrain presentation of petition) [2021] 1 All ER (Comm) 181
- Reliance Wholesale Ltd v AM2PM Feltham Ltd [2019] EWHC 1079 (Ch)

Insolvency

- Benkel v East-West German Real Estate [2021] EWHC 777 (Ch)
- LF2 Ltd v Supperstone [2018] Bus LR 2303

Competition

- FP McCann Ltd v CMA [2020] CAT 28

Intellectual property

- Yellow Bulldog Ltd v AP & Co Ltd [2021] ECC 10
- Lufthansa Technik AG v Astronics Advanced Electronic Systems [2020] EWHC 1968 (Pat)
- Manchester United FC v Sega Publishing Europe Ltd [2020] ETMR 44 Lifestyle Equities CV v Royal County of Berkshire Polo Club [2019] FSR 14
- R (Drain) v Birmingham Crown Court [2018] 1 WLR 4865

Real Property

- Victus Estates 2 Ltd v Monroe [2021] EWHC 2411 (Ch)
- N3 Living Ltd v Burgess Property Investments Ltd [2020] EWHC 1711 (Ch)
- Poste Hotels Ltd v Cousins [2020] RTR 31
- Mc Donagh v Bank of Scotland plc [2019] 4 WLR 12
- Villarosa v Ryan [2019] 1 WLR 515
- London Borough of Hounslow v de Vere [2018] EWHC 1447 (Ch)
- Fouladi v Darout Ltd [2018] EWHC 3501 (Ch)
- Lowe v William Davis Ltd [2018] 4 WLR 113

Trusts

- Barker v Constance Ltd [2018] EWHC 2965 (Ch)
- Hilton v Cosnier [2018] EWHC 2728 (Ch)

Pensions

- Axminster Carpets Group Retirement Benefits Plan, Punter Southall v Hazlett [2021] EWHC 1652 (Ch)
- Lloyds Banking Group Pension Trustee Ltd v Lloyds Bank plc (No. 1) and (No. 2) [2019] Pens LR 5 and 6, [2020] EWHC 3135 (Ch)
- Corsham v Police and Crime Commissioner for Essex [2020] ICR 268
- Coats UK Pension Scheme Trustees Ltd v Styles [2019] EWHC 35 (Ch)

Charities

- Derby Teaching Hospitals NHS Foundation v Derby City Council [2020] Ch 586
- Charity Commission for England and Wales v Wright [2019] EWHC 3375 (Ch)

Taxation and duties

- Hyman [2021] UKUT 68 (TCC)
- Hannah [2021] STC 436
- Davies [2020] STC 649
- Royal Opera House [2020] STC 1170
- Virgin Media [2020] STC 947
- Hicks [2020] STC 254
- Logfret Ltd [2019] STC 544

Local Government

- Royal Borough of Kingston upon Thames v Moss [2019] EWHC 3261 (Ch)

Financial Regulation

- Financial Conduct Authority v Neville Registrars Ltd [2020] 1 All ER (Comm) 629

Qualifications and Appointments

- High Court Judge (Chancery Division): 2007–2021
- Chairman of the Land Registration Rule Committee: 2009–2021
- Deputy High Court Judge: 2001–2007
- Bencher, Lincoln's Inn: 2001
- Deputy Chairman of Agricultural Land Tribunal: 1999–2007
- BA (Cantab) in Law, First Class Honours, 1974, MA 1979

Memberships

- LCIA
- ICCA
- ICC
- KC Appointments Panel

Publications

- Joint editor, Woodfall on Landlord and Tenant, loose-leaf edition (from 1994 and continuing)
- Joint editor, Gale on Easements, (6 editions 1997–2020)
- Joint editor, Fisher and Lightwood's Law of Mortgage, (5 editions 2002–2019)

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