



James Batten – Barrister

Called 2013

James joined Chambers in May 2017 having qualified in 2014 with the Government. Before coming to the Bar, James worked briefly at an international investment bank and advised on the bank's relationship with the FCA and prepared materials to ensure compliance with the Bribery Act 2010 and FCA Handbook.

He practices in all Chambers cores areas of law in particular: Insolvency, Chancery, Commercial and Property, Landlord and Tenant.

PRACTICE AREAS:

INSOLVENCY

James frequently advises on both personal and corporate insolvency. He has appeared in the County Court and the High Court on a diverse range of matters relating to bankruptcy, Creditors' and Members' voluntary liquidations, provisional liquidation and contested administrations. Between January 2016 and April 2017 James worked as a drafting lawyer on the Insolvency (England and Wales) Rules 2016: the most significant change to insolvency procedure in 30 years. In that capacity James advised on all forms of corporate and personal insolvency in both contentious and non-contentious contexts. Additionally, he personally briefed ministers and attended debates in Parliament, drafting answers to questions posed by the Opposition frontbench and advised on the interplay between employment and insolvency law in large, high-profile, corporate insolvencies.

CORPORATE AND ASSET RECOVERY

James has a great deal of interest in corporate law, frequently advising and conducting proceedings relating to disputes involving directors, shareholders and members of partnerships. James has conducted cases before the County Court and High Court involving corporate law issues. James advises on unfair prejudice, directors' duties claims and technical aspects of corporate law. Whilst in the government, James played a lead role in developing notification requirements for a major new

anti-corruption initiative: the “people of significant control” regime, which came into force for all companies in 2016. This involved drafting guidance and agreeing enforcement strategy between a number of enforcement agencies including BEIS, the CPS, the SFO and the NCA. He was involved in developing the measures announced by the Prime Minister in May 2016, which would prevent foreign companies from purchasing property in the UK unless they disclosed the identity of their beneficial owners. This required a thorough understanding of corporate disclosure requirements in practice and the enforcement of such requirements.

He prosecutes and defends directors and other individuals accused of crimes under the Companies Act, Insolvency Act, Fraud Act and under other regulatory legislation. James conducts all manner of hearings before the Crown Court and frequently advises on POCA investigations and conducts POCA proceedings. James acted as a prosecutor for at the Department for Business, Innovation and Skills between April 2014 and December 2015. In addition, he advised the Insolvency Service on a number of investigations into live companies. James was seconded part-time to the SFO from 2017-2018 where he worked as disclosure counsel on a large investigation into dishonesty offences stemming from rates fixing in the City. James has substantial experience advising on proceedings under the Company Directors Disqualification Act.

As a first six pupil in Essex Court Chambers, James worked with counsel on a number of high-value civil cases including missing-trader, intra-community frauds, money laundering and embezzlement. More recently, he has advised on civil aspects of frauds and regulatory offences committed by insolvency practitioners in the course of their practice and advised on anti-fraud policy development which included a detailed assessment of civil remedies available to victims of fraud.

COMMERCIAL

James is regularly instructed to advise, draft and conduct proceedings following commercial disputes. Such disputes include enforcement of commercial contracts, actions for negligence following (solicitors and other service providers), interference with goods, securing urgent relief and enforcement of successful orders.

PROPERTY AND LANDLORD AND TENANT

James is regularly asked to advise or conduct proceedings in relation to property and landlord and tenant disputes. James has experience relating to contracts for the sale of land, leases, contentious trusts of land (including TOLATA claims), boundary disputes, defective premises claims, claims relating to service charges, housing law, covenants and easements and general possession claims acting for individuals, tenants and local authorities.

DISCRIMINATION, PUBLIC AND ADMINISTRATIVE LAW AND IMMIGRATION

James regularly advises on public and administrative law. James also advises on private law including breaches of the Equality Act 2010. Common areas of advice are compatibility with EU law and the ECHR, providing advice on whether proposed actions are intra vires and ensuring that any relevant duty, such as consultation, public sector equality duty or any legitimate expectation, has been satisfactorily fulfilled. During his first six, James worked on judicial reviews in the High Court and the Court of Appeal. At the Department for, Business, Energy and Industrial Strategy he advised on judicial reviews in train against the Department. Since then, James has continued to advise and work

on Judicial Reviews both for and against the government. James is a member of the Attorney General's panel of 'junior junior' counsel.

REGULATORY LAW

James advises on disciplinary procedures against persons authorized by the SRA, OISC, ICAEW, IPA, ACCA and FCA. He was lead lawyer on a project to revoke the Solicitor's Regulatory Authority as a Recognised Professional Body under the Insolvency Act 1986, which required a thorough understanding of the SRA's regulatory functions and processes, as well as lead lawyer on two significant ongoing projects relating to insolvency practitioner regulation whilst at BEIS.

CORONAL LAW

James accepts instructions to appear at inquests. Most recently he was sole counsel instructed in a week-long jury inquest looking into the death of an individual following a light plane crash. James has experience advising on potential and likely outcomes and the consequences for interested parties, including beneficiaries of insurance policies and parties who are potentially at risk of criticism during the course of an inquest.

PERSONAL INJURY

James accepts instructions to conduct fast and multi-track proceedings in the County Court. He has particular knowledge of the RTA regime, the Animals Act 1971, claims against highways authorities and other claims in relation to defective premises.

RECENT CASES

- F v M [2019] – Commercial dispute following unilateral termination of referral contracts
- R v R [2019] – Commercial dispute following failure to repair commercial vehicle after defect results in write-off
- K v M [2019] – Action for recovery of money held on trust following failure to repair as contracted
- L v D [2019] – Costs dispute following fast-track settlement re application of fixed costs regime.
- H v M [2019] – Action for arrears of service charge and contractual costs.
- N v A [2019] – Action for possession where allegations made against mortgagee of breach of equitable duty
- Re B (Deceased) [2019] – Action in relation to beneficial interest following death of legal owner of property.
- W v F [2019] – Claim for arrears of rent with counterclaim of PSLA and other losses due to dilapidations.
- N v X [2019] - Allegations of professional negligence against solicitor in relation to advice given.
- In re O [2018] – High Court contested company administration at short notice in context of dispute between directors and cross-allegations of fraud against the company.
- In re B [2018] – Jury inquest into death following plane crash, represented insurer as interested party.
- In Re C [2018] – High Court application to set aside statutory demand and resist petition.
- R v B [2018] – Defended individual in Crown Court alleged of harassment via Twitter

- A v X [2018] – Advised national chain on claim relating to discrimination by security guard at one of its locations.

INTERESTS AND POSITIONS OF RESPONSIBILITY

- 2011-present Legal advisor at the South Westminster Legal Advice Centre, providing pro bono legal advice to a diverse client base on crime, personal insolvency, housing and litigation.
- 2014-2018 President of the Inner Temple Junior Bar Association. In this capacity he organises around ten training and networking events per year and act as a representative for barristers under seven years' call.
- 2014- present sits on the Inn's Bar Liaison Committee and Student Societies Sub-Committee. James is also an advocacy trainer for the Inn, acting as Group Leader on residential weekends for students.
- 2013-2014 Was vice-president of the Inner Temple Drama Society, directing two productions and acting in a number of others. I remain involved in drama at the

CONTACT DETAILS:

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