

# James Reckitt

Call 2016

James is known for his attention to detail, persuasive advocacy, and strong intellectual ability. He is approachable and straightforward which makes him a popular choice among lay and professional clients.

## EXPERTISE

James is a specialist civil practitioner with a broad Chancery and commercial practice, with a particular interest in property disputes.

He has represented clients in the High Court, County Court and (as of March 2024) the Court of Appeal where he was led by David Bailey K.C. in a second appeal concerning the limitation period that applies for the purposes of claims brought against insurers following a transfer of contractual rights pursuant to the Third Parties (Rights Against Insurers) Act 2010 upon the insolvency of an insured company.

In addition to his Chancery practice, James also accepts instructions in intermediate/multi-track personal injury and clinical negligence litigation.

### Property

James regularly represents clients in cases concerning boundaries, easements and adverse possession, some of which involve consideration of harassment allegations and injunctive relief.

He is regularly instructed on TOLATA claims including claims where the existence of a trust of land is disputed.

Additionally, James has experience in commercial landlord and tenant claims, including leasehold covenant disputes and contested renewals of business tenancies. He also receives instructions in residential possession proceedings.

Recent cases include:



## Expertise

Property

Business & Commercial  
Litigation

Inheritance, Probate & Trusts

Agriculture & Rural Affairs

Insolvency & Restructuring

Personal Injury & Clinical  
Negligence

Social Housing

Inquests

Costs

Consumer Law & Professional  
Negligence

- Multi-track trial concerning a boundary dispute which impacted upon the operation of a multi-million pound care home in which damages and an injunction were claimed, involving cross-examination of experts.
- Multi-track trial concerning an application for relief against forfeiture of a commercial lease for breach of covenant, involving complex arguments about interpretation, competition law, the terms on which relief was to be granted, and what impact the Covid-19 pandemic should have on the terms of relief.
- Multi-track trial in which damages and an injunction were claimed as a result of a neighbour dispute which had escalated beyond control, involving extensive CCTV evidence and harassment allegations relating to the defendants' monopolisation of communal parking spaces and smashing of a car windscreen.
- Claim for mandatory injunctions for the rebuilding by the defendant of a party fence wall that had been unilaterally demolished and endangered the stability of a residential accommodation complex, and the unblocking by the defendant of a drain that had been deliberately blocked with concrete.
- Claim for a vesting order from the High Court in respect of property held on trust for a registered friendly society in circumstances where all the trustees had died, and where no succession planning had taken place.

## Company & Commercial

James accepts instructions in all areas of commercial litigation including contract disputes, breaches of trust and fiduciary duty, and general debt recovery. He has acted in numerous claims against the insurers of insolvent companies involving the Third Parties (Rights Against Insurers) Acts 1930 and 2010, which also involved disputes relating to insurance policies and the extent of cover provided.

James has advised on shareholder disputes, unfair prejudice petitions, quasi-partnerships and allegations of directors' misfeasance. He also represents clients in insolvency proceedings including applications to set aside statutory demands, and bankruptcy petitions.

Additionally, James represents clients in claims involving bribery and the unfair relationship provisions of the Consumer Credit Act 1974.

Recent cases include:

## Clerking team



**Paul McNab**  
Civil & Criminal Silks'  
Clerk  
0113 3235 955



**Steve Walker**  
Lead Civil Clerk  
0191 245 9589



**Aimee Bloxham**  
Civil Clerk  
0191 245 9556



**Josh Stewart-Tilling**  
Lead Employment Clerk  
& Civil Clerk  
0191 300 9359



**Fiona Bullock**  
Direct Access Clerk  
01642 247 569



**Chris Gibbin**  
Clerk  
01642 247 569

- Court of Appeal – led by David Bailey KC in a second appeal concerning the issue of whether the limitation clock is paused upon an insured’s insolvency for the purposes of a claim against the insurer under the Third Parties (Rights Against Insurers) Act 2010, and whether the case of *FSCS v Larnell* [2005] EWCA Civ 1408 applies in the context of that Act.
- Advising in respect of alleged breaches of a white label online casino contract, involving consideration of novation, assignment, unfair terms and exclusion clauses.
- Advising a minority shareholder in a case where the directors were being accused of misappropriating company money.
- Multi-track trial in a claim against multiple insurers under the Third Parties (Rights Against Insurers) Act 2010 for damages arising from property damage allegedly caused by the insured, involving arguments about limitation, when “damage” arose for the purposes of the policies, whether the damage was covered by the policies, and also the issue of apportionment of liability between the insurers.
- Claim for damages arising out of the defendant’s breaches of an agricultural tenancy resulting in deterioration of the farmland, and the defendant’s failure to transfer SPS entitlements upon termination of the lease.
- Claim for delivery up of goods and damages for loss of business profits after the defendant failed to repair work equipment that was vital to the claimant’s business, and unlawfully withheld that work equipment after termination of the contract.

## Wills & Probate

James has experience in representing and advising clients in Inheritance Act claims and disputes concerning the validity and interpretation of wills.

Recent cases include:

- Mediation in an Inheritance Act claim concerning a multi-million pound estate with claims brought by an adult dependent cohabitant and a disabled adult child.
- Advising on the application of section 33 Wills Act 1837 and the issue of whether a “contrary intention” appeared in the will.
- Defending a claim for possession of residential premises brought by an estate against the partner of the deceased on the basis of inter vivos gifts and estoppel.

## Personal Injury & Clinical Negligence

James is regularly instructed in cases involving accidents at work, occupier’s liability and clinical negligence.

Notable recent cases include:

- Representing the family of the deceased at a 3 day inquest concerning the death of a patient from sepsis, where the coroner concluded (having heard evidence from experts from three disciplines) that omissions on the part of the clinical team made a more than minimal contribution to the patient's death. The clinical negligence claim subsequently settled in light of the Coroner's findings.
- Representing the claimant at a JSM in a claim arising out of an accident where the claimant fell from height at work, and suffered permanent life-changing injuries as a result. The claim involved the preparation of a complicated schedule of loss with extensive Ogden calculations for future losses.
- Advising on quantum in a claim arising from the defendant's negligent installation of an implant on the wrong side of the claimant's head, resulting in two avoidable operations, and marked psychological injury.

## MEMBERSHIPS

- Northern Business and Property Bar Association
- The Honourable Society of Lincoln's Inn – Hardwicke Scholarship

## QUALIFICATIONS

- University of York, Law (LLB) – First Class Honours
- BPP Law School (Leeds) – BPTC – Excellence Scholarship