

## 3PB Barrister Profile



### James Davies

Call 2004

Email: james.davies@3pb.co.uk

#### Academic Qualifications

BA (Oxon)

BCL (Oxon) (Distinction)

ACA

#### Business & Commercial Law

James Davies has a commercial practice covering a range of areas. His experience extends to factoring agreements, guarantees, the Commercial Agent Regulations, partnerships and franchising. James has acted in a number of sales of goods disputes, with a particular emphasis on motor vehicles, both new and used and including custom built commercial vehicles and vehicles purchased under hire purchase. He acts at all stages in disputes from initial written advice through to final hearings.

James has a growing insolvency and bankruptcy practice appearing for petitioners, debtors and trustees in bankruptcy. He has appeared in the High Court on the hearing of contested winding-up petitions.

James qualified as a Chartered Accountant before coming to the Bar and has a particular interest in disputes involving accountants where he acts for both professionals and former clients.

James accepts instructions direct from businesses, professionals and individuals under the Direct Access Scheme.

#### Recent work includes:

- Advising a business on behalf of a number of claims it was facing under the Commercial Agents Regulations including detailed advice on the likely value of claims.
- Representing at trial a residential management company in a dispute concerning the installation of a water heating system and flue at a large block of flats. The case involved consideration of whether the pumps were suitable for the water hardness and whether the chimney gave rise to a noise nuisance. Following a two day trial substantial damages were recovered.

- Advising a franchisee and drafting proceedings in a dispute concerning wasted expenditure and infringement into a geographical franchise area. James then represented the franchisee at a two day trial which resulted in the franchisee obtaining judgment for a substantial sum.
- Representing the restorer of a vintage Jaguar in a dispute over subsequent problems with the paintwork at a multi-track trial.
- Application for non-party disclosure under the Bankers' Books Act to establish the utilisation of funds paid out by the dismissed directors of a company.
- Representing the Trustee in Bankruptcy on a successful appeal from the County Court to the High Court. The appeal, before Mr Justice Henderson, considered the important questions as to the meaning of the 'needs' of the bankrupt in Section 335A of the Insolvency Act 1986 along with the issue of whether a Court was entitled to consider the circumstances of the making of the original bankruptcy order on an application for an order for sale. The case is reported as *Everitt v Budhram* [2010] Ch 170.
- Representing the Appellant on an appeal to the High Court Judge against the Master's decision to order security for costs in a complex case involving serious allegations against the former directors of a public company. The decision is reported as *Mastermailer v Sandison & others* LTL 21/4/2011.

## **Publications**

Showing good cause - Leases and the costs of proceedings [2010] NLJ 13

Betterment - For better or worse? [2010] NLJ 1635

## **Professional Bodies**

- Chancery Bar Association
- Professional Negligence Bar Association (PNBA)