



Junior Davenport is a member of the Commercial and Property & Estates teams.

He is regularly instructed to appear as sole counsel in the High Court, County Court and First-tier Tribunal, and is also often instructed to act as junior counsel in more complex matters.

Along with Commercial and traditional Chancery work, Junior also has considerable advisory and litigation experience in Financial Services, regularly helping to advise the Financial Conduct Authority, firms and private individuals on consumer credit and retail banking issues.

Expertise

Property, Trusts & Estates

Junior has acted for clients in a range of Real Property and personal property matters, including Landlord & Tenant (commercial, residential and rural), easements and profits, restrictive covenants and boundary disputes. Junior also has considerable experience in handling cases regarding wills, inheritance and trust disputes. This extends to property disputes in an insolvency context.

Junior has litigation and advisory experience in the following key areas:

- Wills, inheritance and trusts
- Service Charges and Dilapidations
- Landlord and tenant (residential) including private and social housing
- Landlord and tenant (commercial) including protected and unprotected tenancies
- Landlord and tenant (rural) including all matters relating to the Agricultural Holdings Act 1986 and the Agricultural Tenancies Act 1995.
- Boundary disputes and adverse possession
- Trespass, nuisance and other property torts
- Easements (rights of way and other rights)
- Restrictive and other land covenants
- Mortgage disputes and possession proceedings
- Land registration and land charges

[Featured Property, Trusts & Estates cases](#)

Khilji (In Bankruptcy), Re [2023] EWHC 298 (Ch)

Junior acted for the successful administrator of an estate where the deceased had died intestate. The case concerned whether beneficiary's residual interest vested in her on the death of the deceased and whether that residual interest was an interest for the purposes of s.283A(1) IA 1986. The case also raised for the first-time what knowledge a trustee in bankruptcy was required to have before time began running pursuant to s.283A(5) IA 1986, the so call "use it or lose it" provision.

Hamilton v Attorney-General [2022] EWHC 2132 (Ch) [2022] BPIR 1427

Junior was led by Stefan Ramel in a claim by trustees in bankruptcy and a Guernsey company for a vesting order in relation to a castle in North Somerset. The case raised complex issues of international company, insolvency and property law including in relation to the consequences of dissolution of a company, bona vacantia and escheat.

Commercial Dispute Resolution

Junior has a diverse commercial practice focusing on breach of contract disputes which often include a property dimension, such as construction disputes. Junior also regularly advises on and acts in cases concerning consumer rights.

Junior has litigation and advisory experience in the following key areas:

- Disputes concerning mortgages, guarantees and indemnities, in both regulated and unregulated contexts
- Agricultural finance
- Professional negligence
- Transactions defrauding creditors
- Debt claims and asset recovery
- Consumer rights and unfair terms
- Sale of goods and services

[Featured Commercial Dispute Resolution cases](#)

Junior has recently been led by Hugh Sims KC in a complex multi-million pound arbitration concerning an unincorporated associated members club. The matter involved construction of constitutional documents and complex questions on the circumstances in which an agent will act as a fiduciary, the extent of those duties and what remedies are available if an agent had acted in breach of their fiduciary duties.

Regulatory & Discipline

Junior is a specialist in consumer credit and the financial services regulatory regime. Junior undertakes work in relation to regulated credit agreements, regulated mortgage contracts, payment services and crypto currencies. Junior is able to advise on perimeter and regulatory issues as well as act in litigation for both lenders and borrowers.

Consumer Credit

Junior has litigation and advisory experience in the following key areas:

- Matters relating to claims under s.140B CCA 1974 (including HCST credit, mis-selling and secret commission cases).
- Regulated and exempt credit and credit hire agreements (including enforcement).

Mortgage and Home Finance

Junior has litigation and advisory experience in the following key areas:

- Issues concerning the implication of the Mortgage Credit Directive.
- Advising on regulated and exempt mortgage contracts.
- Enforcement of regulated mortgage contracts.
- Advising on the interrelationship with the consumer credit regulatory regime.
- Advising on regulated home finance products and buy to let lending products.
- Helped draft and advise on the temporary mortgages and coronavirus guidance for firms published by the FCA (September 2020).

Payment Services and Cryptocurrency

Junior has advisory experience in issues arising under the following key regulatory framework areas:

- Payment Services Directive and the Payment Services Regulations 2017
- Electronic Money Regulations 2011
- Fifth Money Laundering Directive and Money Laundering Regulations 2017 & 2019