The Supreme Court’s judgment in the case of Manchester City Council v Pinnock [2010] UKHL clearly set out the difficulties that an appellant would face in successfully pleading an article 8 defence to a claim for possession. So why have the courts continued to see this defence pleaded so frequently? Is it because each tenant, and their legal team, believe that they have the strength of case to overcome these judicial obstacles? Or is it simply a delaying tactic to keep the tenant in the property as long as possible whilst they go through the motions of jumping through these judicially crafted hoops? And if so, is there anything wrong with that?

- A discussion on the proportionality defence in housing possession cases.
- Manchester City Council v Pinnock – a case study.
- Life after Manchester City Council v Pinnock.
- Tactical handling of Human Rights based defences.

**SEMINAR DETAILS**

Tuesday 2 October 2012 at 9 St John Street Chambers

**CPD** 1.5 points  
Registration followed by Lunch 1pm  
Seminar Start 2pm  
Finish Time 3:30pm

**RESERVATIONS**

To reserve a place please email Julia.lanza@9sjs.com or call 0161 955 5123.
ROBERT DARBYSHIRE

YEAR OF CALL
1995, Lincoln's Inn

EDUCATION
MA, Christ Church, Oxford
LLM, Kings College, London University

ASSOCIATIONS
Chancery Bar Association
Northern Chancery Bar Association
North West Housing Law Practitioners’ Group

AREAS OF PRACTICE
General Property
Commercial
Landlord & Tenant
Housing
Banking

PRACTICE PROFILE
• Commercial Disputes
  Including sale and supply of goods, misrepresentation, invoice recovery, retention of title, intellectual property, agency, carriage of goods and general contract.

• Consumer Credit
  Including the recovery of property.

• Probate
  Disputes over the administration of estates and Inheritance Act applications.

• Property
  Damage to property, boundary disputes, applications under the Access to Neighbouring Land Act and building disputes.

• Landlord & Tenant
  Both domestic and commercial including possession applications, forfeiture and applications for new tenancies under the Landlord & Tenant Act 1954.

• Housing
  Claimant and Defendant disrepair, possession and “nuisance neighbour” cases for private and Local Authority clients including the leading cases of Wallace v Manchester City Council (1998) 30 HLR 1111, New Charter Housing v Ashcroft [2004] HLR 36, Manchester City Council v Romano [2004] 4 All ER 31.

• Mortgages & Banking
  Barclays Bank v O’Brien cases, constructive trusts and damage to reputation through negligent credit references for borrowers/commercial lenders.

• Company & Partnership
  Director’s disqualification, re-instatement of liquidated companies, Section 459 petitions and insolvent partnership.

• Bankruptcy & Insolvency
  Including complex and simple winding up, voluntary arrangements, annulements and appeals.
Joanna Vicary

“tipped as promising, she gets involved immediately and thinks ahead”
Legal 500 – 2008

Year of Call
2003, Middle Temple

Education
BA Law, Merton College, Oxford (First Class Hons)

Appointments
Junior Counsel to the Crown (Provincial) appointed 2007

Areas of Practice
Commercial and Chancery Litigation

Practice Profile
Exclusively Commercial & Chancery Litigation and particularly:

- Commercial Contracts
  Including the Sale and Supply of Goods and Services
  Misrepresentation
  Consumer Credit
  Partnership Disputes

- Insolvency
  All aspects of Bankruptcy and Corporate Insolvency

- Real Property
  Particular emphasis on disputes between former co-habitees giving rise to Constructive and Resulting Trust claims and allegations of Undue Influence.
  Mortgages
  Restrictive Covenants
  Easements
  Nuisance
  Adverse Possession
  Boundary Disputes

- Administration of Estates
  Contentious Probate
  Construction of Wills
  Proceedings under the Inheritance (Provision for Family and Dependants) Act 1975

- Professional Negligence
  Claims against professionals, including Solicitors (particularly in connection with conveyancing)

- VAT
  Joanna regularly appears in the VAT & Duties Tribunals on behalf of HM Revenue and Customs.

- Landlord & Tenant
  Residential & Business
  Possession of Secure & Assured Tenancies
  Forfeiture & Renewals under the Landlord & Tenant Act 1954