Elisabeth Tythcott

Year of Call: **1989**

ST JOHN STREET CHAMBERS
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Elisabeth has developed a wide ranging general chancery and commercial practice during her career which has brought with it the corresponding substantial advocacy and advisory experience. She regularly litigates matters across the country.

In advising and representing clients Elisabeth adopts a pragmatic and considered approach in analysing all options and potential outcomes whilst fostering a strong team ethic with both solicitor and client from the earliest stage.

Elisabeth is an accredited Mediator (CEDR) and an experienced mediation advocate.

Although Elisabeth's practice encompasses all areas of Chancery and Commercial practice, she has developed a particular interest in the following fields.

Company and Partnership

Instructions usually relate to s994 Companies Act 2006 proceedings, breach of shareholders' agreements, derivative claims and disputes between partners both before and after the dissolution of the partnership.

Wills and Probate

Contentious and non-contentious probate matters are a regular feature in Elisabeth's diary. Such matters include challenges to the validity of testamentary documents, claims brought pursuant to the Inheritance (Provision for Family and Dependants) Act 1975 and the construction and interpretation of wills and codicils.

Property Law

As part of her practice Elisabeth regularly advises and acts in many and varied property related matters including boundary disputes, applications for injunctions to prevent construction where allegations of trespass and/or breach of covenant and/or obstruction of access of light are involved, interpretation of restrictive covenants, cases involving proprietary estoppel and/or constructive trusts and Landlord and Tenant matters.

Contract

Elisabeth is experienced in the interpretation, enforcement and enforceability of contractual terms and the drafting of contractual documentation.

Professional Negligence

Elisabeth has advised and acted in cases involving allegations of negligence made against most professions but with particular emphasis on claims involving solicitors, surveyors, accountants and engineers.

VIEW PRIVACY POLICY

Education

School: Hewett School

University: Huddersfield

School of Law: Inns of Court School of Law

Qualifications: LL.B (Hons) Business Law

Professional Memberships

Chancery Bar Association
Northern Chancery Bar Association
Northern Circuit Commercial Bar Association
Inner Temple
Northern Circuit

Notable Cases

Great Jackson Street Estates Limited v Manchester City Council (2023)

Acted on behalf of the City Council, as Objector, in an application to the Upper Tribunal (Lands Chamber) under s84 Law of Property Act 1925 to modify 11 of 25 restrictive covenants contained in a lease. The Application was dismissed at the jurisdictional stage.

Cherry Hill Skip Hire Limited (2022)

Acted for the successful appellant in the Court of Appeal in a claim where a Petition presented pursuant to s994 Companies Act 2006 had been dismissed at the trial of preliminary issues on the grounds of delay and acquiescence.

W -v- JA & Others (2022)

Advised prospective Petitioner in a shareholder dispute in respect of a claims management company valued at approximately £6 million which included allegations of diversion of corporate opportunities and misuse of corporate funds.

M -v- B (2022)

Acted on behalf of the Claimant in a partnership dispute between veterinary surgeons, both high net worth individuals, involving allegations which included the misappropriation of partnership funds and the validity of the purported expulsion of the Claimant by the Defendant from the partnership. The Defendant attempted to take control of the operation of the partnership business pending determination of the case but the Claimant succeeded in an application for an interim injunction by which the Claimant was permitted to re-enter the premises and operate the business pending trial.

KD -v- M LLP [2022]

Acted on behalf of the Claimant in a claim for damages in excess of £500,000 in a professional negligence action against its former solicitors where it was alleged that the Defendant failed to advise the Claimant about how correctly to exercise an option to purchase prospective development land and premises.

Cheshire Estates (Oakglade) Limited -v- Daw and Cheshire Estates (Spenbrook) Limited (2022)

Acted on behalf of the Claimant in a claim for equitable compensation in excess of £3 million against one of its' directors for breach of fiduciary duty and in a restitutionary claim against a company of which the First Defendant was also a director.

Dream Knitwear Ltd -v- Capital & Centric (Cinnamon Ltd) (2021)

Acted for defendant Property Investor/Management company in relation to rent arrears, eviction and defending counterclaim for substantial loss of profits. Following a successful application to have the Claimant's principal witness evidence excluded on the first morning of the trial the Claimant accepted a Part 36 Offer that had been made very early in the proceedings and which resulted in a net payment being made to the Defendant.

B -v- B (2022)

Advised in a substantial claim pursuant to the Inheritance (Provision for Family and Dependants) Act 1975 and/or the doctrine of proprietary estoppel in relation to the estate of two farmers worth approximately £10 million.

W&W -v- M & Others (2021)

Acted for executor and trustee in relation to a dispute into a substantial estate involving complex trust issues and complications surrounding the ownership of a large seaside hotel. The testatrix left her residuary estate, in excess of £1 million, to her unborn great grandchildren. Application to accelerate payment on grounds that grandchildren never likely to have children

Aldermore Bank plc -v- Rana [2016] 1 WLR 2209

Acted for the Claimant bank against the Defendant borrower for repayment of sums advanced but which had been misappropriated by borrower's solicitors. The Court of Appeal held that although the funds had been released completion had not occurred so that the borrower was not contractually liable to repay.

Connolly -v- Law and Assetz Development Limited [2015] HHJ Hodge QC sitting as a Judge of the High Court

Acted for Defendants in claim alleging unfair prejudice brought by 49% shareholder and in counterclaim for account of the profits following the diversion of a corporate opportunity. The claim was dismissed and the counterclaim succeeded.

Ridley -v- Finnegan [2015]

Acted for the Defendants in a claim where Claimants alleged testatrix lacked testamentary capacity. Claim dismissed. Counterclaim for repayment of testatrix's funds misapplied by Claimants in breach of trust succeeded.

Nichol -v- Tinsley [2015]

Acted for the Claimant roofing contractor in a claim for unpaid invoices following completion of refurbishment of a building containing four holiday flats. The Defendant counterclaimed alleging defective workmanship. There was judgment on the claim in its entirety and judgment for the Counterclaim for a very limited extent resulting in the Defendant being ordered to make a payment to the Claimant of over 90% of the claim.

Singh -v- Singh [2014] 1 BCLC 649

Acted for the Defendant in a claim for permission under s261 Companies Act 2006 to continue a derivative claim. Application dismissed.

Foley -v- Lincoln City Supporters' Society Limited [2014]

Acted for the Claimant who was partially successful in challenging the validity of the actions of the Defendant, an organisation set up to promote and support Lincoln City Football Club.

Signature Developments -v- RBIG Corporate Risk Services Limited

Claim against insurance brokers for failing to advise and warn insured about conditions in a contract of insurance. Case settled at trial.

Yates -v- Yates

Partnership dispute concerning post dissolution division of partnership assets of portfolio of buy-to-let properties. Case settled



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