

# Ed Ross (2010)

## General Information

---

### Overview

Ed is a specialist Commercial and Property practitioner, with particular expertise in:

- Bankruptcy and Insolvency
- Construction
- Contract
- Energy and Utilities
- Landlord and Tenant
- Real Property
- Professional Negligence

He has a busy court practice, appearing in the High Court, County Court and various Tribunals on a near daily basis. He provides advice and drafts legal documents in all his practice areas. He is also licensed to act for members of the public and SMEs directly and is authorised to conduct litigation. This means Ed can provide “cradle to grave” legal services. His litigation “ticket” is particularly useful for urgent applications when instructed by both solicitors or members of the public. Ed is currently studying for the MSc in Construction Law and Dispute Resolution at King’s College London, his dissertation is to focus on International Commercial Arbitration. He therefore brings cutting edge commercial knowledge and experience to his caseload.

Outside of work Ed enjoys obstacle course racing and triathlon. He has been a Tough Mudder season pass holder, has completed numerous open waters swims including the Strait of Gibraltar and now concentrates on the Ironman 70.3 distance. He is President of the Oxford Young Professional Society and is passionate about music, playing double bass and piano.

### Bankruptcy and Insolvency

Ed has advised and appeared in Court on behalf of businesses and individuals on a diverse range of matters including:

- Setting aside statutory demands
- Petition hearings
- Annulments pursuant to s.282(1)(a) and s.282(1)(b)
- Injunctions to restrain presentation of a petition
- Injunctions to restrain advertising of a petition
- s.216 applications
- Actions by liquidators
- Applications in respect of remuneration of trustees
- Applications to extend automatic discharge of bankruptcy
- IVA proposals and implementation

His practice includes advising, drafting documents and representation at hearings in the High Court and County Court.

Ed has had recent success in the High Court in the preparation and presentation of an ex parte injunction to restrain advertisement. On the return hearing he successfully argued for the petition to be dismissed and achieved costs recovery in excess of 95% of the costs claimed.

## Professional Negligence

Ed predominantly acts in claims for and against professionals involved in property transactions or development (Solicitors, Architects, Surveyors etc.).

Ed has advised and acted in cases arising from:

- Failure to advise as to the presence of a public right of way
- Failure to advise on the presence of a cesspit
- Solicitor's negligence in conjunction with misrepresentations by a vendor
- Failure to undertake an adequate survey
- Failure to advise on the presence of defects in a property
- Failure to advise on necessary easements required for re-development of a £million+ residential property site
- Failure to advise on the presence of various natural risks
- Allegations of negligence in the completion of a Tomlin Order settling a boundary dispute
- Riparian ownership and, following a flood, remedies available against the vendor, solicitor and surveyor involved with the purchase of the property

Ed also has experience of solicitors' negligence in respect of personal injury claims including:

- Failing to issue proceedings within the limitation period
- Failing to advise, or advising inadequately, on quantum/settlement

## Energy & Utilities

Ed acts on behalf of both providers and consumers in relation to energy and telecommunications contracts and has dealt with claims involving:

- Deemed contracts
- Erroneous transfers
- Backbilling
- Agency
- Alleged mis-selling
- Misrepresentation
- The Direct Debit Guarantee scheme
- Data Protection Act breaches
- The sale and installation of renewable energy technologies
- Proceedings under the Torts (Interference with Goods) Act 1977

Ed's previously wide civil practice, encompassing insolvency, personal injury, property and commercial matters, means he is excellently placed to deal with energy and utility claims involving multiple legal aspects.

## Property

Ed has extensive Property Law experience:

- Landlord and Tenant (residential and commercial)
- Charging orders
- Orders for sale
- Vesting orders (including bona vacantia)
- Possession (including defending possession on human rights grounds)
- Forfeiture
- Service charge disputes (First Tier Tribunal and County Court)
- 1954 Act matters
- Dilapidations
- Tenancy deposit disputes
- Adverse possession

- Restrictive covenants
- Easements
- Riparian rights
- Boundary disputes
- Trespass and nuisance

Recent cases include:

- Successful proceedings for relief from forfeiture with respect to the lease of roof space for the placement of solar panels. Ed also secured a costs order in the tenant's favour.
- Advice on the enforceability of, and potential to remove, a restrictive covenant to enable a change of use from commercial to residential.
- Successful application to amend a suspended possession order to impose further terms.

## **Commercial**

Ed acts in a range of general contractual matters regarding the sale of goods, supply of services, consumer credit and debt recovery.

He regularly conducts claims involving issues such as agency, construction/interpretation of contracts, misrepresentation, conflict of laws and arbitration or mediation clauses.

Ed also has experience of partnerships, limited liability partnerships and acts for petitioners and debtors in commercial and personal insolvency actions.

Ed has an extensive understanding of credit hire and subrogated claims on behalf of insurers, with an in depth knowledge of the relevant statutes and case law.

Recent cases of note:

- A complex case in the TCC involving the "upseating" of coaches.
- A case involving in depth analysis of the British Standards relevant to the manufacture of Insulated Glazing Units.
- A successful ex parte injunction and subsequent substantive proceedings for breach of a non-disclosure agreement and misappropriation of confidential business information.
- A successful ex parte injunction and return hearing to restrain the presentation of a winding up petition for a haulage company.

## **Construction**

Ed is regularly instructed on residential construction disputes and is looking to expand his practice into commercial construction work. He is currently studying part time for the prestigious MSc in Construction Law and Dispute Resolution at King's College London.

His previous cases include:

- Disputed payments to architects under a development scheme and conditional sale agreement;
- Alleged breach of contract/negligence with respect to:
  - Ground/piling works
  - Design and fabrication of the steel framework for a residential property
  - Renovation and extension of a residential property
  - Construction of a new build residential property

- Battle of the forms claims
- Advising an architect with respect to work done under a letter of intent
- Mediation advocate for a company alleged to have been negligent in the design for tying in the front elevation of a £multi-million block of flats in London

Ed has also successfully mediated residential construction disputes.

### **Academic Qualifications**

- BVC, Bristol Institute of Legal Practice – Very Competent
- LL.B (Hons), The University of Manchester – 2:1
- LL.M (Advanced Legal Practice), University of the West of England

### **Scholarships**

- The Churchill Scholarship, Gray's Inn
- The Holt Award, Gray's Inn
- The Manchester Leadership Award, The University of Manchester

### **Professional Qualifications & Appointments**

- ADRg Accredited Mediator

### **Professional Bodies**

- Professional Negligence Bar Association
- Property Bar Association

Email: [mediation@clerksroom.com](mailto:mediation@clerksroom.com)

Clerksroom, Equity House, Blackbrook Park Avenue, Taunton TA1 2PX