

Henry Hawkesworth

Call: 2018

"We are super pleased with Henry. He duly deserves five stars for his professional service. I look forward to working with him in the future."

INSTRUCTING SOLICITOR



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Henry Hawkesworth joined Pump Court Chambers in December 2018.

He is a civil practitioner with a practice chiefly encompassing:

- personal injury, including clinical negligence;
- trusts of land disputes, (mainly under TLATA 1996) and proprietary estoppel;
- residential and commercial landlord and tenant;
- real property; and
- general commercial litigation.

Henry also maintains a parallel practice in family law, focussing on:

- private disputes relating to children under the Children Act 1989; and
- applications for non-molestation and occupation orders under the Family Law Act 1996.

Henry is highly regarded by his solicitors and clients for his thorough preparation, clear advice, and straightforward manner.

Before coming to the bar, Henry read Music at King's College, Cambridge, where he sang as a choral scholar. He won the Bertram Faulkner Prize twice consecutively, and the Harmer Prize in his final year.

Expertise

Personal Injury

Henry has advised and acted in personal injury cases of significant gravity, and these include:

- advising a care home on liability and quantum in relation to a patient's diagnosis and development of stage 4 pressure sores, which may have been causative of a sepsis diagnosis which caused death;
- advising a beautician on liability and quantum in several related claims relating to allegations of negligently administered filler, and facial scarring;
- advising a claimant on prospects and liability following a diagnosis of sepsis, and scarring, following intensive work on a flooded farm;
- advising a care home on liability where they had allegedly wrongfully administered a vaccine;
- advising a construction company on liability and quantum in a claim involving significant back injuries sustained on a building site covered by Construction (Design and Management) Regulations 2015;
- advising and drafting pleadings in a claim relating to psychiatric injuries arising out of workplace harassment under the Protection from Harassment Act 1997.

Henry appears in all tracks in personal injury litigation, at trial and at interlocutory hearings, representing claimants and defendants.

He is happy to advise at all stages of proceedings, and draft pleadings. He has drafted schedules of loss well in excess of £200,000.

He has experience in credit hire claims of the greatest value, having acted in matters where the claim for hire has been in excess of £95,000. He also has experience of acting in claims involving plated vehicles. Henry enjoys formulating novel arguments in this heavily litigated area, and is familiar with the relevant case law.

He frequently acts on behalf of Defendants where fundamental dishonesty is alleged. He is familiar with the relevant case law in this area, and is keen to develop his counter-fraud practice.

Road traffic claims form a large part of Henry's personal injury practice. However, he also has experience of claims falling under the Public Liability protocol ('tripper' cases), Employers Liability protocol, claims under the Occupiers Liability Acts 1957 and 1984, and claims under the Animals Act 1971.

Business & Commercial

Henry has experience of commercial litigation in all tracks, and is keen to build his practice in this area. His experience includes:

- representing the Claimant at trial in a claim in unjust enrichment for the return of overcharged VAT on a construction project (matter settled on terms favourable to the Claimant);
- representing the Defendant at trial in a claim in breach of contract in respect of a rejected order for heavy duty machine washing equipment;
- advising and drafting pleadings in a claim in respect of a loan expressed by way of promissory note;
- advising and representing the Claimant at trial in a claim in respect of misrepresentation / pressure sale of solar panels;
- representing the Defendant and Part 20 Claimant at trial in a claim in respect of unpaid commission and factoring costs arising out of a joint venture between two logistics companies complicated by lack of adequate disclosure (Henry secured the dismissal of the Claim and judgment for the full value of the Counterclaim);

- representing the Defendant at trial in numerous claims in respect of repayment of PPI premiums pursuant to section 140A of the Consumer Credit Act;
- representing a associate dentist at trial in recovery of significant unpaid fees from a dental practice under a retainer, complicated by various evidential issues as to the practice's records;
- representing a Defendant and Pt 20 Claimant in long running proceedings relating to various oral agreements for the provision of dental services, and loan agreements. Henry successfully secured the setting aside of a judgment entered due to non-attendance of the Defendant at the previous trial, despite the application being made four months after judgment being entered, and proceeded to represent the Defendant at the newly listed trial.

Henry has experience representing creditors & debtors in bankruptcy petitions, winding up petitions, and applications to set-aside statutory demands.

Henry is keen to develop his general commercial practice, and is happy to draft pleadings and advise in this area.

Landlord and Tenant

Henry has experience of possession proceedings relating to residential property, acting regularly for both tenants and landlords. He has appeared in trials where substantial disrepair has been alleged to set off rent arrears.

He has also advised on seeking section 146 determinations in the First-tier Tribunal, prior to forfeiture being sought, and has experience of stand-alone housing disrepair claims, and claims against rogue landlords under the Protection from Harassment Act 1997.

Henry has experience of human rights / Equality Act 2010 defences to possession claims brought on mandatory and discretionary grounds, and is happy to act and advise in this area.

Henry also increasingly acts for commercial landlords, chiefly in forfeiture proceedings, and is happy to advise and act in this area.

Recent cases include:

possession by forfeiture of a commercial bakery, complicated by the occurrence of a serious fire of the premises. Henry secured suspended possession, conditional on payment of in excess of £70,000 arrears;

representing the commercial landlord in long running forfeiture proceedings, complicated by subsidence at the property;

representing a commercial landlord in long running forfeiture proceedings, complicated by subletting in averred breach of covenant, a laches defence, and disrepair issues;

advising and drafting pleadings in a case of residential breach of covenant, concerning numerous unauthorised additions and structural alterations to the property over a period of twenty years;

advising and drafting pleadings for the superior landlord in a case of unlawful subletting of residential property, where a Local Authority has become an intermediate landlord in breach of covenant, complicated by human rights and capacity issues;

successfully securing judgment against a rogue landlord for unlawful eviction.

Real Property

Henry has a steadily increasing number of instructions in matters relating to real property. His recent cases include:

- successfully representing the Defendant in a claim for injunctive enforcement of a easement dating back to the 1890s (Henry represented and advised the Defendant from an early stage, and secured a discontinuance after drafting a letter four weeks prior to trial);

- successfully representing a Local Authority in an application to discharge a restrictive covenant under section 84 Law of Property Act 1925, which limited a plot of land to a certain mode of use which drastically restricted its value (Henry advised, drafted the application and response to objection, and an advantageous settlement was achieved following issue of the application, without the matter needing to proceed to a hearing);
- drafting Particulars of Claim in a claim enforcing an easement over a pathway;
- advising and drafting objections in an application for adverse possession.

Henry is keen to build his practice in this area, and welcomes appropriate instructions.

Cohabitation & Co-ownership

Henry now has a significant and increasing number of instructions in cohabitation disputes, and is happy to assist pre-issue, in mediation or early neutral evaluation, or at any stage of litigation.

Henry receives many instructions in applications under TLTA 1996 or in proprietary estoppel.

He has advised and acted in claims involving undue influence, breach of trust, fraud and mistake, and is happy to advise at all stages of proceedings in this high risk jurisdiction.

His cases have included properties valued in excess of one million pounds. They include:

- claims for the order of sale of jointly owned property, where one party remains in occupation;
- claims for occupation rent where one party has been excluded (constructively, or otherwise);
- claims for a declaration as to a beneficial interest based on a common intention constructive trust;
- claims for declarations as to the existence of a life interest trust;
- claims for a declaration as to a beneficial interest arising as a result of fraud, breach of fiduciary duty, mistake or undue influence.

Henry has obtained advantageous outcomes in this area, and is always happy to draft pleadings and advise.

Children Law (Private)

Henry is pleased to receive instructions in private children disputes and has considerable experience in applications under the Children Act 1989 of all types in the family court.

He has acted for both the party averring and the party defending allegations of domestic abuse. At fact-finding hearings, he has secured significant findings of harm perpetrated against the subject children, sexual abuse, and coercive and controlling behaviour. He has also successfully defended allegations of the utmost gravity, including rape, and has secured findings from tribunals that allegations have been made baselessly and maliciously.

He has persuaded tribunals to go against Cafcass recommendations on several occasions, at the interlocutory stage and at final hearing.

Henry prides himself on a compassionate and clear manner with his lay clients. He is aware that in cases that permit it, settlement will often be in the best interests of all the parties, and in such circumstances Henry endeavours to be a pragmatic, reasonable and

robust negotiator.

Family Law Act 1996

Henry has experience of applications under the Family Law Act 1996 for non-molestation orders and occupation orders, and has represented clients up to final hearing.

He has successfully defended applications for non-molestation orders, and in one recent trial secured a finding from the district judge that 'no molestation whatsoever [had] occurred'. He also recently persuaded a court, on the specific facts of the case, to accept undertakings from a respondent and dismiss the application, where this course was opposed by the applicant.

Injunctions under the Family Law Act 1996 are generally draconian, and where applications have been spuriously made, Henry is not afraid to advocate a robust approach.

Professional Negligence

Henry has experience acting for Claimants in professional negligence claims against a range of professionals, including accountants and construction managers. He has a strong appreciation of the importance of careful case preparation at an early stage and is particularly astute to the need for claims to be precisely and robustly pleaded from the outset.

Henry is frequently instructed to advise at the pre-action stage and provides clear, pragmatic advice on prospects and strategy. He is adept at identifying the key issues of breach, causation, and loss at an early stage, with a view to ensuring that claims are presented in a way that is both technically sound and commercially effective.

Henry is keen to further develop his professional negligence practice and welcomes instructions in this area.

Qualifications

- City, University of London: BPTC – Outstanding
- Oxford Brookes School of Law: GDL – Distinction
- King's College, Cambridge: MA (Music) – 2:1
- Ampleforth College

Professional Associations

The Honourable Society of Gray's Inn

Professional Activities

- Twice winner of the Bertram Faulkner Award (University of Cambridge)
- Harmer Prize
- Oxford Brookes School of Law Mooting competition: 2nd place

Outside Interests

Outside the Law, Henry is a keen pianist and singer, having been a choral scholar of King's College Cambridge as an undergraduate.