



PUMP COURT

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OLIVER FOY

"He gives straightforward advice that clients can easily understand. His drafting is strong and he is a convincing advocate."

Solicitor

Call: 2016

For enquiries please call +44(0)1962 868 161 or email

Oliver Foy has a broad and busy common law practice covering all areas of Chambers' work. He brings a diverse and complementary skill set to his advice, drafting and court representation. Ollie accepts instructions at any stage of litigation, or contemplated litigation, across civil, family and crime.

Ollie read Law at Queen Mary University of London and University College London. He went on to assist Berwin Leighton Paisner with a compliance project during their merger with Bryan Cave and then worked as a County Court Advocate before commencing pupillage.

Family Finance & TLATA

Ollie is regularly instructed in family finance matters. He has built up considerable experience in all stages of financial remedies, from first appointment to final hearing.

Ollie's experience extends across the full range of associated applications. He has dealt with contested divorces, freezing injunctions and jurisdictional issues.

Ollie has a growing TLATA practice, having successfully advised and represented clients in numerous and varied TLATA instructions.

Ollie enjoys the intellectual depth of these subjects and is able to get to grips with the complex factual and legal aspects of family finance and TLATA cases.

Selected Cases

I v A

2-day final hearing chiefly concerned with the beneficial interests in foreign property situated in Pakistan. The case centred on expert evidence and the influence of non-disclosure.

O v O

An FDR, culminating in settlement, in which the parties had 10 properties between them, in both sole and joint names.

A v A

Application for a financial remedy based on a (disputed) concluded agreement, the key issues being the existence of a concluded agreement and whether that agreement was fair within the meaning of the MCA 1973.

S v S

Application to discharge an undertaking given in a consent order to make child periodical payments. Ollie successfully opposed the application and secured a costs order on behalf of his client.

K v T

Enforcement application relating to an order for sale dating back to 2006. The application was complicated by the fact that the property had been re-mortgaged without the knowledge of the other party.

W v W

Variation application to reduce periodical payments after the pandemic had a significant impact on the applicant's business interests.

A v A

Application for an occupation order under s.36 FLA 1996 and injunctive relief under FPR 20.2 in order to protect ongoing Schedule 1 proceedings by preventing a scheduled eviction.

N v G

TLATA cross-applications with both parties asserting a beneficial interest in the other's property. Aside from classic common intention constructive trust and proprietary estoppel arguments, the case involved an interesting abuse of

process argument. Ollie successfully argued that the other side's case amounted to a collateral attack on an earlier decision of a court.

N v D

Application for sale of the family home made by a trustee in bankruptcy, involving establishing beneficial interests under TLATA and the possibility of a transfer at an undervalue.

Property Law

Ollie provides advice and representation across the spectrum of property matters, both residential and commercial. His experience ranges from possession claims to boundary disputes.

Ollie enjoys writing and speaking about the subject. He has written articles for the University of Oxford Property Law Blog and the Property Law Journal. He was one of the speakers at Pump Court's 2022 property update.

Selected Cases

S v R

Successful application to the High Court for an interim injunction restraining the sale of a property by receivers.

L v B

Claim made by the neighbour of a pub alleging that a right of way over the pub's car park had been acquired by prescription, under common law and/or the Prescription Act 1832.

P v W

Boundary dispute involving the interpretation of the nature and extent of an easement granted by a predecessor in title.

C v B

Forfeiture proceedings arising after a leaseholder's insolvency, complicated by the fact that the leaseholder had granted a number of sub-leases out of the leasehold estate.

S v C

Provided in-depth written advice, drafting and representation for a dispute concerning the enforceability of a restrictive covenant dating back to 1893.

C v O

Advice on an equitable claim for restitution by contribution arising from a joint obligation to pay rent under a lease.

C v S

Advice on the existence of a business lease and whether it had been surrendered or forfeited, as well as the consequent liability for rent and business rates.

A v C

Application for an order for sale, appearing on behalf of the defendant. The order for sale was suspended despite no payments having been made for over 2 years and no engagement with proceedings until the hearing.

Inheritance, Wills & Probate

Ollie has a keen interest in inheritance work and is growing his practice in this area, which fits well with his established property practice. Ollie can advise or represent clients across the full range of contentious probate.

Selected Cases

Estate of JL

Advice on whether an estate had any interest in a property which had been purchased as part of a sub-selling arrangement in 2008 but title was never registered and whether the estate had any right to claim a proportion of the rent paid by the tenants in situ.

Estate of SB

Advice on testamentary capacity and procedural elements of a probate claim, with concomitant issues arising where the will was prepared by solicitors.

Commercial

Ollie has a very good grounding in civil work having been a County Court Advocate prior to commencing pupillage.

Ollie has built on this experience by advising and representing clients in a diverse range of commercial matters. This includes breach of contract claims, bankruptcy, Company Act claims and claims under the Consumer Credit Act 1974.

Selected Cases

A v B

Claim made by a selling agent seeking damages for an unpaid invoice when the sale of a development site collapsed after exchange of contracts. The key issues were incorporation of terms and promissory estoppel.

B v A

Drafting the defence and counterclaim for a multi-track claim between two commercial parties involving the supply of goods alleged to have been of unsatisfactory quality and not fit for purpose.

C v G

Drafting the defence in response to a claim for a purported introduction agent's commission, the central issue being the existence of actual or ostensible authority to act on behalf of the principal.

F v R

Advice on a proposed claim arising out of defective building works. The works were completed over six years previously and a breach of contract claim was time-barred. The advice concerned the availability of a tortious claim for pure economic loss.

H v C

Claim seeking to recover significant sums paid from one partner to another in the context of a relationship. The ultimate question for determination was whether the sums were a gift or a loan. Ollie succeeded in obtaining judgment for the full amount paid by his client.

Employment

Ollie has particular experience in employment law having been under the supervision of Heather Platt during pupillage. Ollie has therefore been exposed to the full spectrum of employment work and is building on his knowledge gained as a pupil. He appears regularly in the Employment Tribunal and has a budding paperwork practice, which includes written advice and drafting.

Selected Cases

S v G

Appeal to EAT focusing on whether allegations of paedophilia can fall within the definition of sexual orientation in the Equality Act 2010 and, consequently, whether the claimant's pleaded case included a harassment claim.

B v A

Preliminary hearing considering whether a purported notice of termination of employment was admissible in proceedings given that it was contained in a without prejudice email.

A v C

5-day final hearing, appearing on behalf of the respondent. The claimant brought claims of constructive unfair dismissal, direct race discrimination, unlawful deduction from wages and breach of contract. All claims were dismissed.

V v B

2-day final hearing, appearing on behalf of the respondent. The hearing was to determine the employment status of the claimant. The claimant opted to settle the case at the beginning of day 2 after Ollie had concluded his cross-examination.

E v F

3-day final hearing, appearing on behalf of the claimant. The respondent did not take up the opportunity to respond to Ollie's closing submissions and instead settled the case prior to the remedy hearing.

P v H

Preliminary hearing to determine disability, appearing on behalf of the respondent. The judge found that the

claimant was not disabled within the meaning of the Equality Act 2010, thereby removing the overwhelming majority of the claimant's claims.

A v R1, R2, LBH

Drafted grounds of appeal to the EAT after an employment judge held that the respondent, rather than the local authority, had employed the claimant to care for her disabled son. The judge had failed to consider the judgment in *South Lanarkshire Council v Smith* UKEAT/873/99 and the significance of the local authority's statutory duty to care for disabled people.

Personal Injury

Ollie is regularly instructed in small claims and fast track trials arising from road traffic accidents, often involving credit hire and fundamental dishonesty.

Selected Cases

D v J and S

Fast track trial, acting for the co-defendant, in which Ollie successfully secured a Sanderson costs order in favour of his client.

D v M

Small claims trial to determine quantum (diminution in value), appearing on behalf of the defendant. The claim was dismissed after Ollie persuaded the court that the engineer's report was insufficient to establish diminution in value without the repair invoice.

Children Law (Private)

Ollie has acted in all stages of private law children proceedings, from preliminary advice to final hearings. Ollie has represented parents at numerous fact-finding hearings, both alleging and defending serious allegations. Ollie has dealt with cases involving physical abuse, sexual abuse, emotional abuse and parental alienation.

Selected Cases

D v D

2-day fact-finding hearing, representing the respondent father against whom 17 separate allegations had been made. No allegations were proved beyond the admissions made by the respondent.

P v P

4-day fact finding hearing, representing the applicant mother in a hearing involving extensive police disclosure. The applicant made 11 allegations, of which 10 were proved. Cafcass ultimately supported an order for no contact with the respondent father.

P v W

1-day final hearing, appearing on behalf of the respondent mother. The respondent's case focused on the section 7 report's incompatibility with PD 12J and Ollie conducted lengthy cross-examination in relation to the same. The judge agreed that the report was defective in this respect.

W v B

1-day final hearing, appearing on behalf of the respondent mother. Ollie secured a shared care order notwithstanding the respondent mother's conviction for assault occasioning ABH against the father and consequent eviction from the family home.

Criminal

Ollie's crime practice consists mainly of criminal defence work, with a focus on motoring offences. Ollie is frequently instructed in the Magistrates' Court and for appeals and sentences in the Crown Court. Ollie is also a Level 1 CPS Panel Advocate.

Selected Cases

R v M

2-day speeding trial, appearing on behalf of the defendant. The Crown offered no evidence after a series of technical arguments concerning hearsay, disclosure and prescribed speeding devices.

R v B

Trial involving allegations of domestic violence made by a husband against his wife. Ollie represented the defendant and the case was dismissed at half-time. The Bench commented that the evidence was rendered unreliable as a result of Ollie's cross-examination.

R v N

Successful special reasons argument where the defendant was found guilty of failing to provide a specimen for analysis but had no intention of driving.

R v G

2-day Newton hearing at Bulford Court Martial, appearing on behalf of a soldier accused of assaulting a fellow soldier with a glass bottle while overseas. The soldier was found not to have used a glass bottle and was sentenced to detention rather than dismissal.

R v Q

Sentencing hearing for a 16-year-old who had pleaded guilty to 15 robberies and possession of an offensive weapon. An 18-month DTO was imposed.

Qualifications

- LLB (Queen Mary University of London)
- LLM (University College London)
- BPTC (BPP Law School, London)

Professional associations

- Family Law Bar Association
- Employment Lawyers Association
- Criminal Bar Association
- Level 1 CPS Panel Advocate

Professional activities

- Buchanan Prize (Lincoln's Inn)
- Excellence Scholarship (BPP Law School)
- Oxford University Press Prize (Highest mark in Equity and Trusts at Queen Mary University of London)
- Queen Mary Commonwealth Placement (Cape Town, South Africa)
- CBA Bursary Award for Excellence in Advocacy
- University of Oxford Property Law Blog
- Property Law Journal
- BVL Moot Mentor

Outside Interests

Ollie is a fervent football fan who loves to play and watch the beautiful game. He is a steadfast Sunderland supporter, which means he is imbued with an eternal sense of optimism.

Publications

Detrimental reliance and the common intention constructive trust – (Property Law Journal – December 2022)

Receipt of property subject to an undertaking in the domestic context – (University of Oxford Property Law Blog – August 2020)

R v Jogee and Ruddock v R [2016] UKSC 8 (joint enterprise liability) – case commentary [2016] 7 B.P.P.H.R.J. 105

R v O [2019] EWCA Crim 1389 (test on appeal for victims of trafficking) – case comment (Pump Court Crime Team Newsletter – Winter 2019)

R v RT & Anor [2020] EWCA Crim 155 and *R v Reece (David)* [2020] EWCA Crim 44 – implied warnings to trial counsel” (Pump Court Crime Team Newsletter – Spring 2020)