



PUMP COURT  
CHAMBERS

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## TIMOTHY SALISBURY

Call: 2010

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Timothy Salisbury has a civil and commercial practice encompassing commercial litigation, property, landlord and tenant, personal injury and aviation. He is able to provide advisory, drafting, and advocacy expertise at all stages of the litigation process. Timothy also has experience of ADR, including mediation.

Before joining the Bar, Timothy worked for a magic circle law firm as a paralegal in the Dispute Resolution department, primarily within the Commercial Disputes Group and International Arbitration Group. Before pursuing his legal studies, Timothy worked in publishing.

### Commercial & Chancery

Timothy has experience of dealing with a wide range of commercial matters including contractual disputes and matters relating to the sale of businesses. He has represented clients both in court and at ADR.

In addition to experience with commercial contracts, he has also been instructed in relation to a number of cases concerning disputed loan agreements made within a domestic setting.

Timothy appeared as a junior in the Queen's Bench Division for the trial of a matter concerning the imposition of trusts in Hawala banking in a claim brought against a CJA court-appointed receiver.

Timothy was instructed as a junior in the High Court on a complex assessment of damages following judgment in default being entered in a claim relating to an alleged advance fee fraud.

Timothy was also instructed by the Serious Fraud Office to assist with a large-scale disclosure exercise and to draft witness statements in support of the SFO's defence to a multi-million pound damages claim.

As well as being instructed in a variety of civil and commercial matters as an advocate, Timothy accepts instructions to draft commercial pleadings.

## Selected Cases

### **F v F (2016) Northampton County Court**

successfully represented a claimant in the recovery of a substantial unsecured loan made by the claimant to the defendant (who was the former wife of claimant's late-husband). The defendant contended that the payment was for her interest in her former matrimonial home; however the court held that the payment by the claimant had been made by way of a loan.

### **P v F, F & B (2015) Birmingham County Court**

Represented the defendants to a breach of contract claim following the sale of a restaurant business. Successfully established numerous breaches of warranties by the claimant vendor allowing for a substantial set off by the defendants.

### **Mirza & Ors v Sara Dayman [2015] EWHC 1902 (QBD)**

instructed by the Treasury Solicitor's Department and led by Nicholas Cox (4 Stone Buildings) in the successful defence of a claim against a court-appointed CJA receiver relating to monies remitted as part of the Hawala banking system held in a bank account subject to a restraint order. The claimants alleged that sums paid as part of the Hawala banking system were subject to a trust. The High Court held that the property in the account was not subject to any trust and the defendant had been entitled to exercise her lien over the money. Further, the exercise of that lien did not constitute a breach of the claimants' rights under article 1 of the First Protocol of the European Convention on Human Rights.

## Property Law

Timothy provides advice and representation in property disputes with experience of proceedings concerning both residential and commercial property.

He has experience in the County Court of residential possession proceedings brought by both landlords and mortgage lenders. He has acted in dilapidations claims and licence disputes. Timothy has also has experience of service charge disputes in the First Tier Tribunal (Property Chamber). He has advised on forfeiture/breach of covenant matters concerning commercial premises.

## Selected Cases

### Re X Road (2018)

Provided advice to landlord following the wrongful forfeiture of a commercial lease.

### T Ltd v D Ltd (2017)

Acted in a breach of contract claim concerning the return of deposit following the conclusion of a commercial licence.

## Aviation

Timothy accepts instructions in a wide variety of aviation matters and has experience of representing carriers both at trial and in interlocutory hearings. Timothy's aviation practice predominantly comprises of denied boarding and delay claims under Regulation (EC) No. 261/2004 and claims under the Montreal Convention for delay, damage and bodily injury. He is also regularly instructed to draft pleadings and interim applications in such claims. Timothy has also successfully defended contractual (non-Convention) claims for denied boarding and applications contesting jurisdiction.

In addition to claims pertaining to carriage by air, Timothy has acted in a number of cases brought against non-carrier businesses operating in the aviation sector, predominantly comprising of claims connected to airport operators or airport-based service providers.

In the Travel Law sphere, Timothy has handled 'pure' travel law claims as well as hybrid claims involving aviation issues.

## Selected Cases

### Prosser v British Airways PLC (2018) Pontypridd County Court

Timothy acted for British Airways in the successful defence of a claim brought under the Montréal Convention 1999 by a passenger who alleged that he had suffered bodily injury after being seated next to an obese passenger during a long-haul flight.

## Negligence & Personal Injury

Timothy regularly appears in trials and at interim hearings for claims brought following road traffic accidents on all tracks. He has particular experience of claims relating to negligent actions of passengers and of costs arguments concerning the fixed recoverable costs regimes of CPR r.45.

Timothy has extensive experience of credit hire claims, acting for both claimants and defendants. He also has substantial experience of acting for both claimant and defendant in claims involving allegations of 'fundamental dishonesty'.

Timothy has court experience of EL/PL claims at Fast Track and Multi Track level.

As a result of his Aviation practice, Timothy has dealt with a number of Montreal Convention claims for bodily injury. He also has experience of travel sickness claims.

From 2012 to 2015 he regularly provided advice on personal injury claims against NOMS and the Ministry of Justice as a member of the Government Legal Division's 'Baby Barrister' scheme.

He is regularly instructed on appeals in the County Court and High Court.

## Selected Cases

### **Karnicka & Anr v Zborek & Anr (2018) Reading County Court, (Westlaw: 2018 WL 03013003/ Lawtel: AC5003271)**

Acted for the claimants at trial and in written submissions on costs concerning the operation of the Fixed Recoverable Costs regime. After finding for the claimants at trial, following written submissions the circuit judge held that the FRC rules permitted a set of solicitors' fixed costs (as provided for by CPR r.45.29C) was recoverable by each claimant.

### **Enniful v 1) Motor Insurer's Bureau 2) Husseyin [2017] EWHC 1086 (QB)**

Instructed on behalf of the appellant/claimant. A recorder had been wrong to find that a claimant had filed an appeal against the striking out of her claim three days out of time. The amended appeal grounds were to be served within six weeks of "receiving" the striking out order. On its natural meaning that meant from the date of receipt and on that basis the claimant had filed on the deadline date.

### **W & R v M & E Plc (2017) Lewes County Court**

Acted for the claimants in a successful claim for damages on the Multi Track following an RTA. Fraud was alleged by the Second Defendant.

## Qualifications

- Blackstone Entrance Exhibition, Middle Temple
- BVC (Very Competent), BPP Law School
- GDL (Commendation), BPP Law School
- BA (Hons), University of Durham

## Professional associations

- COMBAR
- PIBA

## Outside Interests

Timothy is a trained classical singer and sings with a number of amateur and professional choirs. He is a former member of the Middle Temple Revels.

Timothy is a keen cook and spends much of his free time in the kitchen.