



Paul Tapsell

Date of Call: 1991 (Middle Temple)

Qualifications: Law LLB (Hons), Civil Mediation Council accreditation (2019)

Memberships: Criminal Bar Association; Employment Bar Association; Planning & Environment Bar Association; Kent Bar Mess; South Eastern Circuit

Direct Access Qualified

Paul has been a Canterbury-based barrister since 1992, and has extensive experience in a range of areas of work, working mostly in the local Courts and Tribunals. His specialist areas include Probate, Property/Land Law (especially boundary disputes) and Employment, and he particularly welcomes enquiries from people interested in working with him via Direct Access.

He works with clients involved in a range of disputes arising from ownership and interest in land, for example arguments about boundaries between neighbouring properties, or claims under the Trusts of Land and Appointment of Trustees Act 1996. In his probate work, he represents and advises clients where they are involved in an argument about a will, or where someone has died intestate.

In employment cases, Paul will act either for an employer or employee, dealing with matters including unfair dismissal, redundancy, discrimination and Transfers of Undertakings (TUPE).

As well as acting for private individuals or businesses, Paul acts for the Home Office (National Crime Agency (NCA) Revenue and Customs, etc.) in connection with cash seizure and forfeiture proceedings and/or condemnation cases involving intercepted excise goods (tobacco and/or alcohol).

He is a Civil Mediation Council accredited mediator, bringing his approachable, objective, pragmatic and realistic attitude to mediations, encouraging clients to consider win/win scenarios and reach constructive resolutions.

Paul prides himself on his reputation for giving objective, pragmatic and realistic advice. He is very approachable, and is always aware that, for many of his clients, the court process will be unfamiliar and stressful, and that being in a position to need a barrister can itself be a source of anxiety.

He aims, through the advice, guidance and support that he offers, to help to reduce that stress – ensuring that his clients are fully aware of their position and the likely outcome at each step in the proceedings. His aim is to resolve conflict and, where possible, to avoid the need for lengthy and costly court proceedings – though where court proceedings become inevitable, he is a robust advocate.

Property and Land Law

Paul regularly represents clients in a wide range of disputes arising from interests in land, including boundary disputes between neighbouring properties, claims under the Trusts of Land and Appointment of Trustees Act 1996, etc.

Boundary issues can have enormous emotional impact – particularly when dealing with disputes between neighbours who have to continue to live next to each other. Paul has developed particular expertise in dealing with the stress and emotional impact that these issues can have on his clients; and takes a pragmatic, common sense approach to guiding them through their options. This frequently includes advising clients to attempt to seek alternative ways of resolving their issues before resorting to court action.

Paul's expertise includes a wide range of issues, including;

- neighbourhood issues, e.g. boundary disputes, disputes about rights of way, or adverse possession claims;
- claims under the Trusts of Land and Appointment of Trustees Act 1996 about interests in or joint ownership of land or property;
- whether restrictive covenants, e.g. against building on or a particular use of land, are enforceable.

Employment

Paul regularly works with either employers or employees in employment cases, dealing with matters including unfair dismissal, redundancy, discrimination (by reason of sex, race, disability, etc.) and Transfers of Undertakings.

He can also assist and support on an advisory basis at an early stage of any work-place disputes so as to ensure that litigation can be avoided. If proceedings are issued, Paul can assist with ensuring that clients obtain suitable evidence to support their position, or help them to reach a suitable compromise settlement.

Probate and Inheritance

Paul has extensive experience of working with clients involved in matters to do with inheritance. Frequently, this means dealing with disputes relating to the administration of estates; for example, claims against Executors where a will has failed to make adequate provision for dependents, or where there is an issue of the deceased's capacity at the time of making the will.

He also works with clients to resolve matters where someone has died without making a will.

Condemnation and Cash Forfeiture

Paul appears regularly in various Magistrates and Crown Court cases dealing with matters involving the interception of vehicles travelling to or from the continent – where cash, excise goods (alcohol or tobacco) and/or the vehicle have been seized by Customs officers for some reason.

He has considerable experience in representing businesses or private individuals (as well as acting for the Home Office (NCA, Customs, etc.)), in connection with proceedings as a result of cash seizure and forfeiture and/or condemnation cases involving excise goods (tobacco and/or alcohol) arising from these interceptions mainly at Dover or the Channel Tunnel.

Many of Paul's cases have involved foreign nationals, so he is experienced in working with clients whose first language isn't English and where the additional services of an interpreter are required.

In addition he is often instructed in confiscation hearings arising from Proceeds of Crime Act (POCA) Orders made following conviction.

Planning

Paul frequently acts for clients, from developers to private individuals, involved in planning disputes, assisting with initial advice in connection with planning applications, undertaking planning inquiries and hearings, and appeals to enforcement proceedings in either the criminal courts or as part of civil proceedings for injunctions and/or damages, in the High Court or County Court.

His experience includes consulting and instructing experts, including leading authorities in Listed Building status, English Heritage, and specialists in assessing the environmental impact of developments.

Civil Mediation

Paul is a Civil Mediation Council accredited mediator, helping clients to reach swift, cost-effective resolutions without having to go to court, or to avoid proceedings becoming lengthy.

Mediation can be used at any stage - before going to court or even after proceedings have begun, and can help you to reach an amicable, confidential resolution. Paul helps his clients to negotiate settlements which can also result in a binding agreement.

As an accredited mediator, Paul can deal with all types of civil or commercial matters, including contract disputes, wills and probate matters, property, e.g. neighbour and boundary issues and business/company disputes.

Testimonials

"Housing and planning disputes form the mainstay of his practice and he is a popular choice of counsel for advising local authorities. He is also noted for his expertise in boundary disputes. Recent work: Advised in Ashford Borough Council v Brunger, a possession action involving a substantial counterclaim alleging illegal eviction." Chambers and Partners 2016



"He's got a good bearing in court, and a very convincing manner." "He is very approachable, and he can pick up and run with any matter he is instructed on. He is a very persistent advocate." Chambers and Partners 2015.

Notable Cases

Barratt v Ashford Borough Council [2011] EWCA Civ 27