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Giles Gunstone

Year of Call 2007

Giles practiced as a solicitor before joining KCH Garden Square in 2007 as a member of the Civil team. He has a direct and robust approach to cases and will pursue an argument with vigour, backed up by a high regard for the client's best interests.

Practice Areas

Civil Direct Access

Summary

During his practice at chambers, Giles' work has been a mixture of property litigation, commercial law (including employment) and general civil litigation (usually excluding Personal Injury). As an experienced advocate, Giles has always enjoyed going to Court or Tribunal.

Property Litigation has been a part of Giles' practice for many years and he is able to advise and deal with cases involving landlord and tenants disputes, issues as to possession, the enforceability of covenants, mortgages and problems between neighbours. Like others in chambers, Giles is particularly experienced in cases involving social housing and has acted for many local authorities and housing authorities and has been instructed by most of the local solicitors with a legal aid contract for housing. In all these cases, Giles has a realistic approach and will explore practical solutions to satisfy the client's requirements.

Giles has often worked for limited companies and their owner managers. He has wide experience in commercial contract disputes and debt recovery. The solicitors' practice in which Giles was a partner had a particular reputation in insolvency, and Giles is familiar with most issues that are likely to be experienced in both personal and corporate insolvency. He has worked with (and against) many local insolvency practitioners. One niche that is taking an increasing amount of Giles' time is that of minority shareholder actions. Disputes between shareholders are difficult, and can involve different areas of practice. Giles can advise fully and can consider not only the claims of competing shareholders, but also the potential for claims relating to the related capacities of being a director and / or an employee.

In employment cases, Giles has acted for both Employers and Claimants. His cases involve the “usual” claims of unfair dismissal and discrimination under the Equality Act, but Giles also has experience of areas of employment such as TUPE, wrongful dismissal, holiday pay, redundancy, restrictive awards and covenants in restraint of trade.

A further and rather niche area of work has recently be added to Giles’ areas of work, and that is work in the Coroners Court. Attending at inquests and representing interested parties requires a very different style of advocacy and a degree of familiarity with the statutory foundation of the Coroners Court and the substantial caselaw that has developed over many years. Giles has acted for various different parties, including local authorities, involved families and companies who might be apprehensive of reputational damage.

Additional Information

Giles qualified as a solicitor with the Kent County Council and then moved into private practice with work which initially included divorce, and criminal defence. However, he soon started to deal only with civil disputes. Most of his career as a solicitor was spent with the Nottingham firm Actons, in which he became a partner and Head of its Civil Litigation Department.

Having re-qualified as a barrister in 2007, Giles joined chambers and has been here ever since. His practice has always been limited to civil claims, and has evolved over time with the precise mix of work changing a little from time to time. Some of Giles’s work is done on a direct access basis and he is much in demand from company directors who wish to act on behalf of their companies, but have specialist help during the progress of a case and at trial.

Giles has given seminars for local solicitors in conjunction with the Nottinghamshire Law Society and the Royal Institution of Chartered Surveyors on various subjects within his range of work.

A representative summary of the some of the recent cases in which Giles has appeared over the last year or so are:

K Mortgage Co ltd v R*** a case concerning a mortgage taken out fraudulently by one of two owners who forged her partner’s signature. Initial interlocutory work set aside a possession order that had been made against Giles’ client and permitted a subsequent settlement on satisfactory terms.

P* ltd v F*** ltd** was a case of a commercial lease that had been assigned to one of the parties and there were issues as to the assignee’s obligations and whether the lease had been terminated prior to the end of the original term.

Inquest into the death of R* V***** This was an example of Giles’ development of his practice into the realm of the complex inquest. Representing one of many interested parties, this was a 5 day inquest that received significant local interest. The tragic circumstances of the death of a local man were carefully and sensitively handled and the interests of Giles’ client were safeguarded.

C** v the Trustees of a religious organisation.** A claim of unfair dismissal in the Employment Tribunal in which there was an unusual application relating to the disclosure of documents and the extent of the duty of search.

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Additional Information (continued)

BT** Ltd v AAT Ltd - A contract dispute between two local companies in which Giles represented the defendant to the claim which was successfully defeated. He then also acted upon an appeal to the High Court where the efforts of the claimant to challenge the result was again resisted.

(Names concealed to avoid identification of the parties)

Reported Cases

Pinfold v Ansell & Others [2017] EWHC 889 (Ch) – A difficult minority shareholder case in the High Court

White & Anr v Simpson & Others (2019) UKUT 0210 (LC) – This case dealt with an important area in the law as to mobile homes being the Rules that can properly be imposed upon mobile home sites by their owners.