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Mark Diggle

Year of Call: 1996
Telephone: 0115 947 2581

Overview

Mark is a specialist in property and commercial litigation and has a busy and varied practice in these core practice areas whilst maintaining an interest in personal injury-related and housing work.

Mark is Direct Access qualified and regularly acts in this capacity in commercial tenancy and real property disputes, both for business and individuals.

He read law at the University of Glamorgan and graduated with First Class Honours, he then continued his studies, obtaining a Master's Degree in International Commercial Law with Distinction from the University of Nottingham. During his Master's year, Mark was one of two students who represented the University at the 2nd Annual Willem C Vis International Commercial Arbitration Moot finishing as runner-up.

Away from the Bar, Mark's major hobby is the study of Lau Gar Kung Fu and cycling although not necessarily at the same time. He has two young daughters and never ceases to be amazed at the ingenuity they show in all things electronic.

Expertise

Commercial Dispute Resolution

Mark has developed a wide ranging practice in commercial disputes, dealing with all aspects of domestic and international commercial disputes.

The range of work undertaken is as wide as it is possible and covers contentious and non-contentious work from drafting items of correspondence, reviewing standard terms and conditions to ensure compliance to representing parties all the way up to the Court of Appeal.

Property & Real Estate

Mark has developed a wide ranging practice in land disputes, dealing with all aspects of real property law.

Recently, instructions have been received to advise on the enforceability of exclusion clauses in a standard form contract to advise on issues arising out of the apparent loss of a freehold title following a series of conveyancing transactions, the merits of a Consumer Credit Act defence to a possession action brought by a mortgagee. In addition to those specific matters, Mark regularly deals with boundary disputes, disputes over incorporeal hereditaments contentious and non-contentious probate matters and damage to property caused by fire and flooding.

He also regularly appears in the First Tier Tribunal (Property Chamber) (Land Registration Division) dealing with all aspects of registered land including the rectification of documents.

Mark has a sizeable commercial landlord and tenant practice and is regularly involved in prosecuting and defending claims for dilapidations and other breaches of covenant, possession claims based on forfeiture, bringing and defending claims for relief from forfeiture and bringing and defending claims for new tenancies.

Housing

Mark represents both landlord and tenants in the public and private sector and is very experienced in both advancing and resisting defences based on the Equality Act 2010 and the Human Rights Act 1997.

Instructions are frequently received for ancillary types of litigation such as applications for injunctions under the Anti-Social Behaviour, Crime and Policing Act 2014 and homelessness appeals under Part VII of the Housing Act 1996 including judicial review proceedings and interim injunctions. Mark is also able to check decision letters in homeless cases and advise on their contents.

Public Sector & Not for Profit

Mark has a growing practice with various local authorities dealing with many of the disputes that arise out of such work including housing, licensing, commercial property and social care.

Inquests

Mark has a very busy Coronial practice, appearing in jurisdictions all over England and Wales and acting in cases involving deaths in custody, flooding and cases involving alleged police failings.

Personal Injury

Mark has practised in personal injury law for the whole of his career and has developed particular interests and expertise in counter fraud and cross border disputes involving conflicts of law and jurisdiction.

There is a growing volume in claims involving accidents and incidents that have occurred abroad which requires a particular attention to detail and a knowledge of the relevant law and jurisdiction rules. Connected to that is a developing practice in accidents on passenger aircraft and ships.

Notable Cases

Forcelux Ltd v Binnie **[2010] HLR 20.** Case concerning the correct meaning of the word "trial" in Part 39.3 of the CPR and whether the first hearing of a possession claim is a trial so as to limit the Court's powers to set aside an order made at that hearing. The case also dealt with the correct interpretation of a covenant in the lease requiring the tenant to pay the landlord's costs of forfeiture proceedings on the indemnity basis.

BSS Group plc v Makers UK Ltd **[2011] EWCA Civ 809.** Case concerning a dispute about the sale of goods. In particular, whether the purpose for which the goods were to be used had been communicated to the seller.

Long v Tolchard & Sons Ltd **[2001] PIQR P2.** Second junior counsel in a case where the Defendant successfully applied for permission to appeal a decision on limitation out of time and relying principally on evidence given by the Claimant at the quantum trial which had a bearing on his date of knowledge.

Appointments

- Direct Access

Professional Membership

- Professional Negligence Bar Association

Qualifications

- LLB (First Class Honours), University of Glamorgan
- LLM (Distinction), University of Nottingham

Recommendations

“Experienced across a wide range of property matters.”

- Legal 500 - Property

Ropewalk Chambers

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