WILLIAM STURGES

YOUR PARTNERS IN LAW



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QUARTERLY INSIGHTS

SEPTEMBER 2025

WILLIAM STURGES

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Foreword



This summer edition reflects a period of remarkable achievement and community engagement for William Sturges.

We recently celebrated the outstanding success of Middlesex Cricket’s Disability Super 9s, who became National Champions finishing their season unbeaten – a testament to the determination and excellence we’re proud to support as their sponsors.

Our commitment to access to justice remains unwavering, demonstrated by our team raising over £20,000 for the London Legal Walk. This vital fundraising supports free legal advice charities helping those facing challenges with debt, benefits, housing, asylum and domestic violence. We also participated in the 50th anniversary of the Rights of Women charity, recognising five decades of crucial work supporting women’s access to justice.

We’ve welcomed talented new team members whose expertise strengthens our litigation and commercial property teams. Our annual Sturges Summer Blast returned with great success, bringing together clients and colleagues for our traditional cricket match in East Dulwich.

In this edition, we showcase our legal expertise across multiple disciplines, from our landmark Court of Appeal victory in a complex insolvency case to a “one lawyer, two clients” model for divorcing couples in family law.

These achievements reflect our continued commitment to maintaining a personal touch that defines us while embracing innovative approaches that benefit our clients and the wider community.

James Hannon
Senior Partner





Probate Explained: Non-Contentious vs Contentious

What is Probate?

Probate is the legal process of administering a deceased person's estate. It involves proving the validity of their will (if one exists), appointing executors to handle the estate, and ensuring that debts are paid and assets are distributed according to the will or, if there's no will, according to the rules of intestacy.

When the time comes to administer a person's estate and pass on their wealth according to the terms of their will, our private client team can guide you through the probate process. The administration of an estate is a complex area and no two cases are the same.

The administration of an estate typically breaks down into four stages, some of which may overlap:

Obtaining Probate – This involves establishing details of the assets in the estate, obtaining valuations and, where appropriate, completing an inheritance tax return and paying any inheritance tax due before applying for a Grant of Probate.

Gathering the Assets – Registering the Grant of Probate with various asset holders and collecting the estate's assets together, including bank accounts, shareholdings and any property to be sold.

Tax and Administration – Executors must pay the estate's debts and deal with complex administrative matters, particularly liaising with HMRC regarding tax affairs.

Winding Up and Distribution – Once all assets are gathered and liabilities resolved, executors can distribute the estate to beneficiaries after preparing estate accounts showing how assets have been dealt with.

Non-Contentious Probate

Our private client department is dedicated to guiding clients through the probate application process, whether a will exists or in cases of intestacy. Our experienced lawyers provide fast, expert advice aimed at obtaining probate as quickly as possible at reasonable cost.

We provide advice on minimising the deceased's estate liability to tax where appropriate and ensure that assets are efficiently distributed to those entitled under the will or intestacy as soon as practicable.

Where the deceased's estate assets are located across multiple jurisdictions, our specialist probate team can deal with applications for grants of probate wherever assets are located, either directly or through our network of foreign lawyer contacts.

Contentious Probate and Dispute Resolution

It is an emotional time when someone dies, and disputes about wills can make this period even more stressful, whether you are the executor of the estate or a potential claimant. Common disputes include situations where there is reason to suspect the will is not legally valid, where the will fails to provide for someone who needs support, or where poor drafting has created confusion about interpretation.

Our lawyers have decades of experience dealing with the many disputes that can arise following someone's death, including:

Will contests – Challenging the validity of a will
Executor/administrator removal – Applications to remove those appointed to administer the estate
Inadequate provision claims – Where a will has failed to make adequate financial provision for a spouse, child, or someone financially dependent upon the deceased
Cross-border disputes – Conflicts involving assets located in different legal jurisdictions

Our solicitors can work with you to provide solutions whether you need to contest a will or defend a challenge. In most cases, a settlement meeting or formal mediation can produce an acceptable agreement. However, if court proceedings become unavoidable, we will protect your position robustly.

Disputes can also give rise to conflict of laws issues when assets are located in different legal jurisdictions. Our lawyers have extensive experience dealing with cross-border disputes across Europe, India, the Far East, and North and South America.

Our private client team can assist with all aspects of legal, tax, property and estate administration matters, ensuring you receive comprehensive support during what is often a difficult time.

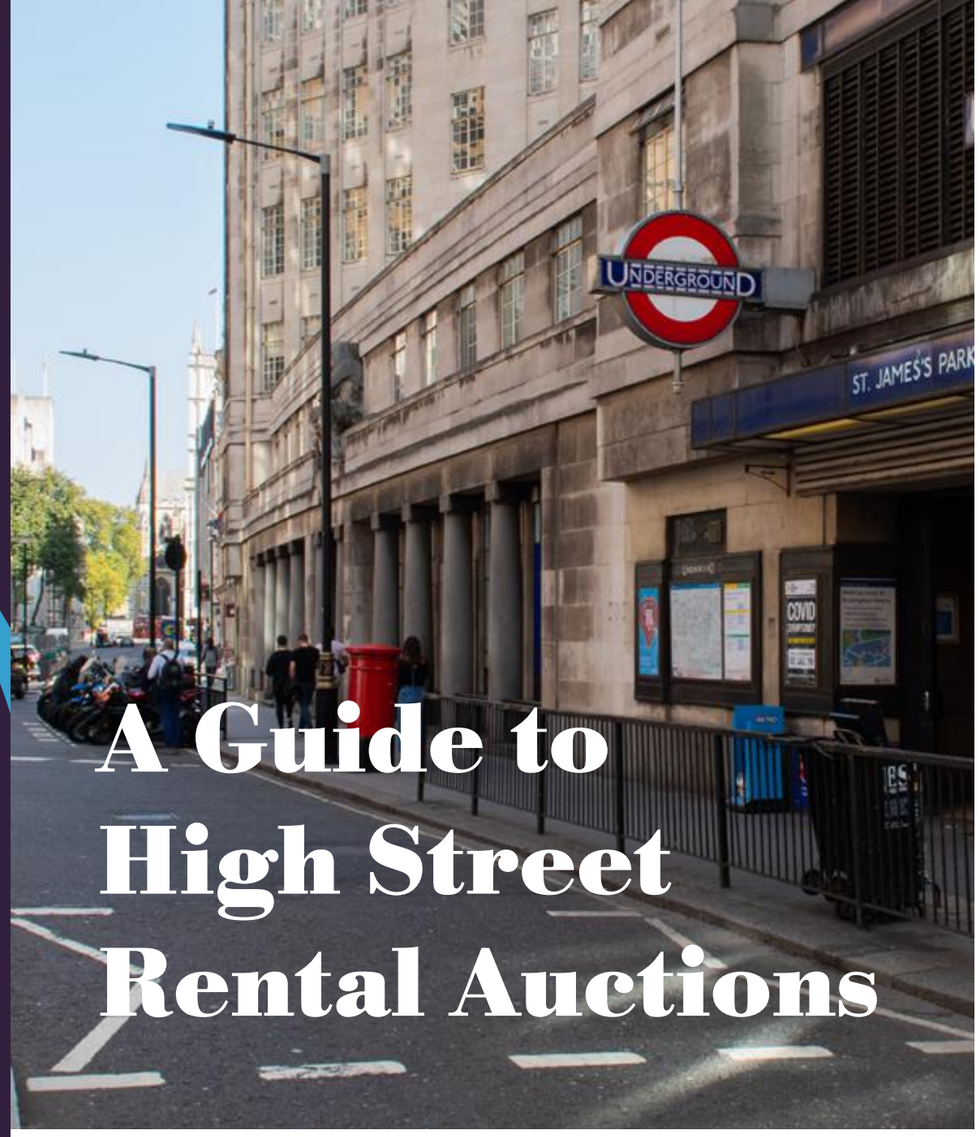


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COMMERCIAL PROPERTY



A Guide to High Street Rental Auctions

What Are High Street Rental Auctions?

Local authorities now have the power to step in and arrange leases for high street commercial properties that have been vacant for extended periods. This process, known as a High Street Rental Auction, aims to reinvigorate high streets and town centres by bringing empty shops and other commercial units back into active use, supporting broader efforts to revitalise local economies and meet evolving community needs.

Eligibility Criteria

To qualify for the scheme, a property must meet three key conditions:

- **Location:** Must be within a designated high street or town centre boundary as defined by local planning policy
- **Vacancy period:** Must have been vacant either continuously for at least one year or for a cumulative total of 366 days within the past two years
- **Community benefit:** The local authority must be satisfied that bringing the property back into use would deliver social, economic, or environmental benefits to the local area

Each property will be assessed individually to determine suitability for inclusion in the scheme.

The Two-Stage Notice Process

Initial Notice
When a property meets the criteria, the local authority may issue an initial notice to the landlord, providing eight weeks maximum to let the property independently. To be approved, any tenancy must commence within that period, run for a minimum of one year, and be suitable for typical high street use.

Final Notice
If no suitable tenancy is secured, the local authority may issue a final notice, initiating the auction process. At this stage, the local authority can require non-structural works to make the property fit for letting, though landlords cannot be required to carry out structural alterations or dispose of their freehold or leasehold interest.

Objection and Appeal Rights

Landlords may object to the final notice within 14 days on valid grounds including:

- Evidence that the property is currently occupied
- Genuine plans for redevelopment
- That the premises are fundamentally unsuitable for typical high street use

The local authority has 14 days to consider objections.

If rejected, landlords may appeal to the County Court within 28 days of receiving the final notice.

The 12-Week Auction Process

Weeks 1-4: Documentation and Preparation
Landlords must provide essential documentation, including title deeds, EPC certificates, and relevant compliance records. The local authority will inspect the property, prepare a draft lease, and produce marketing materials. Landlords may suggest amendments to lease terms they consider unreasonable.
Weeks 5-9: Marketing Period
Marketing begins with prospective tenants invited to submit sealed bids, including proposed rent and business plans. All bidders must be independent of the landlord and propose uses aligned with the scheme's aims.
Weeks 10-12: Selection Process
By Week 10, the local authority presents all eligible bids to the landlord. Late bids received during Week 10 must be forwarded by the end of Week 11. Landlords then have two working days to select a preferred tenant. If no selection is made, the local authority will choose the most appropriate tenant.

Lease Terms and Compliance

Before tenant occupation, landlords must ensure properties meet minimum standards including structural soundness, working utilities, and fire safety compliance. Leases under the scheme are automatically excluded from the 1954 Act, and tenants must prepare condition schedules documenting the property's physical state.

Looking Forward

High Street Rental Auctions offer a structured process for returning vacant commercial properties to productive use. While the scheme provides clear legal frameworks, it remains to be seen how extensively local authorities will exercise these powers, particularly given limited direct financial incentives beyond business rates collection.

By understanding each stage and engaging constructively with tenants and local authorities, landlords can maintain involvement while supporting town centre revitalisation efforts.



For further information on high street rental auctions or commercial property matters, please contact

Jeremy Spooner
Partner
Jeremy.Spooner@williamsturges.co.uk



William Sturges Secures Court of Appeal Victory in Landmark Insolvency Case

A Significant Legal Victory

William Sturges has achieved a landmark victory at the Court of Appeal in Carvill-Biggs v Reading [2025] EWCA Civ 619, successfully overturning a High Court decision in a complex case involving insolvency law, property rights, and mortgage enforcement.

The case involved intricate legal questions surrounding administrators' powers under Section 234 of the Insolvency Act 1986, particularly their ability to obtain possession orders for property subject to mortgage charges where receivers had already been appointed.

The Legal Challenge

The dispute centered on a £2.5 million residential property in Orpington, owned by Rose Cottage Farm Limited. When the company defaulted on a £2.85 million secured loan, the lender appointed receivers and commenced possession proceedings in the County Court.

Subsequently, joint administrators were appointed and sought to bypass the existing proceedings by issuing their own application under Section 234, seeking possession through the High Court in Leeds. The administrators initially succeeded at first instance, obtaining an order for possession.

Strategic Challenge

Representing the appellant, William Sturges challenged this decision on multiple grounds, arguing that the administrators had overstepped their statutory powers. Our legal team presented compelling arguments that:

- The property was not "property to which the company appears to be entitled" under Section 234(2) once receivers had been appointed
- The company had lost its right to seek possession once the mortgagee commenced proceedings
- The administrators' application constituted an abuse of process through duplicate proceedings

The Court of Appeal's Decision

Lord Justice Snowden, delivering the unanimous judgment, agreed with William Sturges' principal argument. The Court held that Section 234 could not be used by administrators to obtain possession orders where fixed charge receivers had been appointed under a mortgage and the mortgagee had already commenced possession proceedings.

The judgment clarifies that Section 234 does not create new rights but serves as a summary procedure to assist insolvency office-holders. Crucially, it cannot give administrators better rights than the company itself possessed.

Precedent-Setting Implications

This decision establishes important precedent regarding the limits of administrators' powers under Section 234, particularly concerning charged property. The judgment provides clarity on the interaction between insolvency procedures and existing security enforcement mechanisms, reinforcing that the proper hierarchy of security interests must be respected even in insolvency proceedings.

The Court's analysis also addressed procedural points about the relationship between insolvency applications and possession proceedings under CPR 55, providing guidance for future cases involving similar jurisdictional questions.

Demonstrating Legal Excellence

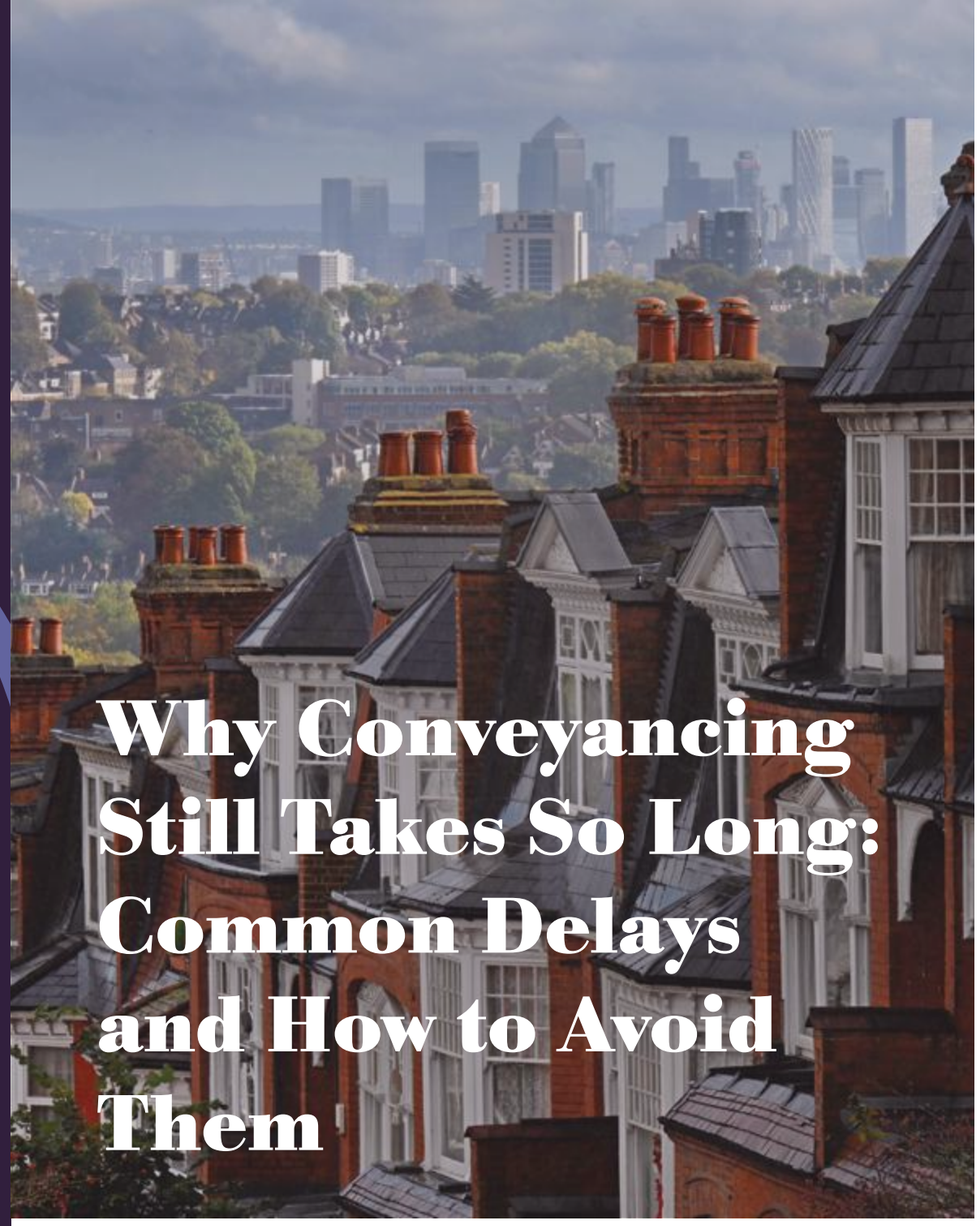
This victory demonstrates William Sturges' capability to handle complex cases at the intersection of insolvency law, property rights, and civil procedure. The case required deep understanding of mortgage law principles, insolvency legislation, and strategic litigation management across multiple concurrent proceedings.

Our success in overturning the first instance decision reflects our commitment to robust advocacy and our ability to identify winning legal arguments in challenging circumstances. The Court of Appeal's unanimous decision validates our strategic approach and demonstrates why William Sturges is recognised as a leading firm in complex commercial and insolvency litigation.

For assistance with complex insolvency or litigation matters, please contact

Nick Davies
Partner
nick.davies@williamsturges.co.uk





Why Conveyancing Still Takes So Long: Common Delays and How to Avoid Them

The Modern Conveyancing Paradox

In an age of instant communications, electronic document signing and conveyancers expected to be available seven days a week, clients find it increasingly difficult to understand why the conveyancing process still takes so long. Despite technological advances, property transactions remain complex legal processes fraught with potential pitfalls.

Industry-Wide Challenges

Several systemic issues contribute to conveyancing delays that are largely beyond individual control:

The Land Registration process – Delays caused by a large backlog of applications have been widely publicised. This can cause a problem for sale and purchase transactions if an existing application must first be completed by the Land Registry. Expedition can be requested, but it still means that the transaction will take longer.

Regulatory Compliance – Very strict anti-money laundering regulations must be meticulously complied with. Solicitor firms face heavy financial penalties for non-compliance, so conveyancers cannot cut corners on required checks.

New Legislation – The impact of new legislation on leasehold transactions, such as the Building Safety Act 2022, has added additional layers of complexity and time-consuming requirements to many property sales.

Preventable Delays: The Six Most Common Issues

However, it is possible to anticipate many problems that regularly arise in transactions and address them early to prevent delays. Here are the most frequent issues we encounter:

1. Unauthorised Building Works

Works carried out without planning permission or building regulations consent (or landlord consent for flats) always cause problems. If works were done recently and enforcement action remains possible, transactions can fall through entirely. Early disclosure allows time for retrospective consents or indemnity insurance arrangements.

2. Missing Title Documents

Incomplete or missing title documents inevitably cause delays. While indemnity insurance sometimes provides a solution, if important documents cannot be located or leases have crucial pages missing, the problem requires time-consuming resolution before exchange of contracts.

3. Undisclosed Structural Problems

Known structural issues not disclosed early create significant delays. If buyers only discover insurance claims for subsidence after commissioning surveys, obtaining structural engineer reports becomes necessary. In serious cases, particularly with mortgage lenders involved, buyers may withdraw entirely.

4. Complex Source of Funds

When buyers' money comes from various sources or involves gifts from third parties, extensive verification takes considerable time. Given the penalties for inadequate anti-money laundering checks, conveyancers must be thorough, regardless of time pressures.

5. Title Register Errors

Known errors in title registers that aren't disclosed at the outset require correction before contracts can be exchanged. Whether it's unregistered garden areas or incorrect property descriptions, the Land Registry's huge backlog means corrections take significant time.

6. Problematic Ground Rents

Leases with very high ground rents or unreasonable rent review provisions can cause transactions to collapse, particularly when mortgages are involved. Lease variations require landlord cooperation and usually involve payments, adding both time and cost.

Prevention is Better Than Cure

Estate agents who understand these common problems and identify them early can often prevent sales falling through. Similarly, sellers must be better prepared, particularly where they have carried out property works, ensuring all relevant documentation is readily available.

Early identification and proactive management of these issues can significantly reduce transaction times and improve completion rates. While some delays are unavoidable due to industry-wide challenges, many others can be prevented through proper preparation and early disclosure.

By understanding these common pitfalls, all parties involved in property transactions can work together to streamline the process and manage client expectations more effectively.

For assistance with residential property transactions and advice on avoiding common conveyancing delays, please contact

Jonathan Picken
Partner
Jonathan.Picken@williamsturges.co.uk



Legal Service Spotlight

Resolution Together: "One Lawyer, Two Clients" - A Revoultionary Approach

What is Resolution Together?

Resolution Together is a single-lawyer model developed in response to a public demand for separating couples to obtain legal advice from one lawyer rather than from two opposing lawyers.

The Shift Towards Consensual Resolution

The public demand marks part of the shift favouring consensual and less conflictual means of resolution following separation, including mediation, collaborative law and early neutral evaluation. Couples wish to take specialist advice to empower them to achieve the just outcomes for their family that they mutually desire and are determined to achieve.

By working with couples who individually wish to resolve matters consensually, Resolution Together is distinct from mediation, where a dispute is resolved using an independent mediator to facilitate an acceptable outcome.

Benefits of the Single-Lawyer Model

Clients receive the benefits of cost-efficiency in paying for one solicitor rather than two. This frequently enables quicker and more useful means to the couple of achieving an agreed outcome.

Our Expertise

Graeme Fraser was one of the first solicitors in England and Wales to train and practise the Resolution Together way of working. He has worked with divorcing and separating unmarried couples in respect of exploring arrangements for their children in terms of co-parenting, working towards separation agreements, and obtaining approved consent orders. Graeme is an accredited Resolution specialist in complex financial remedies (complex middle/high income and assets), cohabitation and TOLATA.

Safeguarding and Transparency

Safeguarding checks are made at commencement of a matter and monitored throughout to ensure that the clients operate in a safe and appropriate environment for each set of circumstances. Shared openness, transparency and disclosure are central to enabling solutions to be achieved without conflict or dispute.

Comprehensive Service Offering

Resolution Together operates as part of a range of other services which include mediation, arbitration, and collaborative law solutions. This may involve other services such as financial neutrals or advisers, divorce consultants and therapists. To ensure that we can guide a couple to the best solution for them and their family, we keep under review which services are best for them to meet their needs at each stage of the negotiation.

Positive Client Feedback

We have seen a positive demand from the public for uptake of these services, with feedback that indicates greater satisfaction and enthusiasm for the outcomes reached.

By way of example, Dennis and Erika, a divorcing couple, recently invested in Resolution Together with Graeme to achieve the outcome they most wished for themselves and their children.

Client Testimonials

Their feedback included the following:

Erika
"Our case was anything but straightforward, involving an unusual financial structure, complex assets and significant foreign currency considerations. Yet you handled these complexities with clarity, insight, and calm.

What stood out most was your remarkable ability to lead us gently through one of the most sensitive topics of all: money, and the question of worth for each party involved. You approached it with empathy, respect, and wisdom—transforming something that could have been divisive into something constructive. That kind of care, combined with your precision and professionalism, is rare. We're deeply grateful."

Dennis
"You explained things to us completely and thoroughly and truly did represent both of us during the divorce settlement process.

You provided a very structured timeline and process to help us negotiate over the division of assets and spousal maintenance, enabling us to finalise things in an organised, timely fashion. You were also adept at reading body language during our meetings, making sure that each of us felt heard at all times and were happy with how things were proceeding."



For further information about which means of resolution on separation is suitable for you or someone you know, please contact our Head of Family,

Graeme Fraser
Graeme.fraser@williamsturges.co.uk



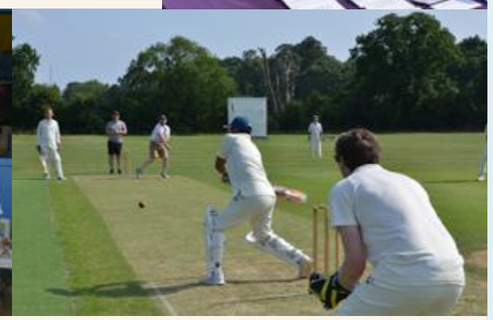
Company News

Sturges Summer Blast

Our annual **Firm vs Clients cricket match** was once again a great success, with the Clients team claiming victory this year! Held in East Dulwich, the event brought together clients, colleagues and contacts for a day of cricket and celebration. We were honoured to have **Angus Fraser MBE**, former England cricketer and Chair of Middlesex Cricket Club, conduct the coin toss and umpire the opening overs.







Raising Vital Funds for Access to Justice

The firm raised **over £20,000 for the London Legal Walk**, organised by London Legal Support Trust, supporting free legal advice charities. For over 20 years, this event has united the legal community to support frontline charities providing crucial help with debt, benefits, housing, asylum and domestic violence issues.

WE SUPPORT THE ACCESS TO JUSTICE FOUNDATION 2025



Property Team Presents to Knight Frank

Jonathan Picken, Head of Residential Property, and Partner **David Cross** delivered a series of talks for **Knight Frank**, sharing insights from thousands of property transactions. Their presentations focused on navigating today's conveyancing challenges and the importance of collaboration between solicitors and agents to deliver timely outcomes for clients.





Middlesex Cricket Disability Squad Success

Congratulations to **Middlesex Cricket's Disability Super 9s** on becoming **National Champions!** As proud sponsors of Middlesex's disability squads, we celebrated their outstanding victory over Staffordshire in the final at Welwyn Garden City. The team finished the season unbeaten, exemplifying the values of determination and excellence that we hold at William Sturges.

Graeme Fraser Edits Cohabitation Law Handbook

Our Head of Family, **Graeme Fraser**, has edited the third edition of the **Cohabitation Law and Practice Handbook**, published by Resolution in 2025. This comprehensive guide addresses the pressing issue of legal protections for cohabiting couples and the "common law marriage myth" that affects 46% of people who wrongly believe cohabiting couples have automatic legal rights.



Sophie Jones Features in Property Market Interview

Sophie Jones, Partner in our Residential Property team, participated in an insightful conversation with **Rupert Jermyn**, co-founder of Chelwood Partners, boutique estate agents specialising in prime South West London properties. Their discussion covered the optimal timing for sellers to instruct solicitors and their extensive knowledge of Southwest London areas. You can watch the interview HERE





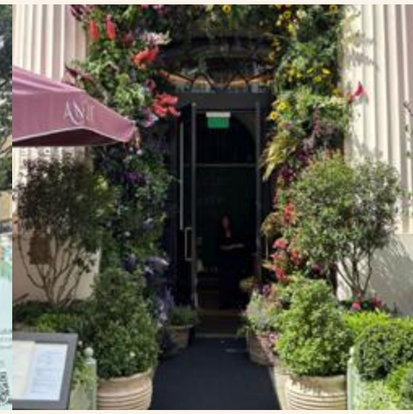
Sophie Jones
Partner, Residential Property
sophie.jones@williamsturges.co.uk

Mental Health Awareness Week

This year's **Mental Health Awareness Week** had "Community" as its theme, which resonated deeply with us because, as a firm, community isn't just a concept we embrace; it's a pillar of our culture. Our team explored the Belgravia in Bloom festival displays in Victoria, our local neighbourhood, as part of our mental health and wellbeing initiatives. We regularly organise wellbeing walks through the area's beautiful parks, ensuring our team members have opportunities to take a break from the day-to-day demands of work and life.









50th Anniversary of Rights of Women

Gemma-Rose Barnhurst, Family Solicitor, attended the 50th anniversary celebration of **Rights of Women**, connecting with fellow volunteers and learning about the organisation's vital work supporting women's access to justice. The event highlighted how Rights of Women has helped thousands of women access crucial legal support over five decades.

Team Additions

We are delighted to welcome **Charlotte J. de Caussin** to our Litigation and Dispute Resolution team as a Solicitor. Charlotte brings valuable commercial litigation experience and her fluency in both English and French enhances our international service capabilities.



Louis Seitler has joined our Commercial Property team as a Solicitor, where he handles acquisitions, disposals, investments and landlord and tenant matters. Both appointments reflect our continued commitment to expanding our expertise while maintaining the personalised service that defines William Sturges.



Reviews

Congratulations to all members of our team at William Sturges who have received exceptional reviews. Our review rating is testament to our commitment to delivering legal excellence and outcomes for our clients.

WILLIAM STURGES

YOUR PARTNERS IN LAW

5.0 RATING ★★★★★ Google

Excellent Service

It is always a pleasure to work with Jeremy - great professional service!
Jeremy Spooner Review Solicitors | 5 stars

Divorce, buying, will, selling,

Absolutely top of the range and so worth it. Andrew Todd, Sophie, Julian, Jai and Uzma. TOP TEAM.

Sophie Jones, Julian Hay, Jai Sharda, Uzma Hassan Review Solicitors | 5 Stars

Outstanding Legal Team - Swift, Clear and Proactive

I would recommend Sophie, Chelsey and the wider William Sturges team without hesitation to anyone looking for a first-class conveyancing service.
Sophie Jones, Chelsey Fairclough
Review Solicitors | 5 Stars

reviewsolicitors

Email review

You did everything to make it [the sale of a farmhouse] happen! Thank you for your expertise, patience, and perseverance!
David Cross, Rhyanna Momrelle

Graeme Fraser is a great person to work with. He has got sage advice and really listens.
Graeme Fraser Google | 5 Stars

It is rare to have such access and responsiveness from a conveyancing solicitor but Sally was both and more. Highly recommend.
Sally Hussain Google | 5 Stars

A top-tier employment lawyer

I'm incredibly grateful to Jai Sharda for his exceptional legal support. He stepped in midway through a complex situation and completely turned things around with his clear strategy, professionalism, and empathy. I couldn't have asked for better representation and wouldn't hesitate to recommend him.
Jai Sharda Google | 5 stars

I'm very grateful for the support and expertise Marc provided and wouldn't hesitate to recommend him to anyone looking for a reliable and highly competent solicitor for their property matters.
Marc Dewing Google | 5 stars

