

Marcus Croskell

Barrister (Call Date: 2003)



Marcus is an experienced practitioner and noted as a top tier leading junior barrister in the 2022 edition of the Legal 500 for the UK and international in contract and commercial disputes. He receives instructions from solicitors and takes direct instructions from individuals seeking expert chancery and commercial legal advice. In addition, Marcus acts for all parties in criminal and regulatory matters such as licensing, health and safety cases and environmental issues.

General Civil and Commercial Litigation

Whether you need advice or representation, Marcus accepts instructions in a broad range of chancery and commercial disputes that affect both businesses and individuals in the UK and around the world. His international work has involved working with parties in the Caribbean, Africa and Asia. He has experience in breaches of director and professional duties in contract claims often involving complex acts of concealment and the particular duties owed by fiduciaries. Marcus also is able to advise and assist in more general debt recovery, construction litigation, trusts, negligence and insolvency.

In personal injury matters, road traffic accidents and credit hire claims, he acts on behalf of Claimants and Defendants, as well as appearing at every level including high value High Court disputes.

Housing and Property Disputes

Marcus accepts instructions in a variety of landlord and tenant or property owner disputes. He was involved in the leading case on the enforcement of civil penalties in the Upper Tribunal and Court of Appeal concerning the extent of such a penalty. He has represented both HMO landlords, local authorities and tenants in housing disputes in both the civil and criminal arenas including the First-tier Tribunal. He has advised social landlords providing both written advice and/or representation in disrepair and possession claims including anti-social behaviour on behalf of local authorities, registered providers and charities. His public law tenant work has seen him undertake the above plus pursuing unlawful eviction and homelessness claims including judicial review.

He regularly advises on commercial and residential property disputes. The residential housing matters have included boundary disputes and applications under the Trusts of Land and Appointment of Trustees Act 1996. Marcus is experienced in assisting clients that wish to bring or challenge claims for adverse possession, the registration of easements or other issues with entries on the register before the Land Registration division of the First-tier Tribunal. On the commercial side, claims have considered the status of business leases as well as resolving complex contractual High Court disputes arising from large scale property investment.

Costs and Detailed Assessment

Marcus is experienced in acting for clients at the Senior Courts Costs Office at the Royal Courts of Justice on complex and high value detailed assessments as well as county court costs assessments. He can provide cogent and straightforward advice on the CPR regime post-*Mitchell* and *Denton* including budgeting, costs capping and costs management.

Criminal

Areas of criminal law expertise include:

General crime

Fraud and confiscation

Road traffic or motoring law

Regulatory work including trading standards, environmental law, HMO regulations & health and safety



Qualifications/Education

BSc (Hons) (Southampton)

Memberships/Appointments

Chancery Bar Association

Housing Law Practitioners Association

Social Housing Landlords Association

Publications/Articles

1) '*Civil Penalties and the Tension Between Companies and thier Directors*' (Lexis PSL, 19.01.21) :

https://www.lexisnexis.com/uk/lexispsl/corporatecrime/document/412012/61T6-NVN3-GXFD-845G-00000-00/Civil_penalties_and_the_tension_between_companies_and_their_directors__Suton_v_Norwich_City_Council_

2) Editor of chapters in '*Resolving Business Disputes: How to get better outcomes from commercial conflicts*' (Spiramus Press, 2020) :

<https://www.amazon.co.uk/Resolving-Business-Disputes-commercial-conflicts/dp/1913507009>

3) '*A foreign problem – jurisdiction of English Courts now and post-Brexit*' (02.07.18) :
<http://ealaw.co.uk/articles/a-foreign-problem-%e2%80%93-jurisdiction-of-english-courts>

4) '*Late Agreement to Avoid Case Management Conferences*' (02/09/15) :
<http://ealaw.co.uk/articles/late-agreement-to-avoid-case-management-conference>

5) '*Proportionality in POCA Proceedings*' (23/09/14) :
<http://ealaw.co.uk/articles/proportionality-in-poca-proceedings>

6) Co-author of chapter on '*Oversees assets*' under the Proceeds of Crime Act 2002 in *Fraud: Law, Practice & Procedure* (Butterworths 2005) : ISBN:0 7545 2434 5.

Cases

- *Brett v Adam & Others*, Unrep [2022] – Companies and Insolvency List, Chancery Division considered whether a purported trust registered in Kenya was effective in defeating a charging order on three UK properties of in the names of the debtors.
- *Sutton v Norwich City Council* [2021] EWCA Civ 20; [2021] 1 WLR 1691 – Court of Appeal dismissed appeal by Sutton seeking to reduce civil penalties assessed by Upper Tribunal. Acted for local authority.
- *Bloody Bay Hotel Development Limited v Besso Limited* (2020), unrep – Junior counsel led by Paul Nicholls QC in High Court dispute for breach of fiduciary duty and concealment of secret profits in the broking of international insurance policies by a Lloyd's of London broker
- *Boddy v Sinton & Richardson* [2020] EWHC 3015 (QB) – Appeal successfully dismissed upholding first instance decision in construction dispute
- *Sutton & Faiths Lane Apartments Limited v Norwich City Council* [2020] UKUT 90 (LC) – Leading counsel for local authority in Upper Tribunal in first case from higher courts giving guidance on civil penalties under the Housing Act 2004
- *Sullivan v Ruhan, McNally & Cooper* (2019), unrep – High Court dispute for property dispute concerning a large property in London docklands and conversion to a data centre
- *Bennett Gould & Partners Ltd v O'Sullivan* [2018] EWHC 2450 QB – High Court dispute for fraudulent and negligent misrepresentation in forming a joint venture and bribery
- *Chin v Sliwinski & Others* (2017), unrep – High Court dispute on enforcement of debt
- *National Car Parks Ltd v Barrington-Fuller & Others* (2016), unrep – High Court dispute

regarding personal guarantees

What Others Say

Legal 500 - Recommended Top Tier Leading Individual in Commercial Litigation:

Marcus is noted in The Legal 500 as a top tier leading junior barrister and noted for being “extremely approachable and focused” (2014); **“mastering complex matters quickly and assists with developing strategies”** (2015); **“He adds value and has a real commitment to his cases”** (2016); **“experienced in contractual and insolvency disputes”** (2017); **“He has notable expertise in contractual matters.”** (2019); **“easy to work with, detailed and thorough.”** (2021); and in 2022 **“His written advice is always a model of clarity. His judgment is excellent, and clients have total confidence in his performance in court.”**

“Just wanted to personally thank you for today, you were awesome... I am really pleased with the outcome... and you can be rest assured I will recommend you to all I know.” – Rob, Southend

“Marcus did a brilliant job, the only thing I would add to that is I would rather he defended me than prosecute me!” – Glenn, Bury St Edmunds

“We know that our client was extremely grateful for Marcus’s assistance on this matter and we are also delighted with the services Marcus provided.” – Solicitor, Leonard Gray LLP
