



**Five Pump  
Court Chambers**

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## Mikhail Charles

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Barrister

Call: 2012

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### Practice overview

Mikhail is a civil specialist who is qualified and practises in England and Wales as well as a number of jurisdictions across the Caribbean (including the British Virgin Islands and St Kitts & Nevis). His focus upon commercial litigation and upon the demands of HNW clients has meant that many of his cases involve an offshore element. He is able to accept offshore work from the UK, but also regularly travels to represent clients in other countries.

In England and Wales, Mikhail's practice incorporates commercial law, property law, landlord and tenant, insolvency, trusts, contract and general civil litigation. He has extensive experience obtaining emergency injunctions, including freezing orders. He regularly appears in County Courts, tribunals and the High Court and also undertakes drafting and advisory work. Mikhail is fully versed in all forms of ADR and accepts instructions in mediation and arbitration, both domestic and international. He is a qualified mediator.

Offshore, Mikhail's cases often involve an international element and he is familiar with the particular considerations of cases which involve proceedings in other jurisdictions. He appears in the High Court and Court of Appeal in the Eastern Caribbean. His main international focus is cases involving off-shore companies, structures and international contracts/arbitration as well as enforcement of judgments.

In addition to acting as an advocate, Mikhail also regularly provides expert evidence on

matters of Commonwealth Caribbean company and corporate law. Mikhail is direct access qualified and a member of the Attorney-General's Junior Junior panel.

Mikhail is a personable, confident and energetic advocate who is efficient and unflappable. He enjoys a challenge, and is a creative thinker whose strategy is always geared to the best solution for his client.

## **Property**

Mikhail has substantial experience across a broad range of real property, regularly advising, drafting and appearing in matters such as boundary disputes, trespass, easements, freehold and leasehold covenants, nuisance, rights of way, adverse possession and compulsory purchase orders.

Mikhail appears in courts and tribunals in England and Wales and in the Caribbean in relation to property disputes. He is also able to advise on disputes which touch on the two jurisdictions – for example contentious probate disputes in England and Wales where one of the assets of the estate is land in the Caribbean.

## **Landlord and tenant/housing**

Mikhail undertakes commercial and residential work on behalf of both landlords and tenants, and has experience dealing with diverse landlord and tenant issues including the creation of leases, both equitable and legal, litigation arising from the Landlord and Tenant Act 1954 and the forfeiture, surrender and determination of leases.

Mikhail is regularly instructed in cases for both landlords and tenants relating to assured shorthold and assured tenancies, disrepair, the accelerated possession procedure and rent arrears. He is familiar with the procedures in the First Tier Tribunal and experienced at dealing with cases in that jurisdiction.

Recent cases in which Mikhail has been instructed include:

- Advising and preparing defences to a variety of claims for unpaid rent which raised issues of disrepair, contractual interpretation, and the validity of Section 8 and Section 21 Notices;
- Appearing at a number of private rental possession proceedings (and advising on such proceedings);
- Advising on and preparing Particulars of Claim for a variety of circumstances, including the forfeiture of commercial leases and residential property.
- Representing landlords and property owners in residential possession proceedings against tenants and trespassers.

## **Contentious trusts and estates**

Mikhail has developed a UK facing practice dealing with co-ownership of a home or other property in non-marital relationships, proprietary estoppel and undue influence under TOLATA 1996. He also has experience in dealing with contentious probate proceedings, particularly advising personal representatives on the construction of wills, and on the proper way to manage the administration of an estate. Mikhail has also advised on and represented trustees and beneficiaries in relation to Caribbean domiciled entities and structures. He is particularly in demand in cases where the two jurisdictions overlap – for example where there is a dispute over an estate with assets in both England and Wales and the Caribbean.

Recent cases in which Mikhail has been instructed include:

- Representing the Claimant in Part 8 proceedings in relation to the administration of a trust (the case settled prior to trial).
- Representing the Claimant in contested Part 8 (now Part 7 proceedings) for Section 15 TOLATA proceedings over a joint names property valued at £2 million.
- Advising personal representatives on the proper construction of a will and how the estate assets fall to be distributed.
- Advising on proceedings brought by beneficiaries relating to discretionary trust (Monaco and Hong Kong)

## **Insolvency**

Mikhail has considerable experience of appearing in court and advising on a wide range of corporate and personal insolvency matter. In corporate matters, he has a lot of experience at appearing for petitioning creditors and companies at the hearing of winding up petitions, and advising and appearing in applications to set aside statutory demands.

In personal matters, he is experienced at appearing for petitioning creditors and debtors at the hearing of bankruptcy proceedings, and is able to advise on the detailed procedures in this area of law.

Mikhail is also experienced at dealing with freezing orders and applications under the Proceeds of Crime Act.

Mikhail welcomes instructions in this area of practice.

## **Company and commercial**

Mikhail has experience of advising on a range of company law matters and appearing at trials and hearings on behalf of companies and company directors. He welcomes instructions in this practice area.

Representative instructions include:

- Appearing at a hearing concerning a claim for rectification of a company's register of members;
- Advising on an application to restore a company to the register;
- Appearing on applications to extend time for the registration of a charge.

Mikhail is regularly instructed in cases involving the creation of contracts, incorporation of terms, breach and enforcement of contracts. He has considerable experience of dealing with cases involving cross border contracts, assets and judgment enforcement, specifically in the Caribbean.

He frequently undertakes a wide variety of work relating to all manner of civil litigation in the Caribbean, for example acting in judicial reviews on behalf of 13 rejected Islander Status applicants (Turks and Caicos Islands).

## **Offshore practice**

Mikhail is qualified in a number of Caribbean jurisdictions, and is able to appear in the courts of the British Virgin Islands, St Kitts & Nevis and St Vincent and the Grenadines. His practice in those areas is primarily made up of property, corporate and commercial work and insolvency proceedings. Mikhail regularly travels to the Caribbean to appear in courts there.

Mikhail is also able to accept instructions in cases proceeding in England and Wales where there is an offshore element – for example where there is a judgment which may need to be enforced in the Caribbean. He can act as an advocate or an expert witness in such cases.

## **Expert witness**

Mikhail is able to accept instructions as an expert witness for anyone requiring advice on the law in other jurisdictions where he is qualified. He can advise, for example, on the various methods of enforcing a judgment in the Eastern Caribbean and the correct procedure for each. Mikhail accepts instructions as a sole expert or single joint expert, and is familiar with the requirements under CPR 35.

Mikhail is also able to advise on the operation of English law in Caribbean jurisdictions, either in court or in arbitration proceedings.

## **Education**

- LL. B (Hons) – University of Wales (2011)
- Bar Professional Training Course (PG. Dip Professional Legal Practice) – City University Law School, London (2012)
- LL.M Corporate and Insolvency Law – Nottingham Law School (2017)
- Advanced Certificate in Trust Disputes – Society of Trust and Estate Practitioners (STEP) (2019)
- Certificate in International Investment Law and Dispute Resolution – British Institute of International and Comparative Law (BIICL) (2020)
- Chartered Director (C.Dir) – Caribbean Corporate Governance Training Institute (CGTI) (2021)
- Postgraduate Certificate – Caribbean Community Law & The Caribbean Court of Justice, Caribbean Court of Justice (2022)
- Civil and Commercial Mediation – Phoenix Dispute Resolution Ltd., Civil Mediation Council, Chartered Institute of Arbitrators and International Mediation Institute Registered (2022)
- Legal Education Certificate – Eugene Dupusch Law School, Commonwealth of the Bahamas (2023)
- Eastern Caribbean (British Virgin Islands, St. Kitts and Nevis, St. Vincent and the Grenadines, St. Lucia and Grenada): Barrister | Notary Public

## Memberships

- Chancery Bar Association
- Commercial Bar Association
- Property Bar Association
- Freeman of the City of London (October 2023) – Juror of the Guildable Manor of Southwark
- OECS Bar Association
- Organization of Caribbean Bar Associations
- Saint Kitts and Nevis Bar Association
- Saint Vincent and the Grenadines Bar Association
- Grenada Bar Association

## Notable Cases

**England and Wales:**

Successfully defended insolvency and breach of contract proceedings for a leading Indian data centre with an English subsidiary.

Secured the return of suspended funds to English domiciled luxury watch retailer against popular electronic money institution.

Secured success for defendant in contentious proceedings regarding set aside application after delay of 5 months 6 days.

Secured the withdrawal of winding up threat proceedings against luxury Central London restaurant by HMRC.

Successfully argued for the discharge of an injunction against a defendant against a Top 10 British Bank in possession proceedings and in contentious possession and trespass proceedings.

Secured for Appellant the discharge of fine for Improvement Notice by Manchester Council.

#### **Caribbean cases:**

[Hill Junke v Sea Grape Limited and others \(2022\)](#): Represented defendants in a personal injury claim with complex legal issues relating to the duty of care, and numerous overlapping applications.

[Commercial Bank of Dubai v 18 Elvaston Place Ltd \(2020\)](#): Commercial case involving a number of injunction applications.

[Campbell v Campbell \(2020\)](#): Complex application for a non-molestation order in contested children proceedings.

[DPP v Karim Maynard \(2020\)](#): Criminal proceedings re evasion of duty.

[DPP v Wells and Liddie \(2020\)](#): Representing a Defendant facing a death sentence, and successfully arguing that he should serve a lengthy custodial sentence instead.

[LMN v QRS \(2019\)](#): Application for a Norwich Pharmacal Order.

[Digital Wings Ltd v Lekeicha Caesar Toney et al \(2018\)](#): Successfully defended an application to strike out proceedings.

[Antonio Gellizeau v The State \(2014\)](#): Application for a stay of execution.