

Rowena Meager

Call: 2007



Rowena Meager is an experienced practitioner who specialises in the fields of Business & Property, Inheritance and Planning law.

Expertise

Business & Property

Rowena practices the following areas:

Banking, Finance & Financial Regulation

Rowena has experience of appearing on behalf of banks / finance companies and debtors in proceedings relating to the validity of credit agreements regulated by the Consumer Credit Act 1974 and non-regulated commercial credit agreements (hire purchase, asset lease agreements and credit hire agreements). In relation to credit hire agreements Rowena has experience of dealing with issues of validity (often associated with the Cancellation of Contracts made in a Consumer's Home or Place of Work Regulations 2008), enforceability (issues of subrogation arising) and quantum (usually concerned with recoverable rates). She also has experience of dealing with the validity of personal guarantees and indemnities (in relation to commercial agreements). She has appeared in both interim applications and final hearings and has also been instructed to draft pleadings in this context. Her experience includes issues related to (but not limited to):

- Validity and enforceability of guarantees and / or indemnities
- Credit hire agreements
- Bank charges (unauthorised overdraft charges as penalty charges)
- Unfair Terms in Consumer Contracts Regulations
- Improperly executed regulated credit agreements
- Reconstituted credit agreements

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- Consequences of fraudulent mortgage applications
- Credit references and data protection issues

Rowena undertook pupillage at New Square Chambers, a leading chancery and commercial chambers in Lincoln's Inn, before returning directly to academia for a time. She was a pupil to Nicholas Le Poidevin QC, Alexander Hill-Smith and Mark Hubbard. Subsequently, whilst lecturing, she held a practising door tenancy with Harcourt Chambers in Oxford and then joined No5 Chambers upon taking up full time practice.

Seminars and Training

Rowena frequently delivers seminar / training papers on a wide range of topics to audiences of legal practitioners as well as to other professionals such as planning consultants. Recent papers delivered include topics such as localism, emerging policy and the weight to be attributed to ministerial statements, break clauses in commercial leases, agricultural and business property relief from inheritance tax, commercial leases and the landlord and tenant relationship and contentious probate (due execution of wills, capacity, undue influence, want of knowledge and approval, etc).

Academic Profile

Prior to joining No5 Chambers Rowena enjoyed an academic career. She has held lecturing posts at New College, Oxford, and the University of Buckingham. Until 2014 she continued to teach the Law of Trusts for New College every year (alongside her practice) and from 2009 to 2012 Rowena held a three year, fixed term appointment as external examiner for the University of Cambridge for their Land Economy Tripos undergraduate programme (with specific responsibility for all law and planning papers).

Rowena has published widely on various property law related topics although she does have a particular interest in the rapidly developing law on the registration of new greens. Her publications address but are not limited to topics as diverse as the law concerning the registration of new greens, issues concerning public and private rights of way, proprietary estoppel, the establishment of rights in the family home and issues arising in respect of the liability of trustees who are also directors of a corporate trust company. Rowena has been a regular contributor to the Rights of Way Law Review (an authoritative commentary on English Law relating to rights of way, new green registration and highway law, amongst other things) and one of her articles (RWLR Oct 2009) was cited with approval by Lord Hope in the Supreme Court in *R (Lewis) v Redcar and Cleveland BC* [2010], a decision which changed the legal test for the registration of new town and village greens.

Commercial Litigation

Rowena has a busy court and paper practice and she appears regularly in the County Court and High Court in procedural hearings (CCMC's, PTR's, etc), contested applications, multi-track trials and appeals. Her experience includes disputes concerning professional negligence, mistake, misrepresentation, breach of contract, breach of fiduciary duty and construction of commercial agreements.

Company & Partnership

Rowena has experience of both company and partnership disputes having advised, drafted court documents and appeared in cases in the County Court and High Court concerning minority shareholder actions, derivative action against a foreign registered company, winding up of companies, dissolution of partnerships, partnership accounts, disqualification of directors and recovery of assets.

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Insolvency

Rowena has a busy advisory and court practice and she appears regularly in the County Court and High Court in procedural hearings (CCMC's, PTR's etc), contested applications, final hearings and appeals. Rowena has experience in both corporate and personal insolvency including winding up petitions, bankruptcy proceedings, setting aside of statutory demands, recovery of property and the establishment of third party interests in property belonging to a debtor.

Real Estate

Rowena has a busy court / tribunal practice appearing regularly in the High Court and County Court in procedural hearings (CCMC's, PTR's, etc) as well as contested applications and multi-track trials. In addition, she regularly appears in the First Tier Tribunal, Property Chamber. Rowena also has a busy paper practice undertaking advisory work and drafting statements of case and other court / tribunal documents.

Rowena's real property experience is broad and has a significant focus on boundary disputes, adverse possession, rights of way (public and private) and restrictive covenants. She does, however, regularly advise and represent clients in disputes concerning trusts of property (including TOLATA claims), Pallant v Morgan equities, proprietary estoppel, residential and commercial leases, service charges, forfeiture, dilapidations, nuisance, trespass, possession, contracts for the sale of land, procuring transfers by undue influence, rectification and other property related disputes.

Rowena also has a particular specialism in non-domestic rating liability and regularly advises and represents both ratepayers and rating authorities in the Magistrates' Court and on appeal to the High Court by way of case stated / Judicial Review

Inheritance Act Disputes

Rowena has a busy court and advisory practice dealing with a range of issues including, but not limited to, applications for reasonable financial provision pursuant to the Inheritance (Provision for Family and Dependents) Act 1975, contested probate claims (undue influence, capacity, etc), breach of trust, construction of trusts and wills, removal of personal representatives and actions for an account.

Rowena regularly appears in the County Court and High Court in procedural hearings, contested applications, multi-track trials and appeals. She has recently appeared in the Court of Appeal in the significant, reported case of *Jennison v Jennison* [2022] EWCA Civ 1682; [2023] 2 WLR 1017, where she successfully resisted a second appeal (having represented the Claimant successfully both at trial and on the first appeal) challenging the standing of a foreign executor to issue proceedings in England without first obtaining a grant of probate or resealed grant. Permission to appeal to the Supreme Court has been refused.

Planning

Rowena's practice under the 'planning and environment umbrella' is largely concerned with new town and village green applications under the Commons Act 2006, highway related work, particularly the creation, modification and extinguishment of public rights of way (sometimes in the planning context where diversion / extinguishment is necessary to facilitate development), and issues arising out of the interplay between planning law and real property / commercial law such as the effect of restrictive freehold covenants relating to property and the interpretation of agreements relating to land in a planning context such as section 106 agreements or overage agreements.

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Rowena has a wealth of inquiry experience, sitting as Inspector in the context of new town and village greens as well as appearing for the parties, and appearing for the parties in rights of way work. She also has a very busy advisory practice and she is happy to advise in writing or in conference.

Recent Inquiry experience, as well as approximately 16 appointments as Inspector by commons registration authorities, includes acting for landowners / developers in village green applications, advising commons registration authorities in respect of village green applications, acting for developers in the context of footpath diversion orders and extinguishment orders, and for landowners in response to applications for DMMOs to record new public rights of way.

Memberships

- Lincoln's Inn (Lord Denning, Hardwicke and Shelford Scholar and Buchanan Prize Winner)
- Denning Society (society of scholars of Lincoln's Inn)
- Property Bar Association
- Society of Legal Scholars
- Planning and Environment Bar Association

Qualifications

- LLB (Hons) (First Class)
- BCL (Oxon)
- BVC (graded 'Outstanding')
- Licensed for direct access
- Awarded a 'Lord Denning Scholarship', a 'Hardwicke Scholarship' and a 'Shelford Scholarship' by Lincoln's Inn
- Awarded a 'Buchanan Prize' by Lincoln's Inn for 'outstanding' BVC performance
- Awarded the 'Clifford Chance Prize' for best performance in Civil Procedure in the 2003 BCL examinations
- Awarded the 'Barnett Bequest' by Merton College, Oxford, to study for the BCL
- Awarded 'Linnels Prize' for best graduating undergraduate law student in her year

Publications

- Prescription and User As of Right: Ripe for Wholesale Reform? Modern Studies in Property Law Volume 6, Hart Publishing, 2011, Susan Bright ed, Chapter 12, p 241
- New Town and Village Greens and Rights of Use, Rights of Way Law Review (RWLR), April 2011, Section 15.3, page 189
- The Village Green Industry: Back in Business [2010] 69(2) Cambridge Law Journal 238
- Redcar in SC: Deference is Dead Rights of Way Law Review, May 2010, Section 15.3, 161
- Wild v Secretary of State Rights of Way Law Review, January 2010, Section 6.2, 27
- Nec vi, nec clam, nec precario: The only criteria for a prescriptive claim? [2009] 73 Conveyancer and Property Lawyer, 505
- Deference and User As of Right: An Unholy Alliance Rights of Way Law Review, October 2009, Section 15.3, 147
- Pick a Number (2009) New Law Journal 1281
- 'Dog-leg' claims kicked into touch: beneficiaries exposed? [2009] Denning Law Journal 119

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- A setback for the village green industry? [2009] 68(2) Cambridge Law Journal 281
- A Family Affair (2009) New Law Journal 588
- Smith v Muller Rights of Way Law Review, February 2009, Section 14.2, 85
- Show Me The Money (2009) New Law Journal 144
- The Winchester Case Rights of Way Law Review, February 2008, Section 7.1, 33
- New Town and Village Greens Rights of Way Law Review, October 2007, Section 15.3, 123
- New Town and Village Greens: Back From the Brink [2006] 70 Conveyancer and Property Lawyer 584
- New Town and Village Greens: A Thing of the Past? [2006] 70 Conveyancer and Property Lawyer 265
- A New Dawn for Town and Village Greens? Rights of Way Law Review, February 2006, Section 15.3, 91
- Secret Trusts: Do They Have a Future? [2003] 67 Conveyancer and Property Lawyer 203

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