



# Richard Dewsbery

Year of Call: 1992

Telephone:

Email Address:

## Overview

Richard was called to the Bar in 1992.

Practicing from St Ives Chambers for over 20 years, he took a break from practice in 2015 to work in-house at a large Housing Association, heading up a legal team comprising four other qualified lawyers plus paralegals and support staff. He has now returned to Chambers in order to offer his expertise more widely.

A pioneer in the field of antisocial behavior orders and injunctions, Richard has practiced in the field of housing for over 20 years. His clients have included large institutional landlords, including Councils and Housing Associations, private homeowners and tenants.

Richard has a particularly wide and technical knowledge of social housing. Uniquely amongst practitioners at the Bar, Richard has a keen understanding of the different competing pressures and interests that corporate clients are acting under, gained from his years working in-house.

In particular, Richard has a wealth of experience advising on and defending housing conditions claims brought against landlords by their tenants, whether at an early stage under the pre-action protocol or in court.

Richard prepares and presents seminars and other training in the area of housing law.

Please see specialist profile for further information.

## Practice Areas

### Housing

Richard has an extensive knowledge of social housing, both as a barrister in independent practice and as the head of a legal team working in-house at a large Housing Association. He is aware of the need to handle some cases with sensitivity, others with firm action, and understands the pressures and deadlines that clients can be under - quite apart from those dictated by the Courts and rules.

Areas of expertise include:

Discretionary and mandatory possession claims

Injunctions and committals

Housing conditions cases, under both section 11 and fitness for human habitation

Section 82 Environmental Protection Act prosecutions and defences

Equality Act defences

Human rights challenges

Public Law challenges

Claims against “persons unknown”

Arguments on allocation and succession

Right to Buy claims

Tenancy fraud and Unlawful Profits Orders

In particular, Richard has a wealth of experience advising on and defending housing conditions claims and cases under section 82 of the EPA brought against landlords by their tenants, whether at an early stage under the pre-action protocol or in court.

Last year Richard obtained an injunction against persons unknown in the County Court for his client within a week of the Court of Appeal’s decision in *Barking & Dagenham LBC v Persons Unknown* [2022] EWCA Civ 13.

## Memberships

Midland Circuit

Social Housing Law Association

## Qualifications

University of Essex, LLB (Hons) Law

Inns of Court School of Law - Bar Vocational Course (VC)

## Notable Cases

*Friendship Care & Housing Association v Begum* [2011] EWCA Civ 1807

Richard appeared for the landlord in a case based on the husband/joint tenant’s criminal activity, including drug dealing in the neighbourhood and fencing stolen property. The husband was in prison and the behaviour unlikely to recur while he was serving his sentence, but although the wife had been aware of his criminal activities she had done nothing to stop them or distance herself from them.

The appellant wife appealed the judge’s decision not to suspend the possession order, relying heavily on the interests of the children, who were innocent of any wrongdoing (as well as having a number of extra vulnerabilities).

Richard successfully persuaded the court at first instance that the wife had been, if not complicit in her husband’s behaviour, aware of it and had done nothing to stop it or discourage it. Her attempts to distance herself from his activities

were undermined in cross examination, and the judge held that her misleading account given in evidence was such that he could not rely on any assurances that she was giving as to future behaviour.

The Court of Appeal agreed, and upheld the outright possession order that was made.

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