

Terry Gallivan

Called: 1981
terrygallivan@fivepaper.com

"Open and honest, he always plays it utterly straight." Chambers & Partners 2023



PROFILE

Terry is an experienced practitioner in property, social housing, local government and judicial review. His practice includes trial advocacy as well as appeals in the higher appellate courts. He has a substantial advisory practice. Terry accepts instructions directly from individuals in suitable cases.

Terry has been recommended in Chambers and Partners in social housing for a number of years. The 2012 entry records that he is "especially well known for undertaking a significant amount of advisory work to a high standard."

EXPERTISE

- Landlord and Tenant/Housing
- Property
- Homelessness
- Judicial Review
- Local Government

FURTHER INFO

Directory Quotes



"Open and honest, he always plays it utterly straight."
Chambers and Partners 2023

"He is very thorough, knows his stuff and doesn't take any rubbish."
Chambers & Partners 2021

"An excellent advocate who has an encyclopaedic knowledge of housing management law and fantastic client care skills." "The best advocate and best cross-examiner I have ever seen in court."
Chambers & Partners 2020

"A superb technical lawyer" who "is experienced, fights hard and is a joy to work with."
Chambers & Partners 2019

"There is nothing he doesn't know. He is very approachable and his written advice is second to none." "He is excellent on big, in-depth cases. He has immense attention to detail."
Chambers & Partners 2018

"What Terry Gallivan doesn't know about housing law isn't worth knowing. He is clever and charming and has that confidence which comes from having done this for many years."
Chambers & Partners 2017

"He is very bright and experienced. He investigates all options in depth, inspires confidence in clients and is a persuasive advocate."
Chambers & Partners 2016

"Terry is a highly regarded and respected leader in this field and continues to provide top quality advice and support in complex matters affecting social landlords. He is an absolute pleasure to work with."
The Legal 500 UK 2021

"Has an encyclopaedic knowledge of housing law and is always a safe pair of hands."
The Legal 500 UK 2020

"Absolutely superb; he demonstrates rigorous, unparalleled knowledge of housing law."
The Legal 500 UK 2019

"An authority in the field."
The Legal 500 UK 2017

"His advocacy puts the fear of God into the opposition."
The Legal 500 UK 2016

Qualifications

University of Durham BA (First Class Honours Law)

University of Cambridge LLM (First Class Honours)

University of California, Berkeley, Harkness Fellow

Inner Temple

Reported Cases

- Kirby v Salvation Army Hostel Association Queen's Bench Division [2018] 10 WLUK 231 12 Oct 2018
- Norseman Holdings Ltd v Warwick Court Management Queen's Bench Division [2016] EWHC 3670 (QB) 11 May 2016
- Ajilore v Hackney LBC Court of Appeal (Civil Division) [2014] EWCA Civ 1273 8 Oct 2014
- Norseman Holdings Ltd v Warwick Court (Harold Hill) Management Co Ltd Queen's Bench Division [2013] EWHC 3868 (QB) 4 Dec 2013
- Smart v Lambeth LBC Court of Appeal (Civil Division) [2013] EWCA Civ 1375 7 Nov 2013
- Poplar Housing and Regeneration Community Housing Association Ltd (Poplar Harca) v Howe Queen's Bench Division [2010] EWHC 1745 (QB) 13 Jul 2010
- R (Ariemuguvbe) v Islington LBC [2009] EWHC 470 (Admin); [2009] P.T.S.R. (C.S.) 39; [2009] EWCA Civ 1308; [2010] H.L.R. 14 (judicial review; allocation of local authority housing; overcrowding; immigration)
- Wandsworth LBC v Dixon [2009] EWHC 27 (Admin); [2009] L. & T.R. 28 (landlord and tenant; joint tenants; possession; human rights)
- Doherty v Birmingham City Council [2008] UKHL 57; [2009] 1 A.C. 367 (gypsies; possession; human rights)
- Manchester City Council v Benjamin [2008] EWCA Civ 189; [2009] 1 W.L.R. 2202 (landlord and tenant; secure tenancies; right to buy; possession; suitable alternative accommodation)
- Islington LBC v Uckac [2004] EWCA Civ 926; [2005] Q.B. 352 ; [2006] EWCA Civ 340; [2006] 1 W.L.R. 1303 (landlord and tenant; secure tenancy; assignment; fraud; possession; rescission)
- Kay v Lambeth LBC [2006] UKHL 10; [2006] 2 A.C. 465 (landlord and tenant; possession; article 8; precedent)
- Islington LBC v Green [2005] EWCA Civ 56; [2005] H.L.R. 35 (landlord and tenant; housing associations; licenses; secure tenancies; subtenancies; termination; possession)
- McDonald v Ealing LBC (2001) 58 B.M.L.R. 210 (EAT) (employment; disability discrimination; codes of practice)
- Bruton v London & Quadrant Housing Trust [1998] Q.B. 834, CA; [2000] 1 A.C. 406 (HL(E)) (landlord and tenant; lease/licence; possession)
- Ali v Westminster City Council [1999] 1 W.L.R. 384, CA. (homelessness; county courts; injunctions; local authorities' powers and duties)
- Camden LBC v Gilsenan (1999) 31 H.L.R. 81, CA. (landlord and tenant; nuisance/asb; possession; undertakings; visitors)
- Ujima Housing Association v Ansah (1998) 30 H.L.R. 831, CA (landlord and tenant; assured tenancies; sub-letting; possession)
- R v Islington LBC Ex p. Degnan (1998) 30 H.L.R. 723, CA (homelessness; suitability of accommodation)
- R v Wolverhampton MBC Ex p. Watters (1997) 29 H.L.R. 931, CA (housing; local government;

reasonable preference)

- R v Brent LBC Ex p. Baruwa (1996) 28 H.L.R. 361, QBD; (1997) 29 H.L.R. 915, CA (homelessness; intentionality; reasons)
- R v Secretary of State for the Home Department Ex p. Hargreaves [1996] C.O.D. 168, DCt; [1997] 1 W.L.R. 906, CA (prisoners; policy; legitimate expectation)
- R v Westminster City Council Ex p. Obeid (1997) 29 H.L.R. 389, QBD (homelessness; intentionality)
- R v Secretary of State for the Home Department Ex p. Arulanandam [1996] Imm. A.R. 587, CA (immigration; asylum)
- R v Lambeth LBC Ex p. Wilson (1997) 29 H.L.R. 104, QBD (homelessness; costs)
- R v Secretary of State for the Home Department Ex p. Virk (No.2) [1996] C.O.D. 134, QBD
- R v Brent LBC Ex p. Awua (1993) 25 H.L.R. 626, QBD; (1994) 26 H.L.R. 539, CA; [1996] A.C. 5, HL(E) (homelessness; intentionality)
- Hackney LBC v White (1996) 28 H.L.R. 219, CA (possession; warrants)
- Mohamed v Manek (1995) 27 H.L.R. 439, CA, (possession; eviction)
- Brent LBC v Carmel (1996) 28 H.L.R. 203, CA (disrepair; damages; procedure)
- R v Secretary of State for the Home Department Ex p. Khan (Rehmat) [1995] 2 All E.R. 540, CA (immigration; asylum; illegal entrants; removal)
- R v Tower Hamlets LBC Ex p. Kaur (1994) 26 H.L.R. 597, QBD (homelessness; suitability of accommodation)
- R v Wandsworth LBC Ex p. Onwudiwe (1994) 26 H.L.R. 302, CA (homelessness; intentionality; mortgages)
- Patterson v Greenwich LBC (1994) 26 H.L.R. 159, CA (homelessness; intentionality; domestic violence)
- R v Brent LBC Ex p. McManus (1993) 25 H.L.R. 643, QBD (homelessness; intentionality)
- R v Tower Hamlets LBC Ex p. Khatun (1995) 27 H.L.R. 344, CA (homelessness; intentionality; acquiescence; spouses)
- R v Westminster City Council Ex p. Bishop (1993) 25 H.L.R. 459, CA (homelessness; intentionality)
- R v Tower Hamlets LBC Ex p. Ali (Mohib) (1993) 25 H.L.R. 218, QBD (housing; homelessness; allocation of accommodation)
- Leslie v Howe [1993] N.P.C. 23, CA (landlord and tenant; surrender)
- R v Tower Hamlets LBC Ex p. Abbas Ali (1993) 25 H.L.R. 158, CA (homelessness; intentionality)
- R v Westminster City Council Ex p. Ali (1993) 25 H.L.R. 109, QBD (homelessness; intentionality; enquiries)
- R v Tower Hamlets LBC Ex p. Begum (Ferdous) [1993] Q.B. 447, CA (homelessness; applications; capacity; learning disabled applicant)
- Brent LBC v Sharma (1993) 25 H.L.R. 257, CA (landlord and tenant; surrender)
- Brent LBC v O'Bryan (1993) 65 P. & C.R. 258, CA (landlord and tenant; offer and acceptance; formation of tenancy)
- Camden LBC v Shortlife Community Housing Ltd (1993) 25 H.L.R. 330, Ch.D (landlord and tenant; short-life housing; tenancy/licence)
- R v Brent LBC Ex p. Omar (1991) 23 H.L.R. 446, QBD (homelessness; suitability of accommodation)
- R v Tower Hamlets LBC Ex p. Bibi (1991) 23 H.L.R. 500, QBD, (homelessness; intentionality)
- R v Ealing LBC Ex p. Salmons (1991) 23 H.L.R. 272, QBD, (homelessness; intentionality; arrears)

- Nunn v Dalrymple (1989) 21 H.L.R. 569, CA (landlord and tenant; intent to create legal relations; tenancy/licence)
- Stribling v Wickham (1989) 21 H.L.R. 381, CA (landlord and tenant; sharing arrangements; tenancy/licence)
- R v Inner London Crown Court Ex p. Bentham [1989] 1 W.L.R. 408, DCt (judicial review; eligibility for legal aid)
- R v Rent Officer for Camden LBC Ex p. Felix (1989) 21 H.L.R. 34, QBD (landlord and tenant; judicial review; fair rent)
- Hadjiloucas v Crean [1988] 1 W.L.R. 1006, CA (landlord and tenant; tenancy/licence)
- Swanbrae Ltd v Elliott (1987) 19 H.L.R. 86, CA (landlord and tenant; succession)
- Crancour Ltd v Da Silvaesa (1986) 18 H.L.R. 265, CA (landlord and tenant; tenancy/licence)

Other recent matters

Local Government/ Contract

Instructed by Alan Edwards & Co for two TMOs in an arbitration against Lambeth LBC in which in over £1.3M was recovered by the TMOs in underpaid allowances over more than 3 years. Instructed by Hogan Lovells for three TMOs in an arbitration against Islington LBC in which more than £100,000 was recovered by the TMOs in underpaid allowances.

Local Government/ Allocations

Terry regularly advises local housing authorities on their allocation policies

Local Government/ Traffic regulation order

Advised a local authority in successfully resisting a traffic regulation order

Local Government/ Employment

Advised local authorities on the procedure to be followed in connection with the appointment of a joint chief executive

Property/ Party Wall disputes

Instructed on an application for an injunction in a party wall dispute

Landlord and Tenant/ Service Charges

Regularly instructed in service charge disputes in the LVT

Mediation

Terry Gallivan frequently acts for clients in ADR.

Articles and Publications

Former assistant editor of Current Law and the Housing Law Reports.

Public Access

Terry welcomes instructions under direct access in appropriate cases.