Martin Dray

Called 1992



FCIArb

Judge of the First-tier Tribunal (Property Chamber)

(Land Registration) (part-time)

Martin is a real property law specialist with over 20 years' advisory and advocacy experience. He is a judge with recent judicial experience and also acts as an independent expert.

Qualifications and practice

I was called to the Bar in 1992.

I joined Falcon Chambers in 1993 and practise exclusively in real property law. I litigate landlord and tenant matters, disputes concerning adverse possession, interpretation of contracts, easements, options, restrictive covenants, and land registration issues – to name but a few!

In December 2008 I was appointed as a deputy Adjudicator to H.M. Land Registry. Since July 2013 I have been a judge of the First-tier Tribunal.

I am a Fellow of the Chartered Institute of Arbitrators.

Publications

I am the joint editor of Barnsley's Land Options (4th & 5th editions).

I contribute articles on property-related topics to various legal publications including the Estates Gazette, The Conveyancer, and the New Law Journal.

I frequently speak on property law issues and in 2008 I delivered a Blundell Memorial Lecture on the subject of vacant possession.

Arbitration and dispute resolution experience

I act for parties challenging arbitral awards, including representing them in court. My involvement spans both:

- S.68 applications for serious irregularity (e.g. where an arbitrator was said to have departed from his own directions; the

alleged mishandling of comparables by an arbitrator; a case where an expert appearing before the arbitration acted on an undisclosed contingency fee); and

- S.69 appeals on points of law (e.g. the erroneous construction of a rent review clause).

I have spoken at the RICS President's Arbitration Training Course for arbitrators on case management: rules of evidence and inquisitorial powers.

As a judge I am used to making paper-based decisions on procedural issues. In addition, I have presided over several final hearings (trials in all but name) and have delivered both oral rulings during those hearings and written judgments on the substantive matters in dispute at the conclusion of the hearings. My decisions have covered a very wide range of property issues including:

- Adverse possession: questions of factual possession; intention to possess; consent; acquisition subject to quasi-easements.
- Rights of way: proof of enjoyment; contentious use; interruption; lost modern grant.
- Rectification: of a transfer which named a non-existent person as the purported transferee.
- Challenges to transfers on multiple grounds: fraud; forgery; duress; undue influence; non est factum; unilateral mistake; misrepresentation; unconscionable bargain.
- Beneficial ownership of land: resulting and constructive trusts; estoppel; life licences.

In deciding these cases I have:

- Resolved procedural matters such as the admissibility of evidence;
- Reached findings of fact (having heard and weighed the contested and conflicting oral testimony of multiple witnesses);
- Received and reviewed expert evidence;
- Determined complicated questions of law; and
- Made orders dealing with issues of costs and consequential relief.

As an expert I have issued directions for the orderly conduct of the proceedings and binding written determinations both in paper-only cases as well as following a contested hearing with oral evidence.

I am a Member of the Chartered Institute of Arbitrators.
