



GARDEN COURT CHAMBERS

Marina Sergides

YEAR OF CALL: 2000



Marina specialises in all aspects of social housing law. She has extensive experience in nuisance possession proceedings, section 204 homelessness appeals, unlawful eviction and harassment claims, disrepair claims, judicial review, human rights, public law defences, disability discrimination and ASBO in the civil courts.

In particular, Marina has extensive experience of cases involving vulnerable occupiers and victims of domestic abuse and is instructed on cases involving occupiers with mental health problems and are represented by the Official Solicitor.

Marina is Co-Chair of the Housing Law Practitioners Association, along with Simon Mullings. During their tenure, HLPAs intervened in *Arkin v Marshall* [2020] EWCA Civ 620, was part of the Working Group on possession claims and have given evidence to the APPG on Legal Aid, amongst much more.

She regularly speaks at housing law conferences, most recently on housing and domestic abuse at the Legal Action Group conference and has written for Legal Action Magazine.

Marina was a lecturer in housing law at London South Bank University and is a contributor to *Housing Law Handbook: A Practical Guide* (2nd edition).

Marina is a founder member and trustee of The Vicky Sergides Foundation, a stomach cancer charity.

Marina is also a mediator.

"Marina is a brilliant barrister who will provide prompt and detailed advice."

CHAMBERS UK, 2024

"Marina is very approachable. Her strong advocacy skills together with her incisiveness make her one of the leading barristers in the field."

CHAMBERS UK, 2023

"She is a leading barrister in this field not only due to her work ethic but her sheer brilliance. She is a colleague and ally and I always know a case in safe hands when it is handed to her."

LEGAL 500, 2022 (SOCIAL HOUSING)

"An advocate who 'goes above and beyond,' with a broad social housing practice encompassing areas such as homelessness, unlawful eviction and disrepair."

CHAMBERS UK, 2021 (SOCIAL HOUSING)

"Attention to detail. Really detailed advice – very knowledgeable on the law. Ability to think outside the box."

LEGAL 500, 2021 (SOCIAL HOUSING)

"She is very good at thinking out of the box and she is a thorough and sound advocate in court who stands her ground." "Pays attention to detail, goes the extra mile and has very good skills with clients."

If you would like to get in touch with Marina please contact the clerking team:

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SOCIAL HOUSING LAW

Marina specialises in all aspects of social housing law. She has extensive experience in nuisance possession proceedings, s204 homelessness appeals, unlawful eviction and harassment claims, disrepair claims, judicial reviews, human rights, public law defences, disability discrimination and crossover ASBO proceedings in the magistrates and county courts. In particular, Marina works in cases involving tenants with mental health problems, where capacity has been in issue, and where the Official Solicitor has been instructed. Marina has represented tenants before the Social Security Tribunal and before the Social Security Commissioner.

Marina sits on the Housing Law Practitioners Association conference steering group.

Marina is a founder member and Trustee of The Vicky Sergides Foundation, a stomach cancer charity.

NOTABLE CASES

***Nightingale & Anor v Bromford Housing Association Ltd* [2024] EWHC 136 (KB)**

An appeal against a possession order made against Mr and Mrs Nightingale. The issues on appeal considered the causation test in section 15 of the Equality Act 2010 and relevant considerations of a proportionality defence. The trial judge found that the tenant's son's anti-social behaviour was a factor that contributed to the decision of Bromford to seek possession. Nevertheless, the judge went on to find the service of the notice to quit was not significantly influenced by the anti-social behaviour but reflected broader conduct of the wider family [34]. On appeal, this decision was reversed. The fact that possession was sought for broader reasons (other than just the haviour of the child) did not mean that the disabled son's anti-social behaviour played no

significant role in the decision [37]. Furthermore, there was no evidence before the trial judge of any anti-social behaviour by the Nightingales or their family in the two years pre-trial. If there had been incidents, Bromford had not sought to evidence them. On the evidence at trial, there was prima facie a change of circumstances in that there were no incidents of reported anti-social behaviour since the end of 2019. The Judge however did not address that point and instead focused on incidents that occurred up to the end of 2019. To determine whether the notice to seek possession remains lawful, i.e. proportionate within section 15(1)(b) of the Act, the Court needs to consider the up-to-date evidential position [58].

Khan v Mehmood (Housing Law Practitioners Association Intervening) 2022 EWCA Civ 791

The Court of Appeal has held that the 10% uplift to general damages, originating in the Court of Appeal's decision in *Simmons v Castle* ([2012] EWCA Civ 1039, [2012] EWCA Civ 1288, [2013] 1 WLR 1239) does apply to general damages awarded for breach of repairing covenants. HLPAs evidence, provided in a witness statement from HLPAs Executive member Eleanor Solomon, was that the 10% uplift had been routinely awarded in awards of damages for disrepair. HLPAs submissions were accepted by the Court of Appeal, in particular, the point that claims for damages for breach of repairing covenant fell squarely within the primary purpose of the Court of Appeal in *Simmons v Castle*, which was to compensate claimants for the success fee to be deducted from his or her damages.

Byrne v Harwood-Delgado (Case No: H00HF202), County Court at Luton, 26 May 2022

What happens if there is no current gas safety certificate at the start of the tenancy? The appeal was on the issue of whether the absence of a GSC at the start of the tenancy prevented any subsequent service of a s.21 notice. The Judge found that the failure to serve a GSC before the tenants took up occupation, could not subsequently be remedied. There is no clear reason why a subsequently obtained GSC should redeem that failure, and, as HHJ Bloom points out, some strong policy reasons why the failure should not be condoned as the intention is that the tenant should be moving into a property known to be gas safe.

Aslam v Ali, 10 June 2009, LAG December 2009

Mr Aslam lived with his wife and eight children in a four bedroom house that suffered from substantial disrepair. The Court awarded damages at 50% of the rental value for the period 2003 to 2006 and at 33.3% of the rental value for the period 2006 to 2009.

Gargett, R (on the application of) v London Borough of Lambeth [2008] EWHC 663 (Admin)

The Court considered whether a claimant can be entitled to a discretionary housing payment if they are in receipt of maximum housing benefit and council tax benefit.

Gargett, R (on the application of) v London Borough of Lambeth [2008] EWCA Civ

1450 (18 December 2008)

Gargett, R (on the application of) v London Borough of Lambeth [2008] EWHC 663

(Admin) (08 April 2008)

Ferguson v Jones, Birmingham County Court, Legal Action December 2008

Damages for disrepair were awarded at £2700 p.a. pursuant to s.11 of the Landlord and Tenant Act 1985.

UKSSCSC CH_318_2005

Successful in arguing that a narrow boat with no permanent mooring was held to be within the meaning of "dwelling".

[2005] UKSSCSC CH_318_2005 (10 June 2005)

R v London Borough of Southwark

Ogunlowo, Camberwell Magistrate Court, Legal Action December 2004

[2004] UKSSCSC CH_4574_2003

The case considered whether there was a breach of Article 14 when read in conjunction with either article 8 or Article 1 of Protocol 1 in the provision of housing benefit for those residing in bail hostels. The Commissioner held that there was.

INQUESTS AND INQUIRIES

Marina has also represented bereaved families in inquests arising from deaths at work, whilst in the care of the state and where health and safety regulations have been breached.

In 2010, Marina acted on behalf of the family of Darwin Kealey at the inquest into his death at HMP Wormwood Scrubs. There were eight interested parties at the inquest, which heard evidence about a catalogue of systemic failures by the police, Serco and the Prison Service. The jury returned a narrative verdict, identifying a range of missed opportunities and failures that occurred during his detention.

NOTABLE CASES

Covid Inquiry 2023-2024

Marina represented women and girls in Module 2 of the Covid Inquiry (led by Liz Davies KC), examining the

decisions of senior government ministers and members of the Cabinet: evidence was heard from former PM Boris Johnson, current PM Rishi Sunak, Dominic Cummings, Priti Patel and many more. There was particular focus was on the significant rise in domestic abuse during the pandemic and lockdowns. Marina was instructed by Solace Women's Aid and Southall Black Sisters.

Inquest touching upon the death of Billy Coulson, 15 April 2011

HMP Chelmsford were criticised over the death of a teenager remand prisoner. Eighteen-year-old Billy Coulson hanged himself in his cell at the prison in September 2008. The prison failed to recognise his suicide risk.

Inquest touching upon the death of James Connolly, 25 January 2011

Death of a vulnerable 23-year-old man with mental health problems and who was being treated in the healthcare wing.

Inquest touching upon the death of Kirpal Rahel, 22 July 2010

Death in a secure mental health institution as a result of inappropriate administration of Olanzapine.

Inquest into the death of Stewart Klincke, June 2008

Stewart Klincke, 55, died after being overcome by carbon dioxide fumes in a room at the Scottish Courage brewery, on January 22, 2006. The Jury gave a narrative verdict, finding that Mr Klincke would not have died if the valve was in its original state.

MEDIATION

Marina is an accredited mediator. Praised for her ability to address issues with clear and calm approach, Marina is an effective mediator. Further details can be found on the [Garden Court Chambers Mediation website](#).

BACKGROUND

In December 2010 Marina was part of an Advocats San Frontier and Haldane delegation that visited Palestine and the Occupied Territories on a fact-finding mission.

Marina has also been a visiting Law lecturer at London Southbank University, to post grad students.

Marina is a Mentor for students who are considering a career at the Bar, organized through [Access to the Bar for All](#).

PUBLICATIONS

Marina contributed to the *Law Society Handbook on Housing*, 2009. She contributed to the annual *Legal Action Disrepair Roundups* in December 2004, 2005 and 2006. Marina is also a regular contributor to *Socialist Lawyer*, the magazine of the Haldane Society of Socialist Lawyers.

In December 2006 Marina was co-editor of the *Prison Booklet* produced for the post Mubarak Inquiry Conference. It was provided for the 500 prison officials, Prison Governors and MPs that were amongst the attendees.

Blackstone's Guide to the Domestic Abuse Act 2021: co-wrote chapter 'Homelessness, Charging' with Garden Court colleague Stephanie Harrison KC (Published 2023).

TRAINING AND SEMINARS

Marina has provided training to the Housing Law Practitioners Association and regularly provides training at the Garden Court Seminars on a wide range of housing and civil law topics. She recently spoke at the Garden Court Judicial Review Conference and currently provides training for Community Legal Advice Centers.

EDUCATION

LLB (Hons) London

PROFESSIONAL MEMBERSHIP

The Housing Law Practitioners Association

Administrative Law Bar Association: ALBA

Inquest Lawyers Group

Lobby for Cyprus

Palestine Solidarity Campaign

The Haldane Society

Marina was also a member of Pupillage and Training Committee from 2002 until 2008 and was convenor from 2007-2008.

LANGUAGES

Greek (bilingual)

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