

Oliver Wooding



YEAR OF CALL: 2009

INN: MIDDLE TEMPLE

“ Oliver is a pleasure to work with and empathetic to client concerns and expectations in acrimonious probate disputes. 'Oliver is a master at putting the client at ease and at explaining complex issues in clear layman's terms.' ”

CHAMBERS UK, 2020
CHANCERY

Practice Overview

Oliver has a specialist practice that focuses on wills and trusts, and real estate matters, and the overlap between them. He is regularly instructed as an advocate, advisor, and mediator in a wide range of disputes.

Recent cases include:

- ▶ Disputes over the validity of wills
- ▶ Interpreting wills and trust documents
- ▶ Removing executors
- ▶ Claims under Inheritance (Provision for Family and Dependents) Act 1975
- ▶ Authorisation of gifts and other applications in the Court of Protection
- ▶ Proprietary estoppel and co-habitee claims
- ▶ Adverse possession
- ▶ Landlord and tenant
- ▶ Rights of way
- ▶ Boundaries disputes

He is a trained mediator and accepts direct access instructions.

Areas of Expertise

Agriculture & Rural Affairs

Oliver acts for and advises landowners and farming tenants in a wide range of agricultural and rural affairs matters, and other incidental legal disputes.

Recent cases include:

- ▶ Defending a claim for possession of land whether the existence of a 1986 Act tenancy or FBT was in issue.
- ▶ Advising on the operation of an option to purchase farmland.
- ▶ Advising on and acting in the matter of a disputed Estate consisting of an ongoing farm business in Cornwall.

He also advised on potential challenges to decisions made by the RPA and has been involved with a negligence claim against land agents involving delayed submissions for BPS payments.

Commercial

Oliver had a broad commercial practice encompassing both advisory and advocacy work, at trial and using alternative dispute resolution.

His recent workload includes:

- ▶ Advising and appearing in a claim for unpaid invoices involving issues of contract formation.
- ▶ Obtaining judgment in a claim in restitution for monies paid by mistake.
- ▶ Advising and appearing in a multi-party claim involving loans between family members which was successfully settled.
- ▶ Obtaining interim security and final judgment for over £75,000 for a company against an ex-employee.

Court of Protection

Oliver's Court of Protection experience primarily relates to property and affairs. He has advised on matters including:

- ▶ Contested applications for deputyship
- ▶ Applications for authorisation of lifetime gifts (including those with an IHT aspect)
- ▶ Statutory wills
- ▶ Matters involving financial abuse involving attorneys and deputies
- ▶ Authorisation of specific transactions

He has appeared in the Court of Protection in London, Bristol, and Oxford.

Mediation

Oliver is a trained mediator and experienced mediation counsel who deals with a whole range of legal disputes, but in particular contentious probate, trusts, and real estate disputes. He offers a practical and friendly approach that encourages parties, even in fiercely contested matters, to take advantage of the mediation process in order to settle their disputes and avoid the stress, effort, and costs of trial.

Oliver trained with the London School of Mediation. Although based in the South West, he attends mediations throughout the country and has undertaken mediation by telephone.

His recent experience includes:

- ▶ Mediations of claims under Inheritance (Provision for Family and Dependents) Act 1975
- ▶ Challenges to wills and lifetime gifts
- ▶ Proprietary estoppel/constructive trust claims
- ▶ Lease renewal

Professional Negligence

Oliver acts for claimants and defendants in professional negligence matters involving solicitors, architects, builders, and surveyors. He has particular experience of negligence claims involving wills and trusts, including disappointed beneficiary claims.

Real Estate

Oliver has a specialist practice that focuses on real estate matters, and is regularly instructed as an advocate, advisor, and mediator in a wide range of disputes. His expertise includes:

Landlord & Tenant

Oliver is experienced in both residential and commercial landlord and tenant disputes. He advises and appears for both landlords and tenants.

Recent cases include:

- ▶ Appearing in the LVT (as it then was) in claims for the replacement of managers and determination of service charges.
- ▶ Appearing in a claim by a landlord for damages in waste.
- ▶ Claims for relief from forfeiture.
- ▶ Opposing the renewal of 1954 Act tenancies.

Boundary Disputes

Oliver is instructed and appears in boundary disputes at all stages, from pre-action to trial both before the courts and the First Tier-Tribunal.

Town & Village Greens

Oliver advises upon and acts in disputes and inquiries involving TVG applications. His current instructions include for the landowner in a four day TVG inquiry in Plymouth.

Property Damage & Insurance Disputes

Oliver advises and appears on behalf of claimants and defendants across a spectrum of property insurance matters. As well as disputes, Oliver can also advise on policy coverage matters.

Recent cases include:

- ▶ Advising and drafting particulars of claim in a residential flooding dispute.
- ▶ Appearing on behalf of a claimant in a c. £200,000 claim for fire damage to commercial premises.

Residential Property

Oliver is experienced in claims relating to a variety of real estate disputes, including constructive trusts and co-habitation disputes.

Recent cases include:

- ▶ Contested TLATA applications as to beneficial ownership and orders for sale.
- ▶ Equitable accounting of a family home.

Wills & Trusts

Oliver's wills and trusts practice spans all contentious and non-contentious matters. He advises upon and acts, both as advocate and mediator, in disputes involving the validity of wills, claims under Inheritance (Provision for Family and Dependants) Act 1975, the removal of executors, construction of wills and trust documents, and for rectification of wills and trust documents. His expertise includes:

Administration of Estates

Oliver regularly advises in respect of the correct administration of estates in both contentious and non-contentious forums, including as to construction of wills and trust documents. He appeared successfully on behalf of the claimant in the first claim to consider the effect of s. 67 Adoption and Children Act 2002 and the construction of a will. He is particularly experienced in advising and appearing in claims involving the removal of executors and personal representatives.

Disputed Wills

Oliver has experience in claims for rectification of wills, mutual wills, and invalidity claims based on testamentary capacity, lack of knowledge and approval, and undue influence.

Recent cases include:

- ▶ Successful contesting a will based on lack of testamentary capacity.
- ▶ Opposing a claim for rectification out of time.

Inheritance Act Claims

Oliver has a substantial 1975 Act practice, acting for claimant and defendant beneficiaries, and executors. As well as advising and appearing at mediation, he appears at preliminary issue hearings and trial throughout the UK.

Recent cases include:

- ▶ A claim involving assets in England and Turkey.
- ▶ Successfully obtaining permission out of time for an adult child.
- ▶ *Ames v Jones*, an adult child claim involving s. 9 and lifestyle choice issues.

Proprietary Estoppel

Oliver is regularly instructed in proprietary estoppel claims, which often overlap with his other contentious probate work. He has successfully appeared at trial to obtain a beneficial interest in a family home, and has been involved in a long running estoppel dispute involving an estate in Somerset.

Trusts

Oliver advises on and acts in all matters involving trusts.

Recent cases include:

- ▶ Successfully obtaining an order for rectification of two lifetime trusts.
- ▶ Advising on trustees' powers, and on the operation of an Employee Benefit Trust.

Recent cases

- ▶ *Ashcroft & Penley v Webster* [2017] EWHC 887 (Ch)
- ▶ *Ames v Jones & Ors* [2016] EW Misc B67 (CC)
- ▶ *Hardy v Hardy and another* [2013] EWHC 83 (Ch); [2013] All ER (D) 214 (Jan)

Recommendations

"Chancery and commercial junior with a broad practice spanning traditional chancery, real estate litigation and agricultural law. Brilliant, really thorough and someone who gives sound advice. He is very confident on his feet, and excellent at reading the judge and realising what they are after. 'Oliver has a calm and very confident personality and style.' "

"Impressive junior barrister who complements his traditional chancery practice with a suite of real estate-related instructions. 'He gives clear and realistic advice and is good with clients.' 'Very approachable and user-friendly.' 'He gets to the core of the issues and thinks laterally.'"

CHAMBERS UK, 2019

REAL ESTATE LITIGATION

"An excellent advocate, well-liked by clients, responsive and a good team player. He's going great guns at the moment, attracting a lot of work and being very successful."

CHAMBERS UK, 2018

CHANCERY

"A robust advocate who demonstrates great client empathy."

LEGAL 500, 2018

COMMERCIAL, BANKING, INSOLVENCY AND CHANCERY LAW

"He has a great eye for detail."

LEGAL 500, 2018

PROPERTY

Professional memberships:

- ▶ ACTAPS (Associate Member)
- ▶ STEP (Affiliate Member)
- ▶ Chancery Bar Association
- ▶ Agricultural Law Association
- ▶ Court of Protection Bar Association

Qualifications & awards:

- ▶ BA (Hons) Modern History (Oxon.)
- ▶ M.St Modern History (History of the United States of America) (Oxon.)
- ▶ GDL (City)
- ▶ Exhibitioner of Lincoln College, Oxford (2003-2005)
- ▶ Scholarship from the Rhodes Trust (2003)
- ▶ Queen Mother Scholar
- ▶ Harmsworth Entrance Exhibitioner of Middle Temple (2007-2009)

Contact Oliver:

Oliver.Wooding@stjohnschambers.co.uk

Contact the clerks:

T: 0117 923 4740

E: chancerycommercialclerks@stjohnschambers.co.uk