

# Contentious Probate Update 2021

St John's Chambers and Royds Withy King welcome you to their annual seminar held in association with Stone King.

## Bath

Thursday, 18th November

## Oxford

Wednesday, 1st December



**CPD:** 2.5 hours

**Cost:** £40 + VAT

# Programme

**1.00 - 1.25pm**     **Registration & refreshments**

**1.25 - 1.30pm**     **Welcome and introduction from the Chair**  
Charles Auld, Barrister, St John's Chambers

**1.30 - 2.00pm**     **Domicile and 1975 Act claims**  
Christopher Jones, Barrister, St John's Chambers

Christopher will consider the tricky issue of domicile in the context of bringing and defending 1975 Act claims.

**2.00 - 2.30pm**     **Gifts to charities that don't exist**  
Luke Watson, Partner, Stone King

Luke will look at what practitioners can learn from the High Court decision in *Knipe v The British Racing Drivers' Motor Sport Charity and Ors* [2020] EWHC 3295 (Ch)

**2.30 - 3.00pm**     **Running testamentary capacity and proprietary estoppel claims together**  
Alex Troup, Head of Wills & Trusts, St John's Chambers

Alex will take a closer look at what lessons can be learnt from *Todd v Parsons* [2019] EWHC 3366 (Ch) and *Hughes v Pritchard* [2021] EWHC 1580 (Ch).

**3.00 - 3.20pm**     **Cream teas**

**3.20 - 3.50pm**     **Latest news and views in removing personal representatives**  
Oliver Wooding, Barrister, St John's chambers

Oliver will review the latest cases and issues in removal applications, including the issue of costs.

**3.50 - 4.20pm**     **Claims by child beneficiaries under the Inheritance Act: are they at an end following *Miles v Shearer***  
Amanda Noyce, Partner, Royds Withy King

**4.20 - 4.30pm**     **Q&A session**

**4.30pm**     **Drinks and canapes**



**Charles Auld**  
Barrister, Call 1980  
St John's Chambers

"Charles is very calm under pressure, very good on his feet, and able to cut through and find a good settlement. He has tremendous gravitas with clients."

CHAMBERS UK, 2021 CHANCERY

Charles has considerable experience of advising on the construction of wills and of trust instruments (together with applications to the Court for directions where necessary). His practice includes cases where the validity of a will is in dispute including whether that will has been obtained by undue influence.

He was successful, both at first instance and in the Court of Appeal, in *Hart v Burbidge* [2014] EWCA Civ 992, which involved gifts procured by undue influence. He has often dealt with matters where the claim is that an interest in a property has been obtained by proprietary estoppel, and he is familiar with applications under the Trusts of Land and Appointment of Trustees Act 1996, and also the Inheritance (Provision for Family and Dependents) Act 1975.



**Amanda Noyce**  
Partner  
Royds Withy King

Amanda is a contentious probate solicitor in our Bath office. She is a Partner and heads our specialist Contested Wills, Trusts & Inheritance Disputes team. With over 25 years' experience in litigation, she was short-listed for Lawyer of the Year for her work on the high profile Barton case in the 2018 Bristol Law Society Awards. Amanda has practiced in both the non-contentious and contentious areas of inheritance, probate and trusts but now specialises exclusively in contentious probate and trusts work. She and her team are rated as top-tier in Legal 500 and she is rated as a "leading individual" in Chambers directory for her specialist work in this legal arena.



**Alex Troup**  
Head of Wills & Trusts,  
Call 1998, St John's Chambers

"Alex is probably the best chancery junior practising in the South West in inheritance and trust disputes. He is approachable, great with clients, measured in his advice and convincing on his feet. 'Technically excellent, a commanding presence in the courtroom, and works hard to build a rapport and relationship with clients.'"

CHAMBERS UK, 2021 CHANCERY

Alex is ranked as the only 'star individual' on the Western Circuit in chancery matters by Chambers UK and is Head of our Wills & Trusts team. He has recently been identified as the only 'star ranked' leading professional adviser to the Private Wealth market (outside London), where he is featured in the High Net Worth Guide 2021. Alex was also shortlisted for 'Junior of the Year' in the regional category of The Legal 500 UK Awards 2020.

He is well known and highly praised for his ability to handle complex disputes concerning wills and trusts, and he is also described by a commentator as a 'phenomenal mediator.' 'Alex is highly knowledgeable and able to deal with highly complex factual and legal disputes, and disputes concerning intricate matters of law and procedure

Alex was instructed to act for the successful second and third defendants in the High Court in the noteworthy case of *Hughes v Pritchard and others* [2021] EWHC 1580 (Ch).



**Christopher Jones**  
Barrister, Call 2004  
St John's Chambers

"Clients appreciate how quick Chris is to understand the key issues...He shows attention to detail and is realistic in his advice. He is a confident performer. 'He is able to put people at ease and explain things in simple terms.'"  
CHAMBERS UK, 2021 CHANCERY

Christopher is a wills and trusts barrister, regularly advising in cases involving the division of assets between cohabitants, disputed wills and the administration of trusts and estates. He is also a qualified mediator and can be instructed to mediate private client disputes.

Christopher is consistently recommended as a leading junior in Chambers UK and Legal 500.

Christopher was led by Leslie Blohm QC, when they successfully represented Lucy Habberfield before the Court of Appeal. Lucy had worked on her parents' farm, relying on promises over many years, for low wages and long hours. Following a two day hearing, the Court of Appeal rejected her mother's appeal, and upheld the judgment of Mr Justice Birss who had awarded Lucy £1,170,000. The case considers the tension between awarding a remedy which fulfils the expectation, and a remedy which compensates the detriment suffered.



**Luke Watson**  
Partner  
Stone King

"Luke is highly experienced and has good judgment. He is a safe pair of hands to conduct the complex estates and charity legacy work at Stone King."  
Legal 500 2021

"Luke – a good, strong lawyer."  
Legal 500 2021

Luke is a Partner in the Dispute Resolution team at Stone King who specialises in contentious trust and probate disputes with over 20 years' experience in this area. Luke is a full member of ACTAPS. Luke's contentious trust and probate practice involves the full array of claims in this area including disputed wills, claims under the Inheritance Act 1975, breach of trust claims and proprietary estoppel.

Luke acts for national charities, personal representatives, trustees and beneficiaries and has a particular interest in and experience of contentious trust and probate disputes which span multiple jurisdictions including current cases involving Singapore, France and Germany.



**Oliver Wooding**  
Barrister, Call 2009  
St John's Chambers

"He is hugely engaging and energetic on his clients' behalf. He has got an empathy with people and with audiences because he gets it right in court and with the judge. 'Clients appreciate his down-to-earth nature and ability to provide practical advice.'"  
CHAMBERS UK 2021, CHANCERY

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 Dependents) Act 1975, the removal of executors, construction of wills and trust documents, and for rectification of wills and trust documents. He is also a member of STEP and ACTAPS and gives regular talks in the subject area.

His expertise includes: administration of estates; disputed wills; inheritance act claims; proprietary estoppel, trusts and mediation.

Oliver appeared at trial for an adult daughter in a claim under Inheritance (Provision for Family Dependents) Act 1975 for financial provision out of her father's Estate, which was left entirely to his second wife in the case of *Ames v Jones & Ors* [2016] EW Misc B67 (CC). The case caused considerable press attention and was featured in the Daily Telegraph, Daily Mail and This Morning.