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Charles Holbech

| Call 1988

Profile: Trusts

Charles regularly advises trustees in relation to trust, tax, and property issues. He has extensive experience in trust drafting, the use of trusts in tax planning, and in matters relating to trust administration. He is also sought out for his trust litigation skills and experience. He appeared in a leading case in the High Court on the construction of a provision in a 1948 trust for the benefit of “statutory next of kin”. The issue was whether adopted children were entitled, as a matter of construction, and having regard to the European Convention on Human Rights: *Re Erskine Trust* [2012] EWHC 732 (Ch). He has developed a speciality in contentious trust disputes involving claims for breach of trust, removal of trustees, and challenges to the exercise of trustees’ discretions. Charles had a notable recent success in *Newman v Clarke* [2017] 4 WLR 26 in striking out a claim that a trustee was in breach of the rule against self-dealing, on the grounds that that rule did not apply to the unilateral exercise of rights vested in the trustee prior to his appointment as a trustee. Charles is a member of the Society of Trust and Estate Practitioners and of the Association of Contentious Trust and Probate Specialists. Charles regularly lectures, and writes articles, on trusts and trustees.