

Practice Areas
Overview
Charities
Commercial Disputes
Court of Protection
Partnership and Joint Ventures
Planning and Local Government
Professional Liability
Property
Tax

Trusts

Wills and Estates

Mediation and Arbitration

Kate Selway

| Call 1995

Profile: Trusts

Experience and Expertise

Kate has extensive advisory and litigation experience in this core practice area. She often acts for beneficiaries in breach of trust claims and advises lay, professional and institutional trustees on the nature, extent and exercise of trustees' powers, duties and fiduciary obligations.

Kate is regularly instructed to draft trust deeds and related trust documentation and often advises trustees and beneficiaries on the taxation of trusts. Kate frequently appears in the Chancery Division acting both for and against trustees in a variety of CPR Part 64 claims.

Work and Cases of Note

- *Densham-v-The Charity Commission for England and Wales*, [2018] UKUT 402 (TCC); [2019] W.T.L.R. 473; a decision of the Upper Tribunal (Tax & Chancery; Falk J and UT Judge Alison McKenna) as to whether Land held by a parish council which had been allotted by awards "to the labouring poor" under the [Inclosure Act 1845 s.73](#) was subject to charitable trusts
- *Holden-Hindley-v-Holden-Hindley* [2014] W.T.L.R. 275 ChD Roth J (scope of exercise of trustees' powers of appointment; whether resettlement of trust assets was for beneficiary's benefit; *Pilkington* type resettlements)
- *Coombes-v-HMRC* [2007] EWHC 3160 (Ch) (Trusts; capital gains tax; whether capital gain could be attributed to appellant as the settlor of the settlement)
- *Commissioners of Inland Revenue-v-Mohamed Akram Hashmi* [2002] EWCA Civ 981, [2002] 2 BCLC 489 (ChD & CA) [2002] WTLR 19 (Ch D, Hart J) (Insolvency; trusts; transactions defrauding creditors; transaction at an undervalue; fraud)

Recommendations

For Kate's extensive directory entries and recommendations, please click on Overview Profile.