

Overview

Charities
 Company
 Court of Protection
 Education
 Insolvency
 Property
 Tax
 Trusts
 Wills and Estates

Mediation and
 Arbitration

Profile: Overview

Mark Mullen focuses on charities, companies and other forms of association, insolvency, and private client cases. An experienced litigator, he regularly appears in the Senior Courts of England and Wales, in the County Court and at specialist tribunals.

He is recommended in both *The Legal 500* and *Chambers and Partners* legal directories.

Experience and Expertise

Mark Mullen is barrister with a wide range of experience in the commercial and traditional Chancery fields, in particular charities, companies and other forms of association, insolvency, and private client cases. He acts for individuals, corporations, government departments and regulators in a broad variety of cases in the County Court, the High Court and the Court of Appeal, and also represents clients in the Court of Protection. In appropriate cases, he accepts instructions directly under the Public Access scheme.

In addition to representing clients in court, he appears in the tribunal system, including the Administrative Appeals and Tax and Chancery Chambers of the Upper Tribunal and the First-tier Charity, Property and Tax Chambers.

He sits as a Deputy Registrar in Bankruptcy of the High Court, hearing company and insolvency cases, and is Junior Counsel to the Crown (H.M. Attorney General's 'A' Panel).

For practice-specific details of Mark's expertise, please click on the areas of law listed under 'Practice Areas'.

Recommendations

Mark has been consistently recommended in the *Chambers UK* and *The Legal 500* directories over several years. Recent commentary includes:

- "Very approachable, very easy to talk to and very understandable. Mark knows his law, and is very proactive and very practical. He's both very good technically and on the strategy of a case." (Charities, *Chambers UK* 2018)
- "He's approachable, deals with clients in a professional manner and stands out for his calm courtroom style." (Court of Protection (Property and Affairs), *Chambers UK*, 2018)
- "He is very good with clients and very good on his feet." (Charities, *The Legal 500*, 2017)
- "He is user-friendly, helpful and sensible." (Court of Protection and community care, *The Legal 500*, 2017)
- "He is user-friendly and has strong analytical skills combined with pragmatism." (Charities, *Chambers UK*, 2017)
- "He is excellent, and his advice is helpful and practical." (Charities, *Chambers UK*, 2017)
- "He's always been very approachable and you can ask him things - he sees things through right to the end." (Court of Protection (Property and Affairs), *Chambers UK*, 2017)
- "Calm and considerate with clients, and good at judging the strengths and weaknesses of a case." (*The Legal 500*, 2016)
- "He is a pleasure to work with and supports solicitors very effectively." (*Chambers UK*, 2016)
- "He is superb on anything charity or Commission related - we've done a lot of work with clients directly with him and the clients have been extremely positive about the experience. He's very, very clear in meetings and extremely straightforward with clients about what their options are in a supportive and warm way" (*Chambers UK*, 2016)
- "An accomplished practitioner" (*Chambers UK*, 2015)

- "He's brilliant at working with the client and handles himself excellently before the tribunal... he's ever so willing to make himself available to give off-the-cuff advice, and he's good on cases with complex issues." (*Chambers UK*, 2015)
- "He is roundly praised for his modern and commercial approach to client service... He provides robust and impressive advice." (*Chambers UK*, 2014)
- "An excellent grasp of the independent schools sector." (*The Legal 500*, 2013)
- "Admired for furnishing 'clear and practical advice.'" (*Chambers UK*, 2013)
- "A tenacious advocate." (*Chambers UK*, 2013)
- "Unflappable on his feet." (*The Legal 500*, 2013)

Cases

The Children's Investment Fund Foundation (UK) v HM Attorney General [2017] EWHC 1379 (Ch). Approval of grant of \$360 million by charitable company to new charity established by one of its charity trustees - whether a 'material benefit' to the trustee for the purposes of the articles - whether a payment to a director for loss of office for the purposes of section 215 of the Companies Act 2006 - nature of the interest of a member of a charitable company limited by guarantee.

Hope v Revenue and Customs Commissioners [2017] EWHC 812 (Ch). Bankruptcy petitions - individual voluntary arrangement - setting aside judgment for fraud - estoppel - HMRC's duty of care towards taxpayer under statute and at common law in assessing tax - misfeasance in public office.

Preston v Green (Liquidator of Cre8atsea Ltd) [2016] EWHC 2522 (Ch). Compulsory winding-up - credibility - extensions of time - *locus standi* - relief from sanctions - rescission - tax assessments.

Cambridgeshire Target Shooting Association v. The Charity Commission for England and Wales (First-tier Tribunal (Charity)). Target shooting - whether a sport promoting health.

King v. Dubrey [2015] EWCA Civ 581; [2016] Ch. 221. *Donatio mortis causa* - appeal - proper boundaries of doctrine - claim under the Inheritance (Provision for Family and Dependents) Act 1975.

Bank of Beirut SAL v. Prince El-Hashemite [2015] EWHC 1451 (Ch); [2016] Ch 1. Fraud - Limited Partnerships - effect of Certificate of Registration where registration procured by fraud - summary judgment.

Hope v. Ireland [2014] EWHC 3854 (Ch). Appeal from the decision of the chairman of creditors' meeting to consider IVA proposals - sums due under VAT assessment admitted for voting purposes - assessment set aside - whether sums under assessment properly admitted - 'best judgment' requirement for assessing taxes.

Spencer Michael v. Official Receiver [2014] EWCA Civ 1590. Second Appeal - Bankruptcy Restrictions Order - judicial bias - bias by predetermination - proper test.

Hounslow Badminton Association v. The Registrar of Companies [2013] EWHC 2961 (Ch). Charges - dissolved companies - register of companies - Registrar of Companies - restoration - Registrar's refusal to register charge as company dissolved - effect of later restoration on charge.

Abdulla v. Abdulla [2013] EWHC 4281 (Ch). Costs between the parties - administration of estates - costs - action for account and replacement of trustees - trustees' entitlement to indemnity out of estate - whether trustees acted reasonably.

Secretary of State for Business, Innovation and Skills v. World Future Ltd [2013] EWHC 723 (Ch). Public interest petition - standing of a contributory to be heard on the petition.

Executive Jet Support Limited v. The Serious Organised Crime Agency [2013] 1 WLR 1433. Asset forfeiture - contract - disposal of property for value - meaning of 'unexecuted consideration' for the purposes of section 314 of the Proceeds of Crime Act 2002.

Hope in the Community Ltd v. The Commissioners For Her Majesty's Revenue & Customs [2012] UKFTT 498 (TC). VAT - supply - whether funds received by charity were grant monies outside the scope of VAT or consideration for a taxable supply of goods and services within sections 4 and 5 VATA 1994.

Harris v Highways Agency [2012] UKUT 17 (LC) (Upper Tribunal (Lands Chamber), P R Francis FRICS). Compulsory purchase - Planning blight - Road works - Sale of land - Validity of Blight Notice.

Allis and another v. (1) The Charity Commission for England and Wales (2) Lytham Schools Trustee Ltd and (3) United Church Schools Trust (First-tier Tribunal (Charity)). Charity – King Edward VII and Queen Mary School, Lytham – appeal against the making of a *cy-près* scheme – scope of section 13(1)(c) of the Charities Act 1993 – 'spirit of the gift'.

Ground and others v. (1) The Charity Commission for England and Wales and (2) The Guildford Diocesan Board of Finance (First-tier Tribunal (Charity)). Charity – Dunsfold Church of England School - appeal against the making of a *cy-près* scheme – 'spirit of the gift'.

R. (Independent Schools Council) v. The Charity Commission for England and Wales; H. M. Attorney General v. The Charity Commission for England and Wales [2012] Ch 214. Charity – Public benefit and fee charging schools – Reference by Attorney General under Charities Act 1993 as amended – Questions referred answered – Application for judicial review of Guidance issued by Charity Commission.

Re OTC Network Limited [2011] All ER (D) 151 (Jan). Financial services – misrepresentation – public interest winding up – false and misleading statements and carrying out unauthorised regulated financial activity.

Kings v. Bultitude [2010] WTLR 1571. Succession – gift to charity – lapse – initial failure.

Dean v. Stout [2006] 1 FLR 725. Insolvency – husband and wife – exceptional circumstances – s. 335A(3) Insolvency Act 1986.

Books

Contributor to *Insolvency Litigation: A Practical Guide*, Sweet & Maxwell (2016) (Chapter 2: An Introduction to Court Procedure and Practice).

Contributor to *Tolley's Insolvency Law*, LexisNexis (Looseleaf) (Chapter on Bankruptcy and Litigation).

Running a Charity, Mark Mullen, Jordans (4th ed., 2015).

Companies Limited by Guarantee, Mark Mullen and Josh Lewison, Jordans (4th ed., 2014).

Seminars

- "Provisional Liquidators".
- "Applications in the Court of Protection".
- "Probate and Possession Proceedings".
- "The Inheritance (Provision for Family and Dependents) Act 1975: Practice, procedure and practical tips".
- "Initial or subsequent failure of a charitable gift?".
- "Costs: summary assessment; cost schedules; security for costs; costs in insolvency proceedings; and costs in claims concerning trusts and charities".
- "Statutory Wills: Practice, procedure and practical tips".

Qualifications

BA (Hons) (Dunelm.)
PgDL (BPP)
Barrister (Lincoln's Inn)
Barrister-at-Law (Northern Ireland)

Memberships

Chancery Bar Association
Charity Law Association
Society of Trust and Estate Practitioners
Association of Contentious Trust and Probate Specialists

Other Details

From 2009-2013 he was a barrister member of the Council of the Inns of Court Disciplinary Tribunal, hearing professional conduct complaints made against barristers. He also sat as a member of the Visitors to the Inns of Court tribunal, which heard appeals from the Disciplinary Tribunal. He is a registered pupil master.

