



## Charles Holbech

Call: 1988

### Barrister

#### CONTACT

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Email  
cholbech@radcliffechambers.com

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Email Clerk  
clerks@radcliffechambers.com

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Telephone  
020 7831 0081

#### ADDRESS

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11 New Square  
Lincoln's Inn  
London WC2A 3QB

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DX: 319 London  
Telephone: 020 7831 0081  
Fax: +44 (0)20 7405 2560

**Charles Holbech** specialises in private client work, both contentious and non-contentious, and increasingly involving technical advice on tax, trusts and estates. Whether advising in conference, on paper, or in court, Charles applies a detailed, but clear, analysis to complex issues. Charles is recognised by *Chambers UK Bar*, *Chambers HNW* and *The Legal 500 UK Bar* as a leading junior for Chancery and private client work. Charles is regularly instructed in reported cases and writes extensively on estate planning, Inheritance Tax and trusts. He has also edited *Halsbury's Laws of England* on Inheritance Tax. Charles is also a contributor to Francis, *Inheritance Act Claims: Law, Practice and Procedure*.

#### 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.

#### WILLS AND ESTATES

Charles has considerable experience in relation to wills, probate and administration, and succession. He is experienced in will drafting, and in tax planning through wills. Charles has appeared in the Privy Council in a leading case on the construction of wills: *Sammut v Manzi* [2009] 1 WLR 1834. He also has considerable experience and expertise in claims relating to the estates of

deceased persons such as probate claims, proprietary estoppel, and family provision claims. He appeared in the Court of Appeal in a leading case on proprietary estoppel: *Campbell v Griffin* [2001] EWCA Civ 990; and in the High Court on constructive trusts: *Thomson v Humphrey* [2009] EWHC 3576 (Ch). Charles has a particular interest in claims to set aside wills on the grounds of undue influence, want of knowledge and approval, lack of testamentary capacity, and/or forgery. He appeared in *C v D* [2012] EWHC 3214 (Ch), a case considering whether a spent conviction could be adduced as evidence of propensity for dishonesty. He has given many lectures on these issues, and has advised on and appeared in many cases in this area.

Charles has appeared in two of the leading cases on claims by adult children for reasonable provision out of the estate of a deceased parent: *Robinson v Bird* [2003] WTLR 529 and *Garland v Morris* [2007] 2 FLR 528. He regularly advises and acts in Inheritance Act claims. Most of these claims are settled. Court of Protection Charles is experienced in all matters relating to patients, mental health, the Court of Protection, lasting powers of attorney, statutory wills, and the appointment of deputies. He has appeared many times in the Court of Protection.

Charles represented the Executors of an estate on an interesting point of construction of a will in *Jeffreys v Scruton* [2020] EWHC 536 (Ch).

## **TAX AND ESTATE PLANNING**

Charles' advice is increasingly in demand on tax, and tax planning issues facing individuals, trustees, and personal representatives. He regularly advises on the availability of business and agricultural property relief. Charles has edited Halsbury's Laws of England on Inheritance Tax. He has also written two privately-published booklets, on estate planning through wills, and on Inheritance Tax planning and trusts. Charles contributed the chapter on taxation in the current edition of Mortimer, Williams and Sunnucks on Executors, Administrators and Probate. He is frequently asked to lecture on tax by professional organisations. He was one of the invited speakers at the 2015 IBC Inheritance Tax conference.

## **PROPERTY**

Charles' expertise covers the whole field of property and land law, including commercial and residential landlord and tenant disputes, manorial rights, markets and fairs, leasehold enfranchisement, possession proceedings, mortgages, easements, restrictive covenants, options, conveyancing, boundary disputes, dilapidation claims, licences, adverse possession, land registration, rights of co-owners, applications for sale of land, planning, trusts of land, land taxation, overage agreements, proprietary estoppel, property related negligence and insolvency, and equitable claims as they affect land.

## **PROFESSIONAL LIABILITY**

Charles has a particular interest in professional negligence and has lectured extensively upon negligence claims relating to wills. He has addressed the Professional Negligence Lawyers' Association's annual conference on three occasions on professional negligence in the private client context, most recently in 2019.

Charles is the sole contributor of *White v Jones liability for negligent advice* published in Oxford Journals – October 2016, and has recently written another article in Trusts & Trustees entitled *Discretionary objects and the beneficiary principle*.

He also wrote *A hard case to make: Bromley v Breslin* [2015] published in Trusts & Estates Law Journal July/Aug 2016, and the chapter on Taxation in *Williams Mortimer & Sunnucks on 'Executors, Administrators & Probate'* (2018) published by Sweet and Maxwell.

In 2012 Charles wrote an article entitled *Has the golden rule lost its lustre?* which

was published in Trusts and Estates Law & Tax April 2012.

Charles regularly contributes headnotes to the Wills and Trusts Law Reports.

## RECOGNITION

Recent directory editorial comment has included the following:

- *"Charles has the excellent technical knowledge and is excellent in legal argument, even on very technical complex matters but also able to explain them to lay people."* (Private Client: Trusts and Probate, Legal 500 UK Bar 2024)
- *"A genuine authority on tax issues in respect of trusts and probate work."* (Chancery: Traditional, Chambers UK Bar 2024)
- *"Very approachable and easy to deal with, he is very good with clients and able to explain very complex matters to them in a way that they can understand. His written advice is also excellent."* (Chancery: Traditional, Chambers UK Bar 2024)
- *"Charles is a genuine authority on tax issues in respect of trusts and probate work, and is our go-to counsel for such advice."* (Chancery: Traditional, Chambers HNW London Bar 2023)
- *"Charles is very approachable and easy to deal with. He is also very good with clients and able to explain very complex matters to them in a way that they can understand, whilst also being excellent in written advice and in court documents."* (Chancery: Traditional, Chambers HNW London Bar 2023)
- *"Charles is really through and approachable. He has an amazingly bright legal mind and excellent drafting skills."* (Private Client: Trusts and Probate, Legal 500 UK Bar 2023)
- *"He is extremely intelligent but also very approachable and responsive."* (Chancery: Traditional, Chambers UK Bar 2022)
- *"Charles is excellent at quickly identifying the issues and advising on the law. He is excellent in his technical knowledge but is also able to explain it in a way which is easily able to be understood by the beneficiaries. He is always approachable and helpful."* (Private Client: Trusts and Probate, Legal 500 UK Bar 2022)
- *"I'd follow him to any set, because he's so bright and capable, very clever. I would always go to him with anything complicated."* (Chancery: Traditional, Chambers HNW London Bar 2021)
- *"Very, very good and goes the extra mile on difficult cases." "He's absolutely brilliant. He gives the client confidence in the case and really helps them through it."* (Chancery: Traditional, Chambers UK Bar 2021)
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- *"He is very, very good. He goes the extra mile on difficult cases."* (Chancery: Traditional, Chambers HNW London Bar 2020)
- *"He's absolutely brilliant. He gives the client confidence in the case and really helps them through it."* (Chancery: Traditional, Chambers HNW London Bar 2020)
- *"He gives clear and practical advice. In addition, he has always made himself available to speak with the client and with their other advisers in order to provide the best advice for them."* (Chancery: Traditional, Chambers UK Bar 2020)
- *"Very bright."* (The Legal 500 UK Bar 2019)
- *"A real expert on tax and he always knows how to work through even the most complex of problems. His advice is always very helpful and is spot-on. His technical skills are outstanding and he has a very strong grasp of some of the most complex legal concepts."* (Chancery: Traditional, Chambers UK Bar 2019)
- *"He's good for the particularly contentious matters and is very quick thinking. He is a committed practitioner and always goes the extra mile for his clients. He is forceful and a go-to person if you have a fraught dispute."* (Chancery: Traditional, Chambers HNW 2018)
- *"Excellent on really complex and intricate details." "He really knows his*

stuff.” (Chancery: Traditional, *Chambers UK Bar* 2018)

- “Very meticulous and methodical.” (Private Client: trusts and probate, *The Legal 500 UK Bar* 2017)
- “A pragmatic barrister who gets to the crux of the matter and offers sensible, straight forward advice” which “invariably chimes with the objectives of the clients.” (Chancery: Traditional, *Chambers UK Bar* 2017).
- “He is academically bright, has great technical skills and can assimilate and deal with a great amount of detail and documentation.” (Chancery: Traditional, *Chambers UK Bar* 2016)
- “Superb on detail and particularly technical points of law” (Private Client: trusts and probate, *The Legal 500 UK Bar* 2016)

## **PUBLICATIONS**

Charles is the sole contributor of *White v Jones liability for negligent advice* published in Oxford Journals – October 2016. He also wrote *A hard case to make: Bromley v Breslin [2015]* published in *Trusts & Estates Law Journal* July/Aug 2016, and the chapter on Taxation in *Williams Mortimer & Sunnucks on ‘Executors, Administrators & Probate’* (2018) published by Sweet and Maxwell.

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## **QUALIFICATIONS**

Christ Church, Oxford – Classics Mods; BA in Law

## **MEMBERSHIPS**

- Association of Contentious Trust and Probate Specialists (ACTAPS)
- Society of Trust and Estate Practitioners (STEP)
- Chancery Bar Association

## **POLICIES AND OTHER DETAILS**

- Read Charles’ [Privacy Notice](#), [Data Protection Policy](#) and [Disposal Policy](#)