Radcliffe Chambers



# Daniel Burton

Call: 2009

## Barrister


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**Daniel Burton** is a leading chancery barrister with a broad practice spanning private client, banking and financial services, commercial disputes, pensions and related property and professional liability matters.

Daniel is ranked Band 1 for Chancery: Traditional in Chambers High Net Worth and is routinely instructed in complex and high-value matters. He is regularly involved in significant trusts and estates litigation concerning the administration and interpretation of trusts and estates, beneficial interests, trustees' powers and duties and succession.

Daniel combines substantial chancery expertise with a strong commercial background. Before joining Chambers, he worked in the Commercial Litigation department at Stewarts Law LLP and subsequently spent six months on secondment at the Office of Fair Trading.

His practice encompasses both contentious and advisory work, acting for trustees, beneficiaries, executors and personal representatives, individuals, businesses and financial institutions. He is comfortable leading, being led or acting on his own account.

### TRUSTS

Daniel has extensive experience of contentious and advisory trust matters, acting for beneficiaries, trustees and professional trustees in relation to the interpretation and administration of trusts and the exercise of trustees' powers, duties and liabilities. His practice also encompasses implied trusts and equitable remedies in both domestic and commercial contexts.

Much of Daniel's work has an international dimension, and he regularly works alongside UK and overseas lawyers on complex trusts matters.

Selected judgments:

- *Re FR Kerry Family 1962 Trust* [2026] EWHC 869 (Ch) – Acting for the Claimants in proceedings to determine the validity and effect of various instruments and whether trust assets of circa £3.5m had been lawfully distributed to the capital beneficiaries.
- *Folds Farm Trustees Ltd v Cutts* [2024] EWHC 2143 (Ch) – Acting for the First Defendant in proceedings concerning costs payable by an estate and a trust fund to beneficiaries of a will trust.
- *Folds Farm Trustees Ltd v Cutts* [2024] EWHC 12 (Ch) | [2024] W.T.L.R. 503

– Acting for the First Defendant in "blessing" proceedings concerning trustees' powers and duties in relation to the proposed sale of a valuable farm held within a discretionary trust.
- *Zedra Fiduciary Services (UK) Ltd v HM Attorney General* [2023] EWCA Civ 1332 | [2024] Ch 365 – Acting as junior counsel (with Robert Pearce KC) for the appellant trustee in the Court of Appeal in proceedings concerning the National Fund. The Court of Appeal upheld the High Court's decision that the Fund should be applied cy-près to reduce the national debt rather than under the trustee's proposed scheme for general charitable purposes.
- *HM Attorney General v Zedra Fiduciary Services (UK) Ltd* [2023] EWHC 838 (Ch) – Acting as junior counsel (with Robert Pearce KC) for the Trustee of the National Fund concerning a successful application for *Beddoe* relief.
- *HM Attorney General v Zedra Fiduciary Services (UK) Ltd* [2022] EWHC 102 (Ch) – A £600m fund which had been created by deed of trust in 1928 in order to discharge the national debt was to be applied *cy-pres* to reduce the national debt rather than be applied to general charitable purposes.
- *HM Attorney General v Zedra Fiduciary Services (UK) Ltd* [2020] EWHC 2988 (Ch) – A deed had created a valid charitable trust with the principal purpose of benefitting the nation by accumulating a fund that would in time be applied to discharge the national debt. The original purpose of the charitable trust could not be carried out, constituting a subsequent failure of charitable purposes, and so the court had jurisdiction to make a scheme altering the charitable trust pursuant to its *cy-pres* jurisdiction.
- *Martin v Martin* [2020] EWHC 49 (Ch) | [2020] 1 P. & C.R. DG21 – Acting for the successful Claimant where the Court made an order for sale and partition under the Trusts of Land and Appointment of Trustees Act 1996 in respect of five parcels of land owned by two brothers.
- *Killearn v Killearn* [2011] EWHC 3775 (Ch) – Acting for the 4th Defendant in successfully resisting a life tenant's proposed sale of trust property at a particular price to a particular purchaser, where Jeremy Cousins KC held that the evidence in relation to the property's value and condition did not support that approach, and it would be inconsistent with the trustees' duty to the beneficiaries to sell without a proper marketing campaign to maximise the price.

## WILLS AND ESTATES

Daniel accepts instructions across the full range of contentious and non-contentious matters concerning wills, estates and succession. He acts for beneficiaries, personal representatives and other interested parties in disputes concerning the interpretation and effect of wills, estate administration, and the duties and liabilities of executors and administrators.

He has particular expertise in contentious probate disputes, including questions of testamentary capacity, undue influence and want of knowledge and approval, as well as non-contentious probate matters involving the appointment and replacement of personal representatives and revocation of grants. His practice also encompasses intestacy, proprietary estoppel and claims under the Inheritance (Provision for Family and Dependants) Act 1975.

Much of Daniel's work has an international dimension, and he regularly works alongside UK and overseas lawyers on matters involving assets, estates and parties across multiple jurisdictions.

Selected judgments:

- *Dorant v Dorant* [2025] EWHC 3360 (Ch) – Acting for the successful First Defendant in an intestacy dispute concerning beneficial entitlement to an estate of circa £3m. The court determined competing claims in the kin inquiry by individuals claiming to be the deceased's half-siblings following consideration of witness, documentary, expert and DNA evidence.
- *Re Hanson (Torkington v O'Leary)* [2024] EWHC 2281 (Ch) – Acting in a directions application for professional joint administrators (of BDO LLP) appointed in 2015 to collect and preserve assets of an estate with an

estimated value of £50m, plus a c.£30m judgment debt arising out of a decision by the Jersey Royal Court (*Estate of the Late J.D. Hanson* [2021] JRC 319).
- *Lane v Lane* [2024] EWHC 752 (Ch) | [2024] Costs L.R. 605 – Acting in contested costs proceedings following successful construction and removal applications.
- *Lane v Lane* [2024] EWHC 275 (Ch) | [2024] W.T.L.R. 615 – Acting for the successful Claimant in a dispute concerning the effect of a will and the administration of an estate, including whether a testamentary gift had adeemed and whether an executrix should be replaced.
- *Re Byford (Drake v Dervish)* [2019] EWHC 646 (Ch) – Acting for seven UK charities in a probate claim in which the Court propounded against a will on the ground of lack of testamentary capacity.
- *Haastrup v Haastrup* [2016] EWHC 3311 (Ch) – Acting for the claimants in the long-running Haastrup estate litigation, where the Court considered the necessary *locus standi* required to bring an action against an *executor de son tort* who had received monies belonging to a company owned by the deceased.

## COMMERCIAL DISPUTES

Daniel has broad experience of commercial disputes, advising and representing clients from the pre-action stage through to trial. His practice encompasses contractual disputes, the sale and supply of goods and services, partnerships and joint ventures, interference with goods and interpleader claims, as well as applications for pre-action, interim and injunctive relief.

His experience includes complex partnership disputes, cross-border contractual claims and proceedings involving companies and commercial arrangements.

Selected judgments:

- *Denaxe Ltd v Cooper & Rubin* [2023] EWCA Civ 752 | [2024] Ch. 65 | [2024] 2 W.L.R. 142 – Acting as junior counsel (with David Mohyuddin KC) for the successful Respondents in resisting an appeal brought against their clients, Paul Cooper and David Rubin, the former receivers appointed in 2019 by way of equitable execution over certain assets relating to Blackpool Football Club. The appeal concerned the strike out of professional negligence proceedings following the previous blessing by the Court of the sale of the football club.
- *Zoya Ltd v Ahmed* [2017] 2 W.L.R. 773 | [2016] EWHC 1981 (Ch) – Acting for the successful defendant in the trial of a preliminary issue relating to the authority to issue proceedings in a Liberian company's name, where William Trower KC held that the individual purporting to have authority on behalf of the claimant was neither a shareholder or a director and struck out the claim as an abuse of process.
- *Zoya Ltd v Ahmed* [2016] 4 W.L.R. 174 | [2016] EWHC 2249 (Ch) – Acting in a related third-party costs application, where William Trower KC found that, although solicitors had acted without authority in litigation brought by a company, they were not liable to the defendant for breach of warranty of authority, as he had not relied on the warranty, having argued from the outset that they lacked authority.

## BANKING AND FINANCIAL SERVICES

Daniel accepts instructions in relation to financial services and banking matters, including disputes over loan facilities and the mis-selling of financial products. He is also well versed in consumer credit issues involving the unfairness provisions in section 140A-C of the Consumer Credit Act 1974 and unfair terms, in which he has acted both for and against banks. He has a particular specialism and experience in shared appreciation mortgages (known as 'SAMs').

In 2012, Daniel spent six months on secondment at the Office of Fair Trading providing advisory and drafting services in respect of regulation and licencing of

consumer credit businesses, Government ratification of mortgage products and anti-money laundering provisions. Before joining Chambers, Daniel spent a year in the Commercial Litigation department at Stewarts Law LLP, participating in particular in large-scale banking and finance litigation including the mis-selling of interest rate swaps and derivatives.

Selected judgments:

- *Various SAM Borrowers v BOS (Shared Appreciation Mortgages) No.1 Plc* [2022] EWHC 2594 (Ch) | [2022] Costs L.R. 1715 – In a claim involving 161 claimants, where the Court gave directions for the trial of 15 lead claims, the value of the lead claims was not a helpful guide to the proportionality of the defendants' costs budget. The purpose of trying the lead claims was to facilitate the resolution of all 161 claims, and the total value of those claims had to be taken into account when considering the proportionality of the defendants' costs.

## PENSIONS

Daniel acts for scheme trustees, employers, individual members, insurers, scheme administrators and advisers and regulatory bodies in relation to occupational and personal pension schemes. He has acted for the Pensions Regulator and has experience of the Pensions Ombudsman (especially in relation to appeals). He is a member of the Association of Pension Lawyers.

Selected judgments:

- *HMRC v Bella Figura Ltd* [2020] UKUT 120 (TCC) | [2021] Pens. L.R. 1 – Acting for the successful Respondent taxpayer in an appeal concerning HMRC's decision to levy a scheme sanction charge, unauthorised payments charges and surcharges under the Finance Act 2004 concerning loans made by the scheme to the sponsoring employer.
- *FDR Ltd v Dutton* [2017] EWCA Civ. 200 | [2017] Pens. L.R. 14 – Acting as junior counsel (with Keith Rowley KC) on behalf of the Trustees of the FDR Limited Pension Scheme on the appeal to the Court of Appeal concerning the interpretation of an amendment dealing with increases in pensions in payment which had been frustrated by a proviso.
- *Wise v Sun Life Assurance (UK) Ltd* [2016] EWHC 3558 (Ch) – Acting for the Respondent pension provider on a costs application following the dismissal of the Appellant member's appeal.
- *Wise v Sun Life Assurance Co of Canada (UK) Ltd* [2016] EWHC 2814 (Ch) – Acting for the successful respondent company in an appeal to the High Court from a decision of the Pensions Ombudsman which concerned the loss of a guaranteed annuity rate.

## RECOGNITION

- *"Daniel holds his own. He is cool, calm and collected. He knows his stuff and is unwavering. He is pretty charming, clients like him and the way he makes them feel: not only confident but that they are going to win."* (Chancery: Traditional, *Chambers UK Bar 2026*)
- *"Daniel builds a direct affinity with clients. He is a man of the people. He's also on top of things, very smart, and wows the room when he comes in by being a nice bloke who's incredibly intelligent as well"* (Chancery: Traditional, *Chambers UK Bar 2026*)
- "*Daniel is my go-to barrister. He is excellent with clients and he sees the bigger picture to ensure that clients can make informed decisions."* (Chancery: Traditional, *Chambers UK Bar 2026*)
- *"Daniel is a great lawyer to work with. He is an expert in his field and is superb with clients. He has great commercial instinct."* (Chancery: Traditional, *Chambers UK Bar 2026*)
- *"Daniel's advocacy in court is excellent – he is polite but puts his points forward forcefully"* (Private Wealth and Probate, *Legal 500 UK Bar 2026*)
- *"Daniel's very adaptable to clients and emotionally intelligent too. He picks*

*up on how to manage a client. He is a great support in that regard."* (Chancery: Traditional, *Chambers UK Bar 2026*)

- *"Daniel Burton has a combination of legal skills and commercial know-how. He has an eye to not just the best legal argument but also the one that achieves the client's objectives."* (Chancery: Traditional, *Chambers UK Bar 2026*)
- *"Daniel Burton is one of my go-to barristers. He is great with clients, brilliant on strategy and has excellent attention to detail."* (Chancery: Traditional, *Chambers UK Bar 2026*)
- *"He has really good knowledge of a wide range of chancery matters. He is good on his feet, persuasive and also very likeable."* (Chancery: Traditional, *Chambers UK Bar 2026*)
- *"His advocacy is incredible. He is very good with clients and quickly comes to grips with all the key issues."* (Chancery: Traditional, *Chambers UK Bar 2025*)
- *"Daniel is approachable, hugely knowledgeable and practical. Clients feel confident in his ability and he makes them feel at ease."* (Chancery: Traditional, *Chambers UK Bar 2025*)
- *"Clients feel confident in his ability and he makes them feel at ease."* (Chancery: Traditional, *Chambers UK Bar 2025*)
- *"Daniel is excellent counsel. He is great with clients and provides thoughtful and practical written advice. In court, he is never flustered and argues his corner persuasively and tenaciously. He is a real team player who is always available."* (Private Client: Trusts and Probate, *Legal 500 UK Bar 2024*)
- *"Daniel is clever, hugely helpful, and excellent at putting clients at ease."* (Chancery: Traditional, *Chambers UK Bar 2024*)
- *"Daniel goes above and beyond with lay clients. He is always commercially aware and will always be reasonable with his fees. He is so well prepared – he knows the case back to front. There are no nasty surprises when he's on the case."* (Chancery: Traditional, *Chambers UK Bar 2024*)
- *"Daniel is clever, hugely helpful, and excellent at putting clients at ease. He is a first-rate chancery barrister who I use again and again."* (Chancery: Traditional, *Chambers HNW London Bar 2023*)
- *"He is probably my favourite counsel at his level of call. Daniel is very reliable, has impressed our clients and staff alike and is absolutely someone we will recommend to clients again and again."* (Chancery: Traditional, *Chambers HNW London Bar 2023*)
- *"Daniel goes above and beyond with lay clients. He is always commercially aware and will always be reasonable with his fees. He is so well prepared he knows the case back to front. There are no surprises. Daniel is my go-to barrister."* (Chancery: Traditional, *Chambers HNW London Bar 2023*)
- *"Daniel is a go-to barrister. His legal expertise is second to none. He is brilliant with clients and sees things from a practical and cost-effective viewpoint. He is excellent." "Passionate and pragmatic."* (Private Client: Trusts and Probate, *Legal 500 London Bar 2022*)
- *"I think he is brilliant, not only has he got the intellectual skill that you need but he is also really client-friendly and really commercial."* (Chancery: Traditional, *Chambers HNW London Bar 2022*)
- *"Dan is an exceptionally safe pair of hands. He handles complex matters with ease and is able to deliver clear, concise and good-value advice and guidance to lawyers and clients alike."* (Chancery: Traditional, *Chambers UK Bar 2022*)
- *"Able to judge the capabilities of clients and tailor his demeanour appropriately. He's calm and sympathetic throughout." "Has a good manner and raises good, sensible points." "He does a good job for his clients."* (Chancery: Traditional, *Chambers UK Bar 2021*)
- "*He is great with clients and is a confident advocate. Really great with knotty problems."* (Private Client: Trusts and Probate, *Legal 500 UK Bar 2021*)
- *"He's able to judge the capabilities of clients and tailor his demeanour appropriately. He's calm and sympathetic throughout."* (Chancery: Traditional, *Chambers HNW London Bar 2020*)

- *"He has a good manner, and raises good and sensible points."* (Chancery: Traditional, *Chambers HNW London Bar 2020*)
- *"Does a good job for his clients."* (Chancery: Traditional, *Chambers HNW London Bar 2020*)
- *"Very bright but also practical and with a good grip on detail."* (Private Client: Trust and Probate, *Legal 500 UK Bar 2020*)
- *"His turnaround time is stupendous. He is incredibly conscientious and absolutely all over the detail." "An intelligent and incisive practitioner who is very easy to deal with."* (Chancery: Traditional, *Chambers UK Bar 2020*)
- *"His written work is clear as can be and he always addresses the key points in great detail*." "*He is persuasive in court and handles both the judges and clients very well*." (Chancery: Traditional, *Chambers UK Bar 2019*)
- "*An intelligent and incisive practitioner*." (Private Client: Trusts and Probate, The Legal 500 UK Bar 2019)
- *"'An excellent junior' and 'a star of the future.' He has a wide-ranging traditional chancery practice and is 'shaping up to be a brilliant lawyer … He has strong knowledge of the law and has the ability to deal with a whole range of international disputes.'"* (Chancery: Traditional, *Chambers HNW 2018*)
- "*Incredibly hands-on, very highly skilled and also pragmatic … with a commercial mind and turns around work very quickly to a high standard*". "*An exceptionally good advocate who takes judges through matters methodically and diligently. The court really appreciates his input*." (Chancery: Traditional, *Chambers UK Bar 2018* and *Chambers HNW 2017*)

## QUALIFICATIONS

- 2002-05: BA in Egyptology, Wadham College, University of Oxford (First Class)
- 2006-07: M St in Oriental Studies, Wadham College, University of Oxford (Distinction)
- 2007-08: GDL at City University (Distinction)
- 2008-09: BVC at BPP Law School (Very Competent)

## MEMBERSHIPS

- Chancery Bar Association;
- Association of Pension Lawyers;
- Inner Temple.
- ConTra

## POLICIES AND OTHER DETAILS

Read Daniel's Privacy Notice, Data Protection Policy and Disposal Policy.