



Oliver Hilton

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Barrister

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Praised for being “*technically superb*” and “*a great team player*”, **Oliver Hilton** enjoys a successful private client practice with a focus on high value, complex trust, estates and pensions litigation. He has developed well-regarded specialisms in trusts and beneficiary disputes, contentious probate, 1975 Act claims and proprietary disputes, pensions litigation and related professional negligence and tax matters. He is particularly adept at dealing with highly technical points and procedural issues, as well as litigation involving multiple causes of action and parties. Oliver appears regularly in the High Court and has acted on numerous occasions in matters before the Court of Appeal. He is especially sought after for his substantial mediation experience, for which he has a high success rate at achieving favourable, tax efficient settlements. His specialisms compliment his wealth of experience in drafting complex and intricate trusts and pensions documentation.

WILLS AND ESTATES

As well as trusts, wills and estates form the backbone of Oliver’s traditional chancery practice. He is frequently instructed by beneficiaries (including disappointed beneficiaries) and personal representatives on all aspects of probate, succession, inheritance and estate administration. He regularly appears before masters and judges in the Business and Property Courts, Trusts and Probate list (in London, Birmingham and Manchester) on these matters.

Oliver has a particular expertise in contentious probate claims, including issues of capacity, undue influence and fraudulent calumny. He also has extensive experience in prosecuting and defending family provisions claims, as well as acting for neutral personal representatives.

Oliver is particularly adept at creatively including other causes of action in probate and family provision claims, including setting aside lifetime transactions, claims for breach of fiduciary duties, claims to personal property and constructive trusts claims, both for and against estates. He also has experience of mutual wills.

He has a particular expertise in administration issues, especially:

- Questions of constructive and devolution
- Powers, including their scope and the exercise of powers of appointment, investment and carrying on the deceased's business
- Administration applications, including as to determination of questions as to who is a creditor or beneficiary, and for guidance and *Beddoe* relief
- Rectification applications
- Devistavit and breach fiduciary duties matters
- Claims for accounts and recovery of assets
- Removal applications
- Costs issues.

Oliver is an experienced draftsman in relation to wills, particularly in producing complex, bespoke provisions and will trusts.

His recent cases include:

- *“Re Byrne [2024] (Birmingham BPR)*. In defending probate claim under CPR 57.7(5) subject to a summary judgment application, Oliver sought specific disclosure of the deceased's letter of wishes. The complex, multi-day application considered whether the trust law principles derived from *Schmidt v Rosewood* were relevant by analogy.
- *Frazer v Khawaja [2023] EWHC 3143* – Oliver acted for the attorney of the Deceased's intestate beneficiaries in challenging the validity of a highly suspicious will, which is made in favour of an unknown person with a generic address in a slum area of Lahore, Pakistan, appeared to be a forgery and in respect of which the witnesses could not be found. The Defendant is the attorney of the unknown beneficiary but refused to engage properly. It had the hallmarks of a fraud. At the conclusion of a 2-day trial on written evidence, Chief Master Shuman pronounced against the validity of the will, revoked the Defendant's grant, ordered a grant in favour of Oliver's client and ordered indemnity costs against the Defendant.
- *Re Manzoor Deceased* (2022 – present) – Acting for the young widow of the deceased in seeking to realise the deceased's partnership share in £12m+ property investment business and the family home. He also acted in the same case in a VTA application (see under Trusts).
- *Re Chaplin Deceased* (2020 to 2021) – Acting for the Defendant in opposing her brother's claim for her removal as executor of their mother's £m+ estate, the forced sale of numerous high value investment properties held as part of the estate and on trust, and accounts, including on the grounds that she was entitled to a proprietary estoppel. After various hearings before the Master, the case settled.
- *McClean v McClean* (2019 to 2021) – Acting for the widow of a high profile / net-worth individual. After his £80m business took off, he went on a spending spree, purchasing sports cars and an uninhabitable mansion which he began, but did not finish, renovating, leaving huge debts. On death his shareholding is disenfranchised, leaving no net realisable assets for his young family. As well as seeking a sale of the shares, Oliver's client is seeking recovery of £1.4m paid by the Deceased to his brother on his suicide, on various complex grounds, including under the 1975 Act in Birmingham's High Court.
- *Singh Deceased* (2019) – Acting for Defendant in defending a claim by his four sisters to (i) prove a missing will they asserted had left their father's estate between them all but had been suppressed by the Defendant following their father's death, and (ii) revoke a grant of probate, obtained by the Defendant, in respect of a will leaving the estate to him. Following a six day trial with heavy cross-examination, the court did not, on the more difficult standard of proof required, accept the sisters' evidence and the claim was dismissed.
- *Re Amstel Deceased* (2018) – Acting for Fraser & Fraser Genealogists defending a claim to revoke a grant of probate in favour of a lost will.
- *Ward v Frimston* (2017 to 2020) – Acting for the first defendant executor in respect of the deceased's daughter's 1975 Act claim concerning how best

to accommodate the claimant's claim while maintaining the executor's indemnity against the estate in respect of administration expenses (including a sizeable IHT bill), and in obtaining possession of and mesne profits in respect of her occupation of the principal asset of the estate.

- *Re H Deceased* (2017) – Acting for executors of a deceased who, immediately before his death, was involved in large scale litigation (here and offshore) with his brother over the sizeable estate of their late father, in a case involving a probate claim offshore and a large, English claim to set aside transactions.
- *Re Burrows Deceased* (2016) – Defending a claim for a Fitzhugh Gates (i.e. put up or shut up) order in the High Court.
- *Re Jordan Deceased* [2016] WTLR 1355 – Acting for the claimant in successfully seeking to pronounce for a will in respect of a £2m estate, relying upon a passive defence under CPR 57.7(5), in a case where, uniquely, the Court acceded to Oliver's application post trial that an adverse costs order be made against the Defendant notwithstanding the general rule in CPR 57.7(5)(b).
- *Re Lunnon Deceased* (2015) – Acting for 30 beneficiaries in the High Court in respect of a 1975 Act claim by a claimant claiming to have been treated as a child of the Deceased.
- *Re D Deceased* (2015) – Advising the executors as to the likely devolution of a highly valuable stamp collection as personal chattels under a will.
- *Re Boyle Deceased* (2015) – Acting in respect of a High Court probate dispute concerning a c£6m estate, seeking to set aside (a) two wills on the grounds of want of knowledge and approval, undue influence and fraudulent calumny; and (b) various lifetime transactions, and recover misappropriated assets for the benefit of the estate.
- *Henderson v Henderson* (2015) – Acting for the claimant seeking the return of various household antiques bequeathed to her in her husband's will, but taken by her daughters in law following his death, succeeding in showing that the Claimant's oral promise that her daughters in law could take the items was invalid as being an ineffective disposition of an equitable interest under s53 LPA.
- *Re Walker Deceased* [2014] EWHC 71; [2015] WTLR 493 – Acting for the claimants in disputing their mother's last will on the grounds that her fatal brain tumour (and resulting psychosis) meant she did not have the requisite testamentary capacity, alternatively she did not know and approve of its contents.
- *Re Kirk Deceased* (2014) – Acting for claimant seeking *Beddoerelief* in the High Court in respect of a claim against the deceased's son (who was also a beneficiary of her estate) for breach of fiduciary duties and conversion.

TRUSTS

Oliver is a trusts specialist. He acts for settlors, trustees and beneficiaries (including minors), with a particular expertise in trusts administration and litigation issues, especially:

- Powers, including their scope and the exercise of powers of appointment and investment
- Administration applications, including for guidance and blessing, and *Beddoerelief*
- Variation of Trust Act applications
- Rectification applications
- Trustee disclosure claims
- Breach of trust and fiduciary duties matters
- Claims for accounts and recovery of assets, including injunctive relief to protect a trust fund
- Removal of trustee applications
- Costs issues, including prospective costs applications.

Oliver also has considerable experience of constructive/resulting trust claims to property (domestic and commercial land, personality, bank accounts and shares).

He is particularly proficient in drafting complex trusts and related instruments.

His recent cases include:

- *Re S (2025)*. Acting for two sisters seeking c£2m compensation from their brother trustees in respect of dealings with their late father's will trust and mother's assets since the 1980s.
- *Benjamin v Benjamin* [2024] EWHC 215. Acted for an object under a discretionary trust of a family pharmacy business who had been assured he would inherit half the business. However, his parents, the trustees, had secretly appointed the business to his brother. His parents failed to provide disclosure as a precursor to a proprietary estoppel claim, so he issued a claim for trustee disclosure. After his parents were found incapable, their litigation friend disclosed the appointment, and so the claim was discontinued. Master McQuail agreed with Oliver that the default costs order should be disapplied, and ordered costs, including indemnity costs, against the parents.
- *Re Manzoor Deceased* (2022 – present)- Acting for the young widow of the deceased in a successful claim under the VTA to insert an IPDI in favour of the widow into the statutory trusts held for her minor children with a view to alleviating a substantial charge to IHT notwithstanding ongoing issues in getting in the estate. Oliver continues to act in seeking to realise the deceased's partnership share in a £12m+ property investment business and the family home (see under Wills and Estates).
- *Parsons v Reid* [2022] EWHC 755. Acting for one of two siblings who are defendants in an action brought by the trustee of their father's will trust for a put up or shut up order that they may distribute the estate on the footing that the exercise of their power of appointment of the estate was valid notwithstanding that the client's sister had intimated, but not brought, a challenge to the appointment. At the first hearing the Master refused to make the put up or shut up order until the trustee had given disclosure of its reasons for the exercise of their power, notwithstanding the general rule against such disclosure. The trial is listed for early 2023.
- *Re H* (2022 – present) – Advising a co-trustee of four discretionary family trusts holding between them the shares in a £m+ company run by one of his co-trustees, as regards conflicts, Bartlett duties and how the trusts may be wound up.
- *Arundle House v Searle & Ors* (2021 to present) – Acting for defendants resisting a claim by their employer that personal pensions held in their names and contributed to by their employer are nevertheless held on express or constructive trusts for the employer.
- *Ong v Ping* [2017] EWCA Civ 2069, in which he acted (with senior counsel) on behalf of various parties who, in the context of bankruptcy proceedings, sought to set aside a number of judgments of the High Court which were alleged to have been obtained by fraud. The issues included whether a valid Jersey law trust was created in respect of a house in circumstances where the executed trust instrument had not specified any trust fund and, if so, whether its existence was deliberately concealed from the court. Oliver succeeded at first instance (see [2015] EWHC 1742 (Morgan J)); and related and consequential reports: LTL 24/6/2015; [2015] 6 Costs LR 997 (question of costs of instructing two sets of solicitors); and [2015] EWHC 3766).
- The trust issue was upheld on appeal (Leveson, Underhill LJ & Sir Colin Rimer), the Court of Appeal considering that, as a matter of construction, having regard to the whole body of antecedent correspondence, an effective trust of the house had been declared by conduct when the trust instrument was executed. The case is now subject to permission to appeal to the Supreme Court on the trust question, on-going questions include the removal of the trustee, accounts and recovery of assets, including freezing injunctions, as to which there are multi-jurisdictional (Jersey and Singapore) issues.

Other recent work includes:

- *Re H Deceased* (2017) – Advising executors of estate of individual who had interests in a complex web of various Guernsey based discretionary trusts.

PENSIONS

Oliver has developed a broad pensions practice, having received instructions from many of the leading firms specialising in pensions and acted in important, complex and high-profile cases.

Oliver particularly enjoys the interplay between his traditional and commercial trusts practice and pensions, especially:

- Difficult questions of construction and estoppel
- Dealing with mistakes in the implementation of or amendments to pension schemes (i.e. rectification)
- Pensions liberation (and dishonesty / breach of fiduciary duties and asset recovery)
- The administrative and disclosure obligations of trustees
- The rights and obligations of employers and beneficiaries
- Enforcement against pension rights, including issues of insolvency
- Winding up issues, particularly in the event of a deficit and related financial support directives and protection/assistance schemes
- Related professional negligence issues
- Dealing with complex procedural issues arising from pensions litigation, including guidance applications, representation orders and prospective costs orders.

Oliver is adept at drafting trust deeds and supplemental instruments, as well the statements of case and applications often found in technically complex pensions litigation. He has also acquired a niche specialism in pensions issues in relation to local authority outsourcing arrangements, with particular expertise in advising on and drafting complex terms in outsourcing contracts and admission agreements.

Oliver recently appeared with Keith Rowley KC in *Mitchells & Butlers Pensions Ltd v Mitchells & Butlers Plc* [2022] EWHC 3017; Pens LR 6 a c£100m+ claim where, following a month's trial, Trower J ordered rectification of three trust deeds, and otherwise held invalid various amendments, changing the identity of the donee of a power to alter the scheme's rates at which pensions are revalued and indexed. In so doing, the Judge considered, but ultimately rejected, an argument that relief for rectification was barred by reason of the employer being a *bona fide* purchaser for value without notice.

He is a member of the Association of Pension Lawyers.

His recent cases include:

- *Reilly v Pensions Ombudsman* (2024) – Acted for one of several former trustees before tPO and on appeal in respect of a £1.7m breach of trust complaint arising from the failure of the Optimum Retirement Benefit Plan. Issues included liability for co-trustees, breach of investment duties, relief under an exoneration clause and dishonesty, and rights to remuneration. After securing permission to appeal tPO's determination against his client at a day's hearing before HHJ Hodge KC (sitting as a High Court Judge), Oliver helped secure the eventual setting aside of the determination as against his client by consent (with the court's permission under CPR 52APD 6.4).
- *Partridge v Options UK Pensions Ltd* (2022 to present) – Acting for claimant in an *Adams v Options* type claim for compensation arising from a failed investment through a the Defendant's SIPP in a storepod investment scheme.
- *Arundle House v Searle & Ors* (2021 to present) – Acting for defendants resisting a claim by their employer that personal pensions held in their names and contributed to by their employer are nevertheless held on express or constructive trusts for the employer.

- *Ketley v HMRC* [2021] UKUT 218 (TCC), on appeal from [2020] UKFTT 161 (TC) – Acted for the appellant seeking relief in respect of a late notification under Registered Pension Scheme (Enhanced Lifetime Allowance) Regs 2006
- *Re ECFSS* (2019 to 2022) – Acting for employer seeking to recover from the scheme's trustee overpayment of contributions made for the purposes of a buy-out
- *Re A Scheme* (2017) – Advising the trustees in respect of the validity of a purported amendment to the scheme (as to increases to pensions in payment) where, contrary to the scheme amendment power, there was no written consent of the principal employer
- *Lord Chancellor v Turner* (2015) – Advising the Lord Chancellor in respect of enforcement of a damages award of £1.8m (for misappropriation of client funds) against a former solicitor and District Judge, and in particular on whether it was recoverable against his judicial pension
- *Phoenix Dunlop Pension Trustees Ltd v Barnett Waddingham* (2014) – Acting in a High Court professional negligence action against pension scheme actuaries in respect of a purported amendment to the scheme (subject to rectification claim)
- *Re Dalriada Trustees Ltd* (2014) – Advising trustees of a scheme (appointed by the Pensions Regulator) on an application for freezing, proprietary and disclosure injunctions in respect of a suspected pensions liberation scheme, with issues including whether payment out of the scheme into a supposed investment vehicle (out of which the beneficiary would ultimately receive his/her pension) amounted to a breach of trust, and subject thereto whether the recipients were potentially liable for knowing receipt/dishonest assistance.

PROPERTY

Oliver has extensive experience of real property matters, including:

- Constructive/resulting trusts and proprietary estoppel claims
- Boundary disputes
- Adverse possession
- Easements and rights of way
- Restrictive covenants
- Nuisance and trespass
- Complex and technical contract and conveyancing issues
- Options and rights of pre-emption
- Charges and mortgages, including setting aside transactions on the grounds of fraud, misrepresentation and undue influence
- Land registration issues, including restrictions and notices.

His recent cases include:

- *Re B* (2022) – Acting for estate of proprietor of various properties in respect of claims by and against his cohabitee including that his interest in those properties was subject to an equitable charge in favour of the company and her claim to a constructive trust / proprietary estoppel.
- *Re A* (2018) – Acting for client seeking a proprietary estoppel against his mother's estate in circumstances where he had been promised her house, but she had failed to make a will in his favour as had been expected before loss of capacity
- *Boulton & Ors v Condliffe* (2015) – Acting for numerous claimants in a complex piece of litigation concerning the beneficial interest in domestic and commercial properties in Cornwall
- *Re M Deceased* (2015) – Advising in relation to the devolution of the benefit and burden of a right of pre-emption to purchase a cottage with development potential
- *Re C* (2014) – Advising in relation to adverse possession and easements over a ransom strip attached to a development of land.

TAX

In the context of his trusts and estates practice, Oliver has substantial experience of tax, including planning and mitigation strategies in relation to IHT and CGT issues.

A recent case includes:

- *Re Manzoor Deceased* (2022 – present) – Acting for the young widow of the deceased in a successful claim under the VTA to insert an IPDI in favour of the widow into the statutory trusts held for her minor children with a view to alleviating a substantial charge to IHT notwithstanding ongoing issues in getting in the estate.
- *Re E Family Settlement* (2022) – Advising trustees for international fiscal purposes in respect of an individual beneficiary of a trust resident abroad as to the English trusts and tax treatment of various historical appointments made out of a 1950's discretionary settlement.
- *Ketley v HMRC* [2021] UKUT 218 (TCC), on appeal from [2020] UKFTT 161 (TC) – Acted for the appellant seeking relief in respect of a late notification under Registered Pension Scheme (Enhanced Lifetime Allowance) Regs 2006.

CHARITIES

Oliver is regularly instructed by charities and asked to advise on charity related issues, including:

- Challenges to wills and charitable legacies
- The construction of charitable legacies
- The tax implications of charitable gifts
- The use, investment and disposition of charitable assets
- The administration of charitable trusts, including the exercise of trustee powers
- Regulation by the Charity Commission
- Cy-Près schemes
- Construction of charity constitutions.

Cases of note include:

- *Re Ramgarhia Sikh Temple* [2022] (Birmingham BPC), – Successfully acting at trial for 23 trustees of charitable unincorporated association in resisting a claim that amendments to its constitution made at a meeting of its members were invalid by reason of failure to adhere to the quorum requirements in the charities' constitution. The case turned on an intricate question of construction.
- *Re Engering Deceased* (2021 – 2022) – Acting for trustees of a £15.7m charitable will trust resisting a 1975 Act dependent claim in applying to the Charity Commission for s110 advice that the trustees may defend / compromise the claim.
- *Re Southdown Sheep Society* (2021 to 2022) – Acting for a member in staying High Court proceedings and applying to the Charity Commission and then to the High Court for an order under s115 for permission to continue to take proceedings alleging that the charity had wrongfully exercised its disciplinary powers against the member in relation to her treatment of sheep.
- *Re Frisbee Deceased* – Acting for three charities in relation to a challenge to the validity of a will
- *Re B Deceased* – Advising on the IHT position of a gift to a cricket club and whether it was a charitable legacy
- *Re W Deceased* – Advising on whether a gift to a church was charitable, and if so the use and purpose for which the legacy could be used
- *Bar Nursery for Lincoln's Inn* – Advising the Inn (with leading counsel) on whether the proposed contributions and commitment towards a bar nursery were compatible with its charitable status

- *Re C Deceased* – Advised on the construction of a charitable legacy
- *Re S* – Advising on the proposed disposition of charitable assets by way of mortgage and application to the Charity Commission for approval
- *Re S WT* – Advised as to whether a gift to an Israeli hospital was charitable for IHT purposes

PROFESSIONAL LIABILITY

Oliver is regularly instructed in relation to professional negligence issues arising from or relating to his areas of practice, and has considerable experience in relation to the following matters:

- Claims against will writers in relation to formal and substantive validity issues when taking instructions for and executing wills
- Claims against solicitors in relation to defective or inappropriate drafting of wills and trusts
- Claims against solicitors and accountants in relation to tax consequences and planning
- Claims against conveyancers in relation to real property transactions
- Claims against developers and architects in relation to design and build projects
- Claims against scheme administrators and actuaries in relation to defective drafting and implementation of amendments to pension schemes
- Misstatements as to financial instruments and investments.

His recent cases include:

- *Re D* (2023 to present). Acting for trustees and beneficiary of a personal injury trust settled to receive £m damages for medical negligence, seeking compensation from the PI solicitors who acted in administering the trust for a failure to invest the trust fund.
- *Re A Firm* (2020) – Advising defendant firm (through insurer) in respect of a high value, complex professional negligence action involving a commercial conveyancing transaction which was structured with a view to mitigating a CGT liability
- *Re A Firm* (2019 to present) – Acting for clients following the compromise of probate proceedings for recovery of their litigation costs against the will writers
- *Re A Firm* (2017) – Acting for claimants seeking redress from will writers who failed to have executed a will in time before the testator died, and in particular failed to send anyone from the firm to visit the testator in the last hours of his life after being informed of his impending death
- *Re A Firm* (2017) – Acting for the claimant who is seeking compensation for loss of a greater share in his mother's estate caused as a result of the failure of the solicitor to apply for a statutory will before her death, where the solicitor had falsely represented to the claimant that he had successfully made a statutory will application and a will had been effectively executed when no such application had been made
- *Re Walker Deceased* [2014] EWHC 71; [2015] WTLR 493 – Acting for the claimants in disputing their mother's last will on the grounds that her fatal brain tumour (and resulting psychosis) meant she did not have the requisite testamentary capacity, or alternatively that she did not know and approve of its contents, in proceedings that also included a claim against the will writers (Co-Op) for the costs, arising from their taking instructions for the will (that claim collapsed on the eve of trial)
- *H v C* (2015) – Advising in relation to failure to properly advise as to IHT consequences of will trust
- *Phoenix Dunlop Pension Trustees Ltd v Barnett Waddingham* (2014) – Acting in a High Court professional negligence action against pension scheme actuaries in respect of a purported amendment to the scheme (subject to rectification claim).

COMMERCIAL DISPUTES

Oliver's practice includes matters with a commercial flavour, including joint ventures in relation to commercial property and shares.

In recent years, Oliver has gained substantial experience in civil fraud and asset recovery, including breaches of trust/fiduciary duties, accounts, asset tracing and proprietary remedies. His experience includes seeking injunctive relief.

Oliver regularly acts in relation to business and commercial disputes, including:

- General contractual and finance disputes
- Sale and purchase agreements, and breach of warranties claims
- The validity and enforcement of guarantees and indemnities
- Recovery of commercial assets.

Oliver also acts in relation to the breakdown and dissolution of companies and partnerships, including shareholder and director disputes, unfair prejudice petitions and partnership accounts.

His recent cases include:

- *Re A Company* (2018) – Advising in relation to a breaches of directors duties, removal of a director and an unfair prejudice petition in relation to a falling out between siblings who are shareholders of a family company
- *Ong v Ping* [2017] EWCA Civ 2069 – Acting for various parties who, in the context of bankruptcy proceedings, sought to set aside a number of judgments of the High Court which were alleged to have been obtained by fraud
- *P2P E Logistics v Tibbles* (2017) – Successfully defending a claim following a 2-day trial for recovery of money under an alleged guarantee, where the court found that the defendant did not intend to create legal relations, and the alleged guarantee was unsupported by consideration
- *Boulton & Ors v Condliffe* (2015) – Acting for numerous claimants in a complex piece of litigation concerning the beneficial interest in domestic and commercial properties in Cornwall
- *Re Boyle Deceased* (2015) – Acting (with leading counsel) in respect of a c. £6 million estate, seeking to set aside various lifetime transactions for breach of fiduciary duties, and recover misappropriated assets for the benefit of the estate
- *Simms v Phillips* (2014-15) – Acting for the defendant in relation to claim for a beneficial share of a development property, which had failed to complete as a result of a fraud, involving issues including whether purchase monies had been provided through an overdraft facility/personal guarantee and an intention to share the beneficial interest was sufficiently evinced or could be vitiated by reason of the theft of the development funds
- *Walters v Burton* (2015) – Acting for the claimant in 3-day possession proceedings against the defendants' property pursuant to a charge securing monies due under a guarantee for payment of the sale price of the claimant's sausage manufacturing business
- *Bacon v Bacon* (2015) – Representing the defendant in resisting a highly complex claim for an account and proprietary relief in respect of alleged breach of fiduciary duties and misappropriation of funds during the course of an agency relationship
- *Rail Operations Development Ltd* (2014) – Acting for the petitioners in this highly acrimonious unfair prejudice petition (and cross petition) following the falling out of the company directors, together with an alleged misappropriation of the company's assets.

COMPANY

Oliver is well versed and experienced in company law matters, including in particular the constitution of companies, directors' duties and shareholder

disputes.

His recent cases include:

- *McClean v McClean* (2019 to 2021) – Acting for the widow of a high profile / net-worth individual. After his £80m business took off, he went on a spending spree, purchasing sports cars and an uninhabitable mansion which he began, but did not finish, renovating, leaving huge debts. On death his shareholding is disenfranchised, leaving no net realisable assets for his young family. As well as seeking a sale of the shares, Oliver's client is seeking recovery of £1.4m paid by the Deceased to his brother on his suicide, on various complex grounds, including under the 1975 Act in Birmingham's High Court
- *Re A Company* (2018) – Advising in relation to a breaches of directors duties, removal of a director and an unfair prejudice petition in relation to a falling out between siblings who are shareholders of a family company
- *Rail Operations Development Ltd* (2014) – Acting for the petitioners in this highly acrimonious unfair prejudice petition (and cross petition) following the falling out of the company directors, together with an alleged misappropriation of the company's assets.
- *Re A Company* (2013) – Advising in respect of a shareholder dispute in relation to a family run group of companies, which shares were held subject to a Guernsey Law discretionary trust, where issues included whether the appointment of shares to a member of the family were subject to a constructive trust/proprietary estoppel, and whether the appointee could otherwise be prevented from acting on the shares to the detriment of other family members
- *Asset Co Plc* (2011) – Acting for a former director who petitioned for the winding up of the company (which owned and managed fire engines for the LFB)
- *Stratford v Trump* [2009] – Acting for the claimant to recover proceeds of shares held by the defendant on joint venture trust.

PARTNERSHIP AND JOINT VENTURES

Oliver's general chancery practice encompasses partnership issues, notably the treatment of a partnership and its assets upon dissolution by death or retirement.

His recent cases include:

- *Re Manzoor Deceased* (2022 – present). Acting for the young widow of the deceased in seeking to realise the deceased's partnership share in a £12m+ property investment business.
- *Re A Company* (2018) – Advising in relation to a breaches of directors duties, removal of a director and an unfair prejudice petition in relation to a falling out between siblings who are shareholders of a family company
- *Boulton & Ors v Condliffe* (2015) – Acting for numerous claimants in a complex piece of litigation concerning the beneficial interest in domestic and commercial properties in Cornwall
- *Re Vernon Deceased* (2013) – Acting for children in respect of their mother's claim for reasonable financial provision from her husband's estate, which comprises a £4m farm and a farmhouse, as well as a share in a farming partnership and raised complex issues including which assets form part of the partnership/estate, continuation and regularisation of the partnership business and the removal of grandparents as PRs
- *Re T-* Advising a trustee in bankruptcy as to the vesting of and enforcement against property of the bankrupt, including partnership property
- *Re Workman Deceased* – Acting for minor beneficiaries under a will in relation to an application for the Court's blessing as to the treatment of the deceased's partnership share.

RECOGNITION

- “Oliver consistently demonstrates strong attention to detail and is able to advise in a pragmatic, logical manner.” (Chancery: Traditional, *Chambers UK Bar 2025*)
- “Oliver Hilton is an excellent claimant advocate. He is trial ready from day one and is thinking of the outcome for the client at all stages of his instruction.” (Chancery: Traditional, *Chambers UK Bar 2025*)
- “Oliver is meticulous in his preparation, has an eye for detail and looks to get to the heart of the matter and identify the key issues as quickly as possible. Friendly and approachable, open and forthright, he leaves clients under no illusion as to the strengths and weaknesses of their case. Oliver provides thoughtful, clear and invaluable guidance when driving a matter towards trial or settlement.” (Chancery: Traditional, *Chambers UK Bar 2024*)
- “Very meticulous and organised, his attention to detail is second to none. He always delivers when he says he will.” (Chancery: Traditional, *Chambers UK Bar 2024*)
- “Oliver is super prepared on all of his cases and very passionate about his work.” (Chancery: Traditional, *Chambers UK Bar 2024*)
- “*The attention to detail with Oliver is second to none. He is very meticulous and organised. He always delivers when he says he will.*” (Chancery: Traditional, *Chambers HNW London Bar 2023*)
- “*Oliver is super prepared on all of his cases. He is very passionate about his work.*” (Chancery: Traditional, *Chambers HNW London Bar 2023*)
- “Oliver is meticulous in his preparation, has an eye for detail and looks to get to the heart of the matter and identify the key issues as quickly as possible. Oliver is friendly and approachable but also open and forthright so clients are under no illusion as to the strengths and weaknesses of their case. Oliver provides thoughtful, clear and invaluable guidance when driving a matter towards trial or set.” (Chancery: Traditional, *Chambers HNW London Bar 2023*)
- “*He sees through to the core commercial issues in dispute, and his drafting is focused and clear. He is great to work with.*” (Chancery: Traditional, *Chambers High Net Worth 2022*)
- “*Oliver is always entirely on top of the materials, and is incredibly user-friendly,*” (Chancery: Traditional, *Chambers High Net Worth 2022*)
- “*He has such an outstanding brain. He really does not leave any stone unturned and is technically superb.*” (Chancery: Traditional, *Chambers UK Bar 2022*)
- “*A very technical and conscientious lawyer.*” “*Oliver is your details man; he has a hawk-eye for detail. He really does leave no stone unturned.*” “*He’s extremely popular because he really is a great team player – he will suggest things and get on with them, and will make sure you feel looked after.*” (Chancery: Traditional, *Chambers UK Bar 2021*)
- “*Extremely knowledgeable on contested trust and negligence matters and can explain very complicated areas of the law in relatively simple terms.*” “*Very thoughtful and considered, careful and meticulous, and very reliable.*” (Chancery: Traditional, *Chambers UK Bar 2020*)
- “*He is a very technical and conscientious lawyer.*” (Chancery: Traditional, *Chambers HNW London Bar 2020*)
- “*Oliver is your details man, with a hawk-eye for detail. He really does leave no stone unturned.*” (Chancery: Traditional, *Chambers HNW London Bar 2020*)
- “*He’s extremely popular because he really is a great team player – he will suggest things and get on with them, and will make sure you feel looked after.*” (Chancery: Traditional, *Chambers HNW London Bar 2020*)
- “*Extremely knowledgeable on contested trust and negligence matters and can explain very complicated areas of the law in relatively simple terms.*” (Chancery: Traditional – London (Bar), *Chambers HNW 2019*)
- “*Very thoughtful and considered, careful and meticulous, and very reliable.*” “*Clear and concise advice.*” (Chancery: Traditional, *Chambers UK Bar 2019*)

PUBLICATIONS AND SPEAKING

- “Finding a valid declaration of trust of land by conduct when the trust instrument omits to define its subject matter”, *Trusts and Trustees*; Vol 24, Issue 8, Pages 750–759
- “Formal Defects in Pension Scheme Documentation: *HR Trustees Ltd v Wembley Plc* Five Years On”; *Trusts Law International*, Vol 30(4), 203-224; Also “Curing defects in the formal execution of powers: *HT Trustees Ltd v Wembley Plc* 6 years on”, *Trusts and Trustees*, 16 November 2017
- “Failing to Define the Subject Matter of a Trust of Land – Is it Fatal”, *Trusts and Estates Law and Tax Journal*, May ’16 ed.
- “Dealing with Errors in the Execution of Trust Powers”, *Trusts and Estates Law and Tax Journal*, Jan/Feb ’14 ed.
- Joint author of Chapter A2 of *Tolley’s Pensions Law Service: Types of Pension Schemes – Work-Based Pension Schemes*
- Author of various Lexis Nexis Practice Notes:
 - “Amending mistakes and rectification in pensions”
 - “Costs and pensions litigation”
 - “Representation of beneficiaries in pensions litigation”
 - “Privilege in pensions”
 - “Discretionary decisions – what must pension trustees do?”, and precedent of draft minutes of trustee resolution.
 - “Trustee claims against advisors (professional negligence)”
 - “Duties of Pension Trustees – An Overview”
 - “Making a Complaint to the Pensions Ombudsman”
 - “The Pensions Ombudsman: When he should be used and what are his powers”
 - “Appeals against determinations by the Pensions Ombudsman”
- Author of various Lexis Nexis Case Notes:
 - “Barring late claims to underpaid pension benefits: forfeiture clauses and recoupment (*CMG Pension Trustees v CGI IT UK*)” (2022)
 - “Mistakes in amending pension deed which are replicated in successive deeds—(i) When is serial rectification available? (ii) Does a new principal employer of the plan take free of any equity of rectification as a bona fide purchaser for value without notice? (iii) Can the amendments be avoided as invalid in any event? (*Mitchells & Butlers Pension Ltd v Mitchells & Butlers plc*)” (2021)
 - “Protecting pensions Lifetime Allowances – the importance of filing notices on time (*The Executors of David Harrison (deceased) v HMRC*)” (2021)
 - Making late notifications to HMRC – the important of acting and proving you have acted proactively and promptly (*Ketley v HMRC*)” (2021)
 - “EU law and protection of pension benefits on transfers subject to insolvency proceedings under German national law (*EM v TMD Friction, FL v TMD Friction EsCo*)” (2020)
 - “Court of Appeal confirms BT cannot interfere with members’ protected property rights to full GMP increases (*R (British Telecommunications) v HM Treasury*)” (2020)
 - “Efficient disposal of rectification claims in pension cases (*Colart International Holdings v Colart Pension Trustees and another*)” (2019)
 - “No crafting of solution for private interest from public law powers – BT liable to provide pension scheme increases (*R (on the application of BT Plc) v Her Majesty’s Treasury*)” (2018)
 - “Pension disputes and summary judgment applications—lessons to be learned [*Earnshaw v The Prudential Assurance Company*]” (2017)
 - “Pensions – 2014’s key cases” (2014)
 - “Drafting challenges when changing and consolidating schemes (*Royal Mail Group Ltd v Evans*)” (2013)

Oliver gives regular talks on all topics within his practice areas, including:

- Trusts: “Beyond Grand View: Inadequate deliberations”
- Trusts: “The Case of an Empty Trust, A Negligent Solicitor, A Lying Mother in Law and 20 Years of Litigation – Overcoming the Odds to Secure an Interest in a Mansion near Billionaire’s Row – *Ong v Ping*[2017] EWCA Civ 2069”
- Trusts and Estates: “A Courtroom Drama – Estate of Lord Victor Starbuck”
- Pensions: “Formal Defects in Pension Scheme Documentation – *HR Trustees v Wembley Plc* 5 years on”, talk given at the APL Annual Conference 2016 in Budapest and at various solicitors’ offices thereafter
- Probate: “The Passive Probate Defence: Application and Adverse Costs Orders – *Elliott v Simmonds*”
- Pensions: “Litigation Round-up (2016)”, webinar for Lexis Nexis
- Pensions: “PPF – A Focus on Litigation”, part of the MBL Pensions Conference 2016
- Trusts: “Failing to Define the Subject Matter of a Trust of Land: Is it Fatal?”
- Fraud: “Setting Aside Judgments and Orders: The Fraud of a Party Rule”
- Pensions: “Correcting Mistakes in Pension Scheme Documentation”, seminar to NWALP 2014
- Testamentary Capacity: “The survival of *Banks v Goodfellow*; An analysis of *Walker v Badmin*”
- “Inheritance and Trustees Powers Act 2014: Changes to the Rules of Intestacy and Family Provision Claims”

QUALIFICATIONS

- King’s College, University of London, LLB (Hons), 1st Class
- College of Law, London, BVC
- Hardwicke Scholar (Lincoln’s Inn)
- Public Access Authorised

MEMBERSHIPS

- Chancery Bar Association
- Association of Contentious Trust and Probate Specialists
- Association of Pension Lawyers (associate member)

POLICIES AND OTHER DETAILS

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