Radcliffe Chambers

Robert Pearce KC

Silk: 2006 | Call: 1977

King's Counsel

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Robert Pearce KC is sought after to advise and conduct litigation in difficult and complex matters, particularly in the fields of private client, property law and charities. He is recognised as a leading individual across his core practice areas in Chambers UK Bar and The Legal 500 UK Bar, and as a star silk for charities work by Chambers UK Bar. He also has wide experience in the areas of professional negligence, capital taxation and commercial law. He was Standing Counsel to the Charity Commission for England and Wales, and is the Consulting Editor for the Charities volume of Halsbury's Laws of England. He is an accredited mediator.

CHARITIES

Robert Pearce KC is widely viewed as a leading barrister for charity law matters. He is recommended as a star individual for charity law in *Chambers UK Bar* and has been instructed in numerous significant charity cases. He was Standing Counsel to the Charity Commission from 2001 until taking silk in 2006. His clients include trustees of charities of all descriptions, including religious and educational institutions. He is a frequent speaker and writer on charity law topics.

Much of his work in this sector is confidential. His recent reported cases include:

- *Jaffer v Jaffer [2024] EWHC 135 (Ch)* – Acting for charity trustees in litigation arising out of a disputed election in a charity
- *HM Attorney General v Zedra Fiduciary Services (UK) Ltd [2023] EWCA 1332 (Ch)* – Acting for the trustee in litigation in the High Court and Court of Appeal concerning the future of a charitable fund for the reduction of the National Debt
- *Lehtimaki v Cooper [2020] UKSC 33* – Acting for the Attorney General in an appeal to the Supreme Court concerning the duties of members of charitable companies
- *Singh v The Charity Commission & Ors* [2016] EWHC B33 (Ch) – Acting for the claimants in a contested application for permission to discontinue charity proceedings
- *Human Dignity Trust (HDT) v The Charity Commission of England and Wales* [2015] WTLR 789 – Acting for the trust in litigation to determine whether an institution established to challenge laws in overseas jurisdictions was established for charitable purposes only

- *University of London v Prag & Anor* [2014] EWHC 3564 (Ch) – Acting for a university in litigation concerning the transfer of a higher educational institution to the university and the duties of a university responsible for administering a group of discrete entities
- *Marwaha v Singh & Others* [2013] EWCA Civ 1878 – Acting for the respondents in the Court of Appeal in a case concerning the costs of charity litigation
- *Khaira & Ors v Shergill & Ors* [2012] EWCA Civ 983 – Acting for the respondents in a case raising the issue of whether a dispute concerning the administration of a charity for the advancement of religion raised justiciable issues
- *Attorney General's Reference on Benevolent Funds* [2012] WTLR 977 – Acting in litigation concerning the charitable status of funds for the relief of poverty among beneficiaries linked by factors such as common employment
- *Re Wedgwood Museum Trust Limited* [2012] WTLR 913 – Acting in litigation to determine whether the administrators of an insolvent charitable company could have recourse to museum exhibits vested in the charity to contribute to the deficit in a group pension scheme in which the charity was a participating employer
- *Independent Schools Council v Charity Commission* [2012] Ch 214 – Acting in litigation concerning the validity of a charitable purpose for the benefit of a class limited by ability to pay fees, the duties of trustees of fee-charging charitable schools and a judicial review of the Charity Commission's statutory guidance on public benefit
- *Catholic Care (Diocese of Leeds) v Charity Commission for England and Wales & Anor* [2010] EWHC 520 (Ch) – Acting for the Charity Commission in relation to equality legislation and human rights in the context of the ability of charitable adoption agency to discriminate on grounds of sexual orientation.

PRIVATE CLIENT

Robert Pearce KC advises on a wide range of issues affecting private clients, in particular trusts, probate and associated tax issues. He has wide experience in contentious litigation in this field and also in non-contentious court applications. He has experience of trusts established both under the law of England and Wales and under other common law jurisdictions. He is an experienced trust draftsman.

He has wide experience in contentious probate litigation, claims relating to the construction of wills and the administration of estates, and claims against estates under the Inheritance (Provision for Family and Dependants) Act 1975. He has also acted in a large number of applications to the Court of Protection concerning settlements of property and statutory wills.

He is recognised as a leading barrister in the traditional chancery and trusts chapters of *Chambers UK Bar*, as well as in the private client chapter of *The Legal 500 UK Bar*. His recent reported cases include:

- *Angelova v Kershaw [2024] EWHC 1830 (Ch)* – acting for personal representatives in a claim for rectification of a Will
- MN v OP [2019] EWCA Civ 679 – Acting for the appellant in the leading Court of Appeal authority on open justice and anonymity in variation of trusts applications
- MN v OP (2017) – Acting for the claimant in a substantial variation of trusts application
- *Howard v Howard-Lawson BT* [2012] EWCA Civ 6 – Representing the respondent in a Court of Appeal case relating to the construction of a "name and arms" clause in a will trust
- *Power v Trustees of the Open Text (UK) Ltd Group Life Assurance Scheme & Ors* [2009] EWHC 3064 (Ch) – Acting for the defendants in a case concerning the powers and duties of trustees of a group life assurance

scheme.

REAL ESTATE

Robert Pearce KC is regularly instructed in contentions property and landlord and tenant disputes. He also advises on and undertakes the drafting of documentation for property transactions. His areas of expertise include:

- Land registration and conveyancing
- Boundaries, easements and restrictive covenants
- Commercial and residential landlord and tenant law
- Leasehold enfranchisement
- Commons and town and village greens.

EDUCATION

Robert Pearce KC is experienced in many areas of the law relating to education. He is recognised by Legal 500 UK Bar as a leading education barrister. Issues on which he has acted and advised include:

- Charity law issues concerning the provision of public benefit by fee-charging charitable schools
- Equality law issues affecting schools and universities
- Constitutional and governance issues affecting schools and universities
- The admission and exclusion of school pupils
- Claims for breach of contract and duty by school pupils, parents and university students
- The legislative framework for the provision of state education.

Much of his work in this sector is confidential. His more recent reported cases include:

- *University of London v Prag & Anor* [2014] EWHC 3564 (Ch) – Acting for the claimant university in a case concerning the legal effect of documents and events transferring a higher educational institution to the university and the duties of a university responsible for administering a group of discrete entities
- *Independent Schools Council v Charity Commission* [2012] Ch 214 – Appearing in litigation concerning the validity of a charitable purpose for the benefit of a class limited by ability to pay fees, the duties of trustees of fee-charging charitable schools and a judicial review of Charity Commission's statutory guidance on public benefit
- *St William's Group Litigation* (2009) – Appearing in a class action by former pupils of charitable school considering the vicarious liability of charitable religious organisations for torts committed by their members.

PROFESSIONAL LIABILITY

Robert Pearce KC has extensive experience of acting for both claimants and defendants in claims for professional negligence, particularly against surveyors, valuers, financial advisors, solicitors and barristers.

Many claims with which he is involved are resolved by negotiation or mediation. Examples of such cases in which he has been instructed are:

- A claim by a client against professional advisers in respect of incorrect taxation advice
- A claim by a client against solicitors in respect of defective conveyancing
- A claim by an investor against a financial adviser arising out of an investment in a film partnership
- A claim against solicitors arising out of an application for an extended lease under the leasehold enfranchisement legislation
- Claims by lenders against valuers arising out of valuations for lending
- A dispute between an insurer and an insured as to the scope of cover.

TAX

Robert Pearce KC advises on taxation issues arising in the other areas of his practice. His principal expertise is in capital and income taxation of trusts, estates and charities.

COMMERCIAL AND BUSINESS DISPUTES

Robert Pearce KC undertakes work in the fields of commercial and business law. He has wide experience of commercial trusts, contractual disputes, partnership and join ventures and company and insolvency law issues.

MEDIATION AND ARBITRATION

Robert Pearce KC is an accredited mediator (ADR Group). For parties who wish their mediator to have professional experience in the area of law connected with their dispute, he is particularly suitable to act as a mediator in disputes arising in the following areas:

- Administration of estates
- Charities
- Contract
- Court of Protection
- Education
- Family provision
- Landlord and tenant
- Probate
- Real property
- Trusts
- Partnerships and joint ventures
- Professional liability.

INTERNATIONAL

Robert Pearce KC undertakes work for both home and overseas clients. He has experience of advising on civil law issues arising in other common law jurisdictions, and of drafting trust instruments for use in other common law jurisdictions. He advises on private international law issues. He has been admitted ad hoc to the bar of Bermuda, and he has provided expert evidence of English law in proceedings in other jurisdictions.

RECOGNITION

Robert Pearce KC is recommended by the legal directories as a leading silk across his core practice areas. Recent directory comments include:

- "*Robert is a trust specialist in particular, and everyone knows how technically able he is. He is a mega-brain. If he doesn't have the answer, there isn't one*." (Chancery: Traditional, *Chambers UK Bar 2026*)
- "*Robert is incredibly experienced and very knowledgeable. He is incredibly clever and is a real authority in the sense that judges listen to him because he's so experienced. He has real gravitas; other lawyers and barristers listen to him as he's so pre-eminent. But he's also really easy to work with and he is user-friendly.*" (Chancery: Traditional, *Chambers UK Bar 2026*)
- *"Robert is very much a trusts scholar and an expert for advice on obscure aspects of the law of trusts. People rely on him for more detailed knowledge and the academic side of the arguments. He is renowned for his wisdom and scholarship."* (Chancery: Traditional, *Chambers UK Bar 2026*)
- *"Robert is technically superb. He is also a wonderful team worker. A pleasure to deal with and someone who operates at the highest echelons of the Bar."* (The English Bar Offshore: Trusts and Private Wealth, *Legal 500 UK Bar 2026*)
- *"Robert is an excellent and tenacious advocate, extremely convincing and*

the person you want on your side in a dispute. He is however also great at finding the mid-course necessary to achieve a settlement, which is extremely useful, especially in charity disputes. Clients love working with him and what he doesn't know about charity law is truly not worth knowing – if it exists!" (Charities, *Legal 500 UK Bar 2026*)

- *A hugely intellectual silk. He has in-depth knowledge of the obscurities of trust and charities matters."* (Trusts and Private Wealth, *Legal 500 Bar Offshore 2026*)
- *"A wonderful barrister who is a master technician at trusts law."* (Private Wealth and Probate, *Legal 500 UK Bar 2026*)
- *"Robert has a brilliant mind and clearly knows everything there is to know about charity law. Importantly, he is also extremely good at dealing with clients and understanding what makes them tick."* (Charities, *Chambers UK Bar 2026*)
- *"Robert is extremely clever, has got a huge amount of experience and is someone whose knowledge of the law is second to none. He's very responsive as well."* (Trusts, *Chambers UK Bar 2026*)
- *"Robert is a very technical lawyer. He's a genius essentially. He can come up with legal arguments that other people just can't see; that's his strength."* (Trusts, *Chambers UK Bar 2026*)
- *"Robert Pearce's knowledge of trusts and traditional chancery work is peerless, with really deep expertise in charity law in particular. He also has a lot of litigation common sense."* (Chancery: Traditional*, Chambers UK Bar 2026*)
- *"Robert Pearce KC is very knowledgeable and technically excellent. He is someone you want to go to for a technical, difficult case."* (Chancery: Traditional*, Chambers UK Bar 2026*)
- *"Robert is our go-to counsel for complex charity matters. He is lovely to work with and is able to get to grips with hugely complex matters."* (Charities, *Chambers UK Bar 2025*)
- *"Robert is incredibly knowledgeable and pragmatic in his advice. He is great for technical and challenging matters."* (Charities, *Chambers UK Bar 2025*)
- *"He is a pleasure to work with and a chancery heavyweight, who has gravitas in court."* (Trusts, *Chambers UK Bar 2025*)
- *"Robert is a superb barrister, who is very clever indeed and has the ear of judges. He is a pleasure to work with and a chancery heavyweight, who has gravitas in court."* (Trusts, *Chambers UK Bar 2025*)
- *"An excellent advocate who adopts a cautious but technically sound approach. He is always sensitive to the client's needs."* (Trusts, *Chambers UK Bar 2025*)
- *"He's probably one of the clearest advocates around and is very persuasive in his arguments."* (Chancery: Traditional*, Chambers UK Bar 2025*)
- *"Robert Pearce is extremely cerebral and has an almost unparalleled knowledge and understanding of complex trusts matters."* (Chancery: Traditional*, Chambers UK Bar 2025*)
- "*Robert is a supremely clever and authoritative barrister who judges listen to. He possesses an encyclopaedic knowledge of the law."* (Private Client: Trusts and Probate, *Legal 500 UK Bar 2024*)
- "*A charming and accessible silk*." (Charities, *Legal 500 UK Bar 2024*)
- *"He is an extremely high-calibre barrister in the area. Spot-on technically, he's very clear in how he explains matters and gives practical and pragmatic advice."* (Charities, *Chambers UK Bar 2024*)
- *"Robert is a real expert in the field, who is a very sound individual."* (Charities, *Chambers UK Bar 2024*)
- *"Robert is a very clever silk who is able to calmly persuade judges with his compelling submissions."* (Trusts, *Chambers UK Bar 2024*)
- *"One of the most respected advocates in this area. Robert is adept at dealing sensitively with clients and handling their extremely thorny legal issues. He's also a consummate performer in court."* (Trusts, *Chambers UK Bar 2024*)
- *"He is unrivalled in terms of his expertise."* (Trusts, *Chambers UK Bar*

2024)

- *"A very safe pair of hands, who is at ease advising both professional and lay clients on the most complex of issues."* (Chancery: Traditional*, Chambers UK Bar 2024*)
- *"Robert's drafting skills in complex Chancery matters are unrivalled"* (Chancery: Traditional*, Chambers UK Bar 2024*)
- *"Robert has an encyclopedic knowledge of charity law."* (Chancery: Traditional*, Chambers UK Bar 2024*)
- *"Robert is a very safe pair of hands, who is at ease advising both professional and lay clients on the most complex of issues."* (Chancery: Traditional*, Chambers HNW London Bar 2023*)
- *"Robert's drafting skills in complex Chancery matters are unrivalled."* (Chancery: Traditional*, Chambers HNW London Bar 2023*)
- *"Robert has an encyclopaedic knowledge of charity law."* (Chancery: Traditional*, Chambers HNW London Bar 2023*)
- *"Robert has an incredible brain and is really well respected."* (Charities, *Chambers UK Bar 2023*)
- *"He is cautious, diligent and someone with an encyclopedic knowledge of trust law. He can handle charity issues ranging from the arcane to the practical, and is a pleasure to work with."* (Charities, *Chambers UK Bar 2023*)
- *"Very impressive. He is very precise and measured, and he really inspires confidence with his knowledge of charities and trusts law."* (Chancery: Traditional, *Chambers UK Bar 2023*)
- *"Robert is exceptionally intelligent and extremely thorough. His drafting is clear and concise. He is very well prepared and persuasive in the court."* (Private Client: Trusts and Probate, *Legal 500 UK Bar 2023*)
- *"His knowledge on tax issues relating to charities is impressive." "A leading charity law barrister who takes a meticulous approach and offers authoritative advice to a wide range of charities."* (Charities, *Chambers UK Bar 2022)*
- *"An academically brilliant leader who is pragmatic and focused on sensible outcomes."* (Chancery: Traditional, *Chambers UK Bar 2022*)
- *"A man you can have great faith in – he is a very, very good lawyer. He is terribly conscientious; you know he will think about every minute aspect of the case. He always makes the effort to make things easy for the clients to understand."* (Private Wealth: Trusts, Chambers UK Bar 2022)
- "*Extremely calm under pressure; great attention to detail; deeply analytical."* (Private Client: Trusts and Probate, *Legal 500 UK Bar 2022*)
- "*Robert has admirable knowledge of charities law, and an acute sense of the right approach to take with the court in difficult situations. A widely respected and highly persuasive advocate."* (Charities, *Legal 500 UK Bar 2022*)
- *"An excellent choice for contentious wills"* and *"He is extremely impressive in the trust area."* (Chancery: Traditional, *Chambers HNW London Bar 2021*)
- *"An excellent charity lawyer, pre-eminent in his field, whose advice is of an exceptionally high standard. He is very user-friendly and turns around papers very quickly." "He breaks down complex matters into segments and separates out his thinking; clients really understand the points he's making."* (Charities, *Chambers UK Bar 2021*)
- *"A very, very good lawyer." "He is terribly conscientious – you know that he will think about everything. He has always made the effort to make things easy for the client to understand."* (Chancery: Traditional, *Chambers UK Bar 2021*)
- *"A man you can have great faith in – he is a very, very good lawyer. He is terribly conscientious; you know he will think about every minute aspect of the case. He always makes the effort to make things easy for the clients to understand."* (Trusts, *Chambers UK Bar 2021*)
- "*Drafting is clear and concise, and has stood the test of time.*" (Charities, *Legal 500 UK Bar 2021*)
- "*Comes across very well in court.*" (Private Client: Trusts and Probate, *Legal 500 UK Bar 2021*)

- "*He is analytical, logical and measured.*" Property Litigation, *Legal 500 UK Bar 2021*)
- *"He is a very, very good lawyer and he is terribly conscientious – you know that he will think about everything. He has always made the effort to make things easy for the client to understand."* (Chancery: Traditional, *Chambers HNW London Bar 2020*)
- *"A very careful and conscientious barrister." "He is a great tactician who quickly gets to grips with the technical aspects of a case."* (Charities, *Chambers London Bar 2020*)
- *"He always goes the extra mile."* (Chancery: Traditional, *Chambers London Bar 2020*)
- "*He is unflappable. He's calm, methodical and extremely knowledgeable. I have absolute trust in the advice he gives."* (Trusts, *Chambers London Bar 2020*)
- *"Analytical, logical and measured."* (Agriculture, *Legal 500 UK Bar 2020*)
- *"Manages to explain complicated issues effortlessly."* (Charites, *Legal 500 UK Bar 2020*)
- *"Extremely knowledgeable and authoritative."* (Education, *Legal 500 UK Bar 2020*)
- *"Is exceptionally clever and very thorough and has a good instinct for the approach that the court is likely to take."* (Private Client: Trusts and Probate, *Legal 500 UK Bar 2020*)
- *"All over the detail, clients find him calm and authoritative."* (Property Litigation, *Legal 500 UK Bar 2020*)
- *"Brilliant on matters of statutory interpretation." "He has a massive technical knowledge of charity law; he's a bit of a walking encyclopaedia." "He's very knowledgeable, very authoritative and a very nice chap to deal with."* (Charities, *Chambers UK Bar 2019*)
- *"Very persuasive and concise when advising clients; he really makes them feel at ease." "He is calm, methodical, and someone whose advice you can absolutely trust."* (Chancery: Traditional, *Chambers UK Bar 2019*)
- *"Very good at thinking on his feet and unflappable in court. His advocacy is just excellent." "He is a very bright man and he really knows his stuff."* (Trusts, *Chambers UK Bar 2019*)
- *"Calm under pressure and provides excellent, clear advice." "Highly recommended for agricultural land disputes."* (Property Litigation and Agriculture, *The Legal 500 UK Bar 2019*)
- *"Has a tremendous command of his brief."* (Private Client: Trusts and Probate, *The Legal 500 UK Bar 2019*)
- *"Extremely knowledgeable and authoritative."* (Education, *The Legal 500 UK Bar 2019*)
- *"Good at coming up with creative solutions."* (Charities, *The Legal 500 UK Bar 2019*)
- *"Very straightforward, very solid, very dependable and very authoritative. He is flexible and accommodating in terms of timing, which is very helpful, and always does a really good, thorough job."* (Charities, *Chambers UK Bar 2018*)
- *"Fiercely intelligent and a man with very good commercial instincts, he is one of the leading barristers when it comes to the variation of trusts." "He is understated, sensible and dependable; he always delivers a measured opinion."* (Chancery: Traditional, *Chambers UK Bar 2018*)
- *"Very personable, experienced and authoritative."* (Real Estate Litigation, *Chambers UK Bar 2017*)
- *"Very good at succinctly describing a legal case, he is extremely clever and always on top of his subject."* (Education, *Chambers UK Bar 2017*)
- "*Very authoritative and able to provide good practical solutions." "He's very clear, confident and articulate. He is able to break instructions down into various segments and make them much more understandable."* (Chancery: Traditional, *Chambers UK Bar 2017*)
- *"He is incisive and at the forefront of his profession." "He is absolutely brilliant in court. He is extremely clever and very good at succinctly describing a legal case."* (Charities, *Chambers UK Bar 2017*)
- *"He has fantastic technical knowledge and is very impressive in court."*

(Property Litigation, *The Legal 500 UK Bar 2016*)
- *"He thinks outside of the box, and has excellent command of charity and related law."* (Charities, *The Legal 500 UK Bar 2016*)
- *"He has a total command of charity law, and is without a doubt a leader in the field."* (Charities, *The Legal 500 UK Bar 2015*)
- *"His advice displays a breadth of vision and he has great experience. When he provides you with advice, you know it's good and will be pithy and to the point." "He's an extremely able and powerful opponent."* (*Charities, Chambers UK Bar 2015*)
- *"He has an incisive and forensic mind, and finds solutions where others only find problems."* (Real Estate Litigation, *Chambers UK Bar 2015*)
- *"He is very approachable, very clear in explaining the issues and good at drafting."* (Traditional: Chancery, *Chambers UK Bar 2015*)
- *"He is very good technically, and is also very good at explaining things to the client."* (Education, *Chambers UK Bar 2015*)
- *"Extremely knowledgeable on charity matters, and a pleasure to deal with."* (Charities, *The Legal 500 UK Bar 2014*)
- *"He is very clear and client-focused, and has the ear of the Charity Commission."* (Charities, *Chambers UK Bar 2014*)
- *"He is hugely knowledgeable and very accommodating. Flexible and prepared to accommodate client needs, he makes himself available no matter when required, and is able to provide the client with a clear vision of where he thinks a case is heading."* (Traditional Chancery, *Chambers UK Bar 2014*)
- *"He's a man with the law at his fingertips who is hugely knowledgeable and very helpful to the client."* (Education, *Chambers UK Bar 2014*)

PUBLICATIONS AND SPEAKING

Robert Pearce KC is consultant editor to the Charities volume of Halsbury's Laws of England, and he is the editor of the titles Family Provision, Real Property, and Trusts and Administration of Estates in The Civil Court Practice, published by LexisNexis.
He has contributed numerous articles to legal periodicals, most recently:

- Trust litigation: data control (2019) 207 Trusts and Estates Law & Tax Journal 7
- Charities, the limits of discretion (2018) 200 Trusts and Estates Law & Tax Journal 4

He is a frequent speaker on private client, charity law and property law topics.

QUALIFICATIONS

BA (Oxford), Jurisprudence, first class; BCL.

MEMBERSHIP

Robert Pearce KC is a member of STEP, the Charity Law Association, ACTAPS, the Chancery Bar Association and the British Irish Commercial Bar Association.

He is a Bencher of Lincoln's Inn, and a member of the Legal Advisory Commission of the General Synod of the Church of England.

POLICIES AND OTHER DETAILS

- Read Robert Pearce KC's Privacy Notice, Data Protection Policy and Disposal Policy
- VAT Registration Number: 235439068
- Bar Membership Number: 16399