



## Thomas Dumont QC

Silk: 2019 | Call: 1979

### Queen's Counsel

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**Thomas Dumont QC** is one of the most in-demand barristers for private client matters, including contentious trusts and probate, family provision and professional liability disputes. He has been Advocate of the Year at STEP's Private Client Awards, one of the Lawyer's Hot 100, and among City Wealth's Most Highly Regarded Figures in Private Wealth Management. He has won cases in the Supreme Court, the Administrative Court and the Court of Appeal, as well as the High Court. He is recognized for his expertise in advising and acting for charities. His clients range from landed families and trust companies on and offshore, to entrepreneurs and national charities.

#### TRUSTS

Tom has a wealth of experience in acting in contentious trust litigation and associated matters such as Re Beddoe applications. His expertise covers actions for the variation, rectification and interpretation of the trust's governing documents, for the removal of trustees, and claims for breach of trust. A number of cases have focused on the investment powers and strategies of trustees, both individual and corporate.

Tom has acted in leading cases in various fields including the development of constructive trusts, and the rule in Hastings-Bass. Over the past 5 years, he has been instructed on behalf of three separate high-profile families with property interests valued in 9 figures, on variation of their trusts to cover the next 125 years.

Tom is frequently involved in internal litigation concerning variations of trusts and trust compromises. Much of the effort expended is in keeping such cases out of the limelight. Radcliffe Chambers well understands the value that clients place on discretion. In one of Tom's cases, the court's powers in relation to compromises were used to create a non-charitable purpose trust for the benefit of a Sussex cricket club and cricket generally in a £20m estate. Tom has recent experience in acting in a compromise variation for a family with extensive landed estates in the south of England.

Variations of deceased's estates are also something of a theme: a number have been varied recently using the Variation of Trusts Act or the Inheritance (Provision

for Family & Dependents) Act 1975, saving the family substantial amounts of tax, as well as structuring the wealth suitably for the foreseeable future.

In non-contentious matters, Tom's approach is that a trust should be a tool, and not the master. He focuses, in both drafting and advising, on finding solutions to problems, rather than further obstacles. He – like his clients – wants trusts to work, to add value. He has as much expertise at helping clients exit unwanted trusts or finding ways to make those trusts work where there is no escape, as he does in helping clients create the right trust or other structure for their personal wealth or family estate.

He aims to cover all the tax issues associated with the creation, use and winding up of trusts, save in the most unusual cases where particular special expertise is required. He has succeeded in obtaining tax relief in numerous cases, including some where other often well-known practitioners had advised it was not available.

He has also been involved in some of the more arcane areas of trust law, where analysis and deep knowledge are particularly important, such as the Settled Land Act 1925, entails and perpetuities.

Much of Tom's trusts work is highly confidential. His recent cases include:

- Appearing in Variation of Trust Act cases in 2013, 2015 and 2018, involving extensive landed estates, flourishing company shareholdings, and a notable art collection
- *Re a National Charity* (2017) – Acting for the charity in setting aside lifetime share transfers to the benefactor's wife, which would have deprived the charity of more than £10m
- *Re Hanson Deceased* (2015) – Making a successful application for the removal of executors and for appointment of Grant Thornton as administrators of £50m+ estate with assets in the UK, Jersey & Panama
- *Re an Earl's divorce* (2015) – Acting for the Countess on her divorce, advising about the complex trust structures and tax-exemptions in place.
- *Scarfe v Matthews* (2012) – Acting successfully for Bernard Matthews' long-term companion in a dispute over his very substantial estate involving the application of the doctrine of election
- *Green & Anor v Montagu & Anor* [2011] EWHC 1856 (Ch) – Representing the trustees in a dispute over the entitlement of a child born out of wedlock to benefit under the Duke of Manchester's Settlements
- *Dore & Ors v Leicestershire County Council & Anor* [2010] EWHC 1387 (Ch) – Acting for the defendants in a case involving the existence and management of trusts concerning a village school and community centre
- *Cuppage & Ors v Lawson & Ors* [2010] EWHC 3785 (Ch) – Appearing for the claimants in a dispute about the beneficial ownership of a long-standing trust potentially void for perpetuity
- *Berezovsky v Patarkashishvili* (2009) – Acting in a dispute concerning the trusts of a \$4bn estate
- *Abacus Trust Company (Isle of Man) Ltd Colyb Ltd & Anor v NSPCC* [2001] EWHC B2 (Ch) and *Abacus Trust Company (Isle of Man) & Anor v Barr & Ors* [2003] EWHC 114 (Ch) – Acting for the charity and, later, the trust company in two of the leading cases which expanded the extremely useful Hastings-Bass doctrine.

## **WILLS AND ESTATES**

Tom is one of the leading practitioners in the area of wills and estates. In 2018, the Law Commission invited him to be one of only two barristers on their expert panel assisting it on the revision of the Law of Wills.

In 2017, he scored a double-win in *Hives v Machin*: he convinced the judge that the inconsistent authorities on s. 33 Wills Act 1837 should be resolved in his client's favour, and also destroyed the credibility of the other side's witnesses in cross-examination. He consistently appears in major contentious probate and Inheritance Act 1975 cases. In 1975 Act claims, he has recently acted in a trial in

the Family Division by a co-habitee against her fiancé's £20m estate (settled before judgment), a claim by a second-wife (in a short marriage) against her husband's £30m estate (settled at FDR), a high-profile claim by a co-habitee in an estate worth tens of millions, and represented a widow in a claim also against an 8-figure estate. In 2016 he successfully represented a Viscount and his sisters in a claim against their father's estate. In Will cases, he has successfully overturned wills on the grounds of forgery *Supple v Pender* [2007], lack of capacity *Re Anker-Petersen* [2010] and *Re Harris* [2012] and want of knowledge and approval *Re Harris* [2012].

He also much sought-after for his advice on the interpretation of wills, and the administration of estates.

## **CHARITIES**

Tom is particularly well known for his charity practice. He is consistently recommended as a leading junior in this field by *The Legal 500 UK Bar* and *Chambers UK Bar*, the current edition of which notes that:

*"[his] insurmountable expertise in Inheritance Act claims has won him an army of followers. Described as 'a charming gentleman,' Dumont 'wins over any courtroom that he enters with his calm and poised demeanour.' He also wins full marks for his writing, with sources acknowledging that 'his opinions are crisp and to the point.'"*

Tom acts for many of the major national charities, advising them on governance matters and representing them in litigation, particularly in contentious probate actions.

His recent cases of note include:

- *A National Charity* (2018) – Advising charity trustees after concerns raised over £1bn of assets
- *Major educational charity* (2018) – Acting with a top-tier solicitors' firm in finally achieving the resolution of a long-standing charitable issue, by identifying the critical legal point which none of the previous 4 QCs had spotted, with the potential to release at long last many millions for the charity
- *A National Charity* (2016) – Advising a charity at the heart of UK life about its ability to restructure to invigorate the charity's outreach and work
- *St Andrew's Cheam* (2011) – Acting in a dispute between a church and tennis club over the ownership of grounds used by the club
- *Dore & Ors v Leicestershire County Council & Anor* [2010] EWHC 1387 (Ch) – Acting for the defendants in a case involving the existence and management of trusts concerning a village school and community centre
- *Cuppage & Ors v Lawson & Ors* [2010] EWHC 3785 (Ch) – Appearing for the claimants in a dispute about the beneficial ownership of a long-standing trust potentially void for perpetuity
- *Channon v. Perkins* [2005] EWCA Civ 1808 – Successfully overturning a first-instance decision against a will, for Guide Dogs for the Blind and the deceased's partner, the will beneficiaries, where witnesses were adamant they had not witnessed the deceased sign, but in an important decision the Court of Appeal found that the presumption of due execution overrode their evidence
- *Clough-Taylor Deceased, Coutts & Co v Banks* (2003) – Resisting on behalf of a number of national charities an application by executors that they should fund proposed litigation out of residue passing to the charity
- *Re Ratcliffe* (1999) – Forming part of the winning team in the case which re-established charities' full exemption from IHT on mixed residue, worth tens of millions to the charity sector.

## **PROFESSIONAL LIABILITY**

Tom specialises in professional negligence claims where they overlap with the

private client and property world. Typically they involve tax-planning by solicitors and accountants, substantial property transactions, will-making or trust and estate administration.

In 2018, acting on behalf of solicitors in a £6.5m estate, he was able to persuade the court to construe and/or rectify the will so that no negligence claim against them was necessary.

In 2017 he implemented, with his solicitors, a successful strategy for the defendant accountants sued for £millions in relation to several unsuccessful tax schemes, which resulted in the claims being withdrawn following the claimants' failure to amend their claim some years in.

He appeared in the first private client-negligence case in the Supreme Court in *Roberts v Gill* [2011] successfully defending two firms of solicitors against claims of negligence in the administration of an estate.

He appeared, again successfully, in the landmark Court of Appeal decision of *Paragon v Thakerar* [1999] that prevented lenders suing solicitors firms for fraud on stale claims.

Issues of limitation, to the forefront in both these actions, are a particular strength. He has recent experience of defeating at trial a claim against accountants by a multi-millionaire client that they had acted negligently in his tax-planning. He is instructed by most of the firms of solicitors who are retained by insurers in this field, as well as advising insurers and claims handlers direct.

Tom's clients find him easy to work with because of his understanding of the underlying legal issues, in particular tax, in these specialist areas. He focuses at an early stage on the important – but often overlooked question – whether the adverse results of any alleged negligence are actually as bad as they look, and – if so – whether they can be mitigated or avoided altogether.

## **COURT OF PROTECTION**

Tom is a well-respected and experienced advocate in the Court of Protection, appearing in a range of cases, but particularly applications for statutory wills. He has a strong professional interest in vulnerability, acting in often high-profile cases, such as that involving the estate of Sir Malcolm Arnold, in disputes about powers of attorney and wills. He lectures to the Law Society's Private Client Section, Solicitors for the Elderly, Action on Elder Abuse and the Society of Trust & Estate Practitioners on these topics.

## **PROPERTY**

Tom has substantial experience of property litigation, once being described by the Lawyer as the first-choice barrister where the opposition was unscrupulous. He appeared recently in the Privy Council on appeal from the Bahamas Court of Appeal, on a case, *Rolle Family Co Ltd v. Rolle* [2018] AC 205, involving competing claims to two valuable sea-front plots of land. He overturned the grounds of the Court of Appeal's decision, establishing the legal principles which should enable his client to enforce his title in the Bahamas. He has particular expertise in restrictive covenants, easements and proprietary estoppel claims, having appeared in the Court of Appeal in each of these fields.

## **RECOGNITION**

Tom has long been recommended by the legal directories as a leading practitioner for traditional chancery, charities and professional negligence matters. His most recent coverage includes:

- *"A charming advocate with a delightful turn of phrase."* (Professional Negligence, *Chambers UK Bar 2022*)
- *"He is very well respected and very knowledgeable in this area."* and *"He is*

*down to earth and has a lot of common sense that he applies to his cases. He knows his stuff and is good on his feet in court.” (Charities, Chambers UK Bar 2022)*

- *“A true brain of the legal profession. He’s so user-friendly and his judgement is excellent.” (Chancery: Traditional, Chambers UK Bar 2022)*
- *“Thomas is an intuitive silk, who can read a room very well and find the right strategy for the client.” (Charities, Legal 500 UK Bar 2022)*
- *“An excellent practitioner” and “Outstanding on the most substantial cases and always finds a solution.” (Chancery: Traditional, Chambers HNW London Bar 2021)*
- *“A pleasure to deal with, and very user-friendly. You don’t think twice about putting him in front of the biggest and best clients.” “Erudite, personable, and someone who always goes the extra mile for his charity clients.” (Charities, Chambers UK Bar 2021)*
- *“Tremendously easy-going and a charming person.” “Beneath that charming exterior, he is always on it – he has a complete command of his material.” (Chancery: Traditional, Chambers UK Bar 2021)*
- *“A gentleman to deal with, who can always be relied upon to provide pragmatic, outcome-focused advice in a clear and concise manner.” (Trusts, Chambers UK Bar 2021)*
- *“Very detailed and user-friendly; good on his feet and has a great manner with the judges.” (Professional Negligence, Chambers UK Bar 2021)*
- *“Is excellent on his feet, very persuasive and authoritative – he has the judges eating out of the palm of his hands.” (Charities, Legal 500 UK Bar 2021)*
- *“Specialist in probate and trust claims but also has good experience of professional negligence defence claims. A very useful combination. Provides clear written advice. He has a calm manner and a great rapport with courts and clients.” (Professional Negligence, Legal 500 UK Bar 2021)*
- *“Has an encyclopaedic knowledge of probate. He is a terrific advocate. He’s an incredibly nice opponent – huge integrity.” (Private Client: Trusts and Probate, Legal 500 UK Bar 2021)*
- *“Lovely to work with and client-friendly.” (Offshore, Legal 500 UK Bar 2021)*
- *“What I like about Thomas is that he is tremendously easy-going and a charming person. What I appreciate and rate about him is that beneath that charming exterior, he is always on it – he has a complete command of his material.” (Chancery: Traditional, Chambers HNW London Bar 2020)*
- *“His affable exterior belies a really incisive mind – he can get to the core of any issue and has fantastic ability to master all the facts.” (Chancery: Traditional, Chambers London Bar 2020)*
- *A robust advocate whose input in probate-related claims and those against solicitors and tax advisers is invaluable.” “He is very good-humoured, pleasant and cheerful without undermining his client’s case. He’s not a pushover but makes life easier for everyone, so he’s a pleasure to deal with.” (Professional Negligence, Chambers London Bar 2020)*
- *“Thomas is the go-to for charities faced with the thorniest disputes and with good reason. His brain is matched only by his likeability.” “His advice is always intelligent, clear and practical.” (Charities, Chambers London Bar 2020)*
- *“We have high regard for the work of Thomas Dumont. We value his ability to provide clear, timely counsel on many of the most demanding issues.” (Private Client: Trusts, Chambers London Bar 2020)*
- *“Charming and has good experienced.” (Charities, Legal 500 UK Bar 2020)*
- *“His strategic thinking is second to none and his commitment to achieve the best possible outcome for the client is unrivalled.” Private Client: Trust and Probate, Legal 500 UK Bar 2020)*
- *“Really smart and knows how to untangle horrendously complex matters in a sensible and effective way.” “He is a major market presence and has been in a lot of important cases.” (Trusts, Chambers UK Bar 2019)*
- *“Very good on high-profile and high-value cases. He is brilliant with clients as he is so gentle, and he also handles solicitors very well.” “Very pragmatic and practical, his advice is always technically accurate and applied to your specific circumstances.” (Chancery: Traditional, Chambers*

UK Bar 2019)

- *"In a large, complex matter he's on top of the details and is able to articulate them excellently in court." "His advice is always intelligent, clear and practical."* (Charities, Chambers UK Bar 2019)
- *"Provides sensible and robust advice."* (Professional Negligence, The Legal 500 UK Bar 2019)
- *"Always outstandingly prepared."* (Private Client: Trusts, The Legal 500 UK Bar 2019)
- *"Good experience and very affable."* (Charities, The Legal 500 UK Bar 2019)
- *"His technical knowledge is excellent and the quality of his advice is top-notch. He is responsive, available and always reassuring. It gives you tremendous confidence having him in your corner." "A Go-to guy for particularly complex trusts matters and excellent if you need someone who thinks outside the box."* (Trusts, Chambers UK Bar 2018)
- *"Fun to work with, and has a wonderful turn of phrase. He gives straightforward advice."* (Professional Negligence, Chambers UK Bar 2018)
- *"He is charm personified. He makes clients feel so at ease in what is usually a turbulent time for them, and clearly has the expertise and technical skill to handle the most complex cases. I can guarantee if I go to him for advice I won't get any questions from the Charity Commission."* (Charities, Chambers UK Bar 2018)
- *"Excellent at technical and intricate trust work. He fully understands some very obscure aspects of trust law and has real in-depth legal knowledge."* (Chancery: Traditional, Chambers UK Bar 2018)
- *"Very user-friendly."* (Professional Negligence, The Legal 500 UK Bar 2017)
- *"He has a particular flair for the high-value and complex cases."* (Charities & Private Client, The Legal 500 Bar 2017)
- *"Clear, robust and incisive. He's approachable, very ready to work collaboratively and it is always a pleasure to work with him. In a scrap, he is a great friend to have at our side."* (Trusts, Chambers UK Bar 2017)
- *"He has a practice balanced between professional negligence and chancery, which is a rare thing. He's an experienced advocate but he's also fun to work with and makes our clients feel relaxed."* (Professional Negligence, Chambers UK Bar 2017)
- *"His advice is always intelligent and clear, and he has excellent judgment."* (Charities, Chambers UK Bar 2017)
- *"He is prompt and clear, and gives practical advice."* (Charities, Chambers UK Bar 2017)
- *"He is absolutely expert and he's very good with clients. He builds a good relationship with them. We are often dealing with stressed situations and he is very good at empathising with clients without letting them stray off track."* (Chancery: Traditional, Chambers UK Bar 2017)
- *"A great advocate, who is fun to work with and has a wonderful turn of phrase."* (Professional Negligence, The Legal 500 UK Bar 2016)

## **MEMBERSHIPS**

Tom is a member of the Bar's Law Reform committee, drafting the Bar's responses to Government consultations on the reform of trust and land law and the law of Wills. He is a member of the ACTAPS committee, and chair of the STEP Journal Editorial Board.

## **POLICIES AND OTHER DETAILS**

- Read Tom's [Privacy Notice](#), [Data Protection Policy](#) and [Disposal Policy](#)
- VAT Registration Number: 362357648
- Bar Membership Number: 13369