



## William Moffett

Call: 2000

### Barrister

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#### CONTACT

Email  
wmoffett@radcliffechambers.com

Email Clerk  
clerks@radcliffechambers.com

Telephone  
020 7831 0081

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#### ADDRESS

11 New Square  
Lincoln's Inn  
London WC2A 3QB

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

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**William Moffett** is a highly regarded barrister, who is recognised for his expertise in private client, real estate, charities and business disputes. He also acts in professional negligence claims in those areas. He is frequently instructed in High Court litigation and on appeals, often in critical, high-value cases. He is recommended by *Chambers UK Bar* and *The Legal 500 UK Bar*, where he is frequently praised for his clarity, thoughtfulness and outstanding advocacy skills. He is also noted for the quality of his advisory practice.

#### PRIVATE CLIENT

William has extensive experience of working with private clients and their advisors to resolve complex disputes.

William is highly regarded for wills and estates work. He represents both claimants and defendants in contested probate claims and claims for family provision under the Inheritance (Provision for Family and Dependents) Act 1975. He regularly acts for personal representatives and beneficiaries, including well-known charities, faced with challenges to wills said to be invalid by reason of want of capacity, want of knowledge and approval or undue influence.

He has considerable experience in the analysis of medical evidence concerning mental capacity of testators, donors and settlors – especially in cases concerning the capacity of elderly persons – and has acted in ‘welfare’ and ‘property and affairs’ applications, statutory wills and lifetime gifts, and with particular experience of actions for the removal of deputies and costs applications in the Court of Protection.

William also has expertise in disputes concerning the construction of wills, the conflict of laws in relation to testamentary succession, and the law relating to the administration of estates.

He has experience in litigation and advisory work in all aspects of the law relating to trusts including their construction, identification of the proper objects and beneficiaries of trusts, rectification, exercise by the trustees of their powers and actions for breach of trust as well as recovery of trust property in the hands of fiduciaries and third parties.

He has also advised upon, and represented parties to, applications for the

variation of trusts under the Variation of Trusts Act 1958.

William has particular expertise in trusts of land, common intention constructive trusts as well as constructive and resulting trusts in a commercial context.

Examples of significant cases include:

- *Dryden v Young & Ors* [2024] EWHC 1095 (Ch), W.T.L.R 843 (a case concerning the interpretation of a poorly-drafted will – William acted for an animal welfare charity successfully establishing its entitlement to a gift, the court considering the approach to identification of intended beneficiaries and the potential means of saving such gifts where charity beneficiaries were variously incorrectly named, or had ceased to exist, or had ceased to exist but their work continued through another charity)
- *Savage v Savage* [2024] EWCA Civ 49, 1 W.L.R. 3786, 2 F.C.R 200, 1 P.&C.R. 4, W.T.L.R 725 (a case concerning the proper interpretation of s.15(3) of the Trusts of Land and Appointment of Trustees Act 1996 and deciding that the court can give weight to minority wishes and circumstances – William acted for the successful appellant, a minority owner in a co-owned family farm, securing a right of pre-emption where the majority owner sought an order for sale)
- *Guest v Guest* [2023] 3 W.L.R. 911, 1 All E.R. 695, 1 F.L.R. 590, 2 P & CR 6, W.T.L.R. 431 (William acted, with Tom Dumont KC, for the farming couple who successfully appealed to the Supreme Court in this landmark decision in the law of proprietary estoppel which decided the correct approach to relief in such cases and the need to do justice to both claimants and defendants where an estoppel arises)
- *Lewis v Tamplin* [2018] W.T.L.R. 215 (acting for the successful claimants seeking information about a family trust – the decision provides important guidance on the nature and scope of the duty to provide trust information to beneficiaries, and the application of *Schmidt v Rosewood* in relation to different types of trustee decision-making)
- *Vallée v Birchwood* [2014] Ch 271, 2 W.L.R. 543 (a case concerning the law of *donatio mortis causa*)
- *Green v Eadie* [2012] Ch 363, 2 W.L.R. 510 (William represented the children of the bigamous marriage of the Duke of Manchester, establishing their entitlement to benefit from a family trust which had been said to exclude them on the basis of illegitimacy – the case decided the proper approach to the conflict of laws on questions of legitimacy where parents have different domiciles).

## **REAL ESTATE**

William is experienced in both commercial and residential property: ownership and rights over property, conveyancing, leases, easements, adverse possession, boundaries, restrictive covenants, mortgages, wrongful interference with land, distraint and dilapidations claims.

William also has particular expertise in actions concerning co-ownership of land held on constructive trusts and actions in proprietary estoppel.

Examples of significant cases include:

- *Savage v Savage* [2024] EWCA Civ 49, 1 W.L.R. 3786, 2 F.C.R 200, 1 P.&C.R. 4, W.T.L.R 725 (a case concerning the proper interpretation of s.15(3) of the Trusts of Land and Appointment of Trustees Act 1996 and deciding that the court can give weight to minority wishes and circumstances – William acted for the successful appellant, a minority owner in a co-owned family farm, securing a right of pre-emption where the majority owner sought an order for sale)
- *Avondale Park Ltd v Miss Delaney's Nursery Schools Ltd* [2023] EWCA Civ 641, L. &T.R. 29 (acting for a school in obtaining urgent injunctions to prevent its closure and successfully resisting its landlord's appeal to the Court of Appeal in a case which considered the interpretation and

termination of leases, periodic tenancies arising by conduct and estoppel by convention)

- *Guest v Guest* [2023] 3 WLR 911, 1 All E.R. 695, 1 F.L.R. 590, 2 P.& C.R. 6, W.T.L.R. 431 (William acted, with Tom Dumont KC, for the farming couple who successfully appealed to the Supreme Court in this landmark decision in the law of proprietary estoppel which decided the correct approach to relief in such cases and the need to do justice to both claimants and defendants where an estoppel arises)
- *HAE Developments Ltd v The Croft Ealing Ltd* [2022] UKUT 120 (LC) | [2022] 5 WLUK 419, [2023] 2 P. & C.R. 12 (William acted for the applicant, successfully removing restrictive covenants pursuant to s.84(1) of the Law of Property Act 1925 on the basis that the restrictions were obsolete, which outcome allowed for the construction of a block of flats in West London)
- *Bath Rugby v Greenwood & Ors.* [2020] EWHC 2856 (Ch), [2021] 2 P.&C.R. 15, on appeal [2021] EWCA Civ 1927, [2023] 1 P.&C.R. 6, costs decision reported at [2020] Costs L.R. 1577, [2021] 2 P.&C.R. 16 (a case concerning a century-old restrictive covenant and the planned redevelopment of a city-centre rugby stadium, and the practice on costs where a landowner seeks to remove such covenants)
- *Morshead Mansions v Mactra Properties* [2013] EWHC 224 (Ch) (a case concerning the interpretation of provisions for service charge accounts in leases)
- *Abertawe Bro Morgannwg NHS University Trust v Coedffranc Community Council* [2009] UKUT 114 (LC) (acting for the applicant successfully seeking the discharge of a restrictive covenant to permit re-purposing of a former maternity hospital)
- *Dashwood v Fleurets Ltd* [2007] EWHC 1610 (QB), 2 E.G.L.R. 7, 34 E.G. 84 (acting for the successful claimant, and respondent on appeal, in a case relating to an estate agent's remuneration under a sole selling rights agreement)

## **CHARITIES**

William has expertise in advising trustees as to the identification of charitable trusts, their purposes, public benefit, construction and the exercise of powers under them.

William has particular experience in advising trustees of trusts of land with a public or charitable element, especially sports and recreational venues, civic buildings and open spaces. In doing so William advises upon matters including the exercise of powers to sell or lease, the application of the doctrine of cy-près, the duties of trustees and the role of the Charity Commission.

William frequently acts for charities as beneficiaries under wills and trusts in all matters arising in respect of their beneficial interests and any challenges to them.

Examples of recent work in this area include:

- Advising local authorities on trusts governing civic buildings and land including pleasure gardens, clinics and community care institutions, concert halls and libraries
- Advising a local authority on the use of land left on trust for recreational purposes, comprising in part a well-known sports stadium used by a high-profile national sports club, on issues such as the right of the club to charge admission to the public
- Advising a nationwide benevolent institution on its funding of residential care homes for its members and the application of means-tested rules to the provision of financial support
- Advising charity trustees on the potential development of a city-centre cricket ground held upon charitable trusts.

## **COMMERCIAL DISPUTES**

William has handled a variety of commercial work both advising and in litigation,

across a wide range of contractual disputes in the Chancery and Queen's Bench Divisions as well as the County Courts, Commercial Court and the Court of Appeal.

William has acted for a range of clients from well-known banks and life assurance companies to large and small business involved in trade, manufacture and retail. He has particular experience of the sale of goods and supply of services, contracts of agency (estate agencies, recruitment agencies and financial consultancies), franchise agreements, seeking and resisting injunctive relief in cases concerning covenants in restraint of trade and misuse of confidential information, contracts of guarantee (enforceability and construction of terms), civil fraud, bailment and conversion, debt recovery and restitutionary remedies.

William has developed an expertise in disputes relating to contracts vitiated by mistake and in claims relating to actionable misdescription of goods, including innocent, negligent or fraudulent misrepresentations at common law and actions under the Misrepresentation Act 1967.

William has been complimented for his ability to work quickly in cases of urgency, seeking interlocutory relief where a client's commercial interests require it, and has considerable experience of seeking and resisting applications for freezing orders.

William has acted in a wide range of partnership disputes, with particular emphasis on the existence and obligations in informal partnership agreements and partnerships at will, the breakdown of joint ventures, dissolution, orders for sale of (and rights to buy) partnership property, secret profits, analysis of partnership accounts, expulsion and retirement, the duties of partners, and taking steps to protect confidential information and preserve partnership assets on an urgent basis.

William has acted in respect of joint ventures in a wide range of commercial spheres, but has developed particular familiarity with farm business partnerships including questions of family land ownership (often over several generations) and agricultural tenancies and subsidies, as well as partnerships of accountancy and IFA practices, medical practices and in the information technology spheres. William also has experience of unfair prejudice petitions in the context 'quasi-partnerships' where small private companies are used as vehicles for joint ventures.

William is also frequently instructed to advise on, and draft, terms in partnership agreements.

### **PROFESSIONAL LIABILITY**

William acts for both claimants and defendants, with particular experience in claims against solicitors, building contractors, valuers, local authorities, surveyors and architects.

William has expertise in claims of negligence relating to conveyancing transactions, defective construction of buildings and the detection of such defects, valuations of real property and businesses, and the drafting and administration of trusts and wills by solicitors. William has recently given a series of seminars on liability of solicitors to potential beneficiaries in the preparation of wills under the principal in *White v Jones*.

A number of recent cases have involved defective dispositions of land, failures in the creation of trusts, and failures in the administration of funds held upon trust including failures to invest trust monies.

### **MEDIATION AND ARBITRATION**

William is frequently instructed to represent and advise clients at mediation, in a wide range of disputes covering his areas of practice. He is commended particularly for his persuasive and tactically astute opening position statements

and speeches, and for his guidance on changing circumstances and arguments, the inclusion of matters of compromise outside the ambit of the proceedings and an adaptability in testing the case of opponents whilst seeking common ground.

William is also involved in questions of determination by experts, international and domestic arbitration, advising on the enforceability and construction of arbitration agreements, as well as the process of arbitration itself and its relationship with any court proceedings (from interim remedies, stays, appointment and replacement of arbitrators, enforcement and appeals).

## **INTERNATIONAL**

Much of William's work involves an international element. He frequently acts for or against parties outside the UK and his work often involves questions of the proper law governing a contract, jurisdiction, and the interpretation and effect of regulations and conventions concerning enforcement of judgments.

This international element spans the entire scope of William's practice, from commercial litigation to private wealth, estates and trusts (such as estates and settlements including property in more than one jurisdiction) which often involve questions of private international law and the conflict of laws.

## **RECOGNITION**

William is recommended for Commercial Litigation, Professional Negligence and Property Litigation by *The Legal 500 UK Bar* and Traditional Chancery and Real Estate Litigation expertise by *Chambers UK Bar*. Recent editorial includes:

- *"Written work is superb. Very calm on his feet and persuasive."* (Property Litigation, *Legal 500 UK Bar 2024*)
- *"William is excellent with clients, possesses very strong drafting skills and is a persuasive advocate."* (Private Client: Trusts and Probate, *Legal 500 UK Bar 2024*)
- *"Very good with clients – makes them feel at ease and inspires confidence in them. Exceptionally thorough and always ready to deal with any query that may arise. His advocacy is quietly persuasive and probing, but he will not leave any issue unsaid."* (Commercial Litigation, *Legal 500 UK Bar 2024*)
- *"William has the skill of explaining the arcane in understandable terms. He is a fluent and polished advocate."* (Professional Negligence, *Legal 500 UK Bar 2024*)
- *"Clever, kind and audacious, he fights hard for each client and makes them feel confident in his abilities."* (Chancery: Traditional, *Chambers UK Bar 2024*)
- *"Consistently superb. Nothing fazes William. He offers clear and practical advice, and is exemplary in court."* (Chancery: Traditional, *Chambers UK Bar 2024*)
- *"He provides first class written advice. William is very smooth on his feet when in court and a pleasure to work alongside."* (Chancery: Traditional, *Chambers UK Bar 2024*)
- *"William Moffett is exceptional. He has a fantastic ability to cut to the heart of a complex dispute and he is excellent with clients."* (Real Estate Litigation, *Chambers UK Bar 2024*)
- *"First-class barrister. William is really thorough and provides well thought-through advice."* (Real Estate Litigation, *Chambers UK Bar 2024*)
- *"A depth of experience on property and commercial matters."* (Real Estate Litigation, *Chambers UK Bar 2024*)
- *"William is outstanding, clever, kind and audacious. He fights hard for each client and makes them feel confident in his abilities."* (Chancery: Traditional, *Chambers HNW London Bar 2023*)
- *"Consistently superb. Nothing phases William, he is the person we would always want in our corner. Clear and practical advice, and exemplary in court."* (Chancery: Traditional, *Chambers HNW London Bar 2023*)
- *"He provides first-class written advice. William is very smooth on his feet at*

*court and a pleasure to work alongside.” (Chancery: Traditional, Chambers HNW London Bar 2023)*

- *“William Moffett is very bright, prompt and efficient with his turnaround of work.” (Real Estate Litigation, Chambers UK Bar 2023)*
- *“He is a fantastic advocate and one who is never flustered and always seems to be in control of any court room situation however difficult it might appear to me.” (Commercial Litigation, Legal 500 UK Bar 2023)*
- *“William is personable and unstuffy, yet has the air of authority and gravitas, inspiring confidence in his clients. He is clever and always in command of his brief down to the fine detail, regardless of how late the papers are delivered to him.” (Property Litigation, Legal 500 UK Bar 2023)*
- *“An excellent advocate with a killer instinct to win. Great with clients and makes them feel at ease.” (Professional Negligence, Legal 500 UK Bar 2023)*
- *“William is a truly excellent barrister. He is intelligent, quickly gets to the crux of the issues and has a great writing style. He is sympathetic to clients whilst also providing them with clear, honest advice.” (Private Client: Trusts and Probate, Legal 500 UK Bar 2023)*
- *“Smart, approachable and pragmatic. He has a great manner with clients and is able to distil complex legal discussion into client-friendly language. William is an expert in chancery work and is a delight to work with.” (Chancery: Traditional, Chambers UK Bar 2022)*
- *“The standard of his writing is superb; be it an opinion or court documents they are capable of clearly and elegantly setting out at a position. His representation in court is of a similar standard. He is excellent with clients, able to easily explain even arcane and complex legal concepts. All of the above is backed up by a forensic understanding of the law and attention to detail; his control of the case is second-to-none.” (Property Litigation, Legal 500 UK Bar 2022)*
- *“An excellent advocate with a killer instinct to win. Great with clients and makes them feel at ease.” (Professional Negligence, Legal 500 UK Bar 2022)*
- *“Excellent level of technical knowledge and an eye for the detail. Sets out advice clearly and concisely. Very good on tactical considerations throughout.” (Private Client: Trusts and Probate, Legal 500 UK Bar 2022)*
- *“He has an excellent level of technical knowledge and an eye for the detail. He gets out advice clearly and concisely and is very good on tactical considerations throughout.” (Commercial Litigation, Legal 500 UK Bar 2022)*
- *“A very impressive operator – he’s incredibly experienced and astute, and has an ability to cut through complex stuff and get to the point.” “He has a very sharp mind. He’s excellent with clients and easy to engage with.” (Chancery: Traditional, Chambers UK Bar 2021)*
- *“Gives thoughtful and considered advice, with boundless commitment to the cause. He will always go the extra mile.” “He is extremely bright, very personable and prompt with his responses.” (Real Estate Litigation, Chambers UK Bar 2021)*
- *“He is incredibly bright and a good strategist who always goes the extra mile for clients. He is an absolute pleasure to deal with and makes litigation more enjoyable as a result. He is one to have on your side.” (Private Client: Trusts and Probate, Legal 500 UK Bar 2021)*
- *“Very thorough legal analysis, and also very alive to the commercial aspects of the dispute – a pleasure to work with.” (Commercial Litigation, Legal 500 UK Bar 2021)*
- *“Very good technically and fantastic with clients – the perfect balance. A very safe pair of hands.” (Professional Negligence, Legal 500 UK Bar 2021)*
- *“He is personable, very bright, responsive, commercially minded.” (Property Litigation, Legal 500 UK Bar 2021)*
- *“He is a very impressive operator – incredibly experienced and astute, and has an ability to cut through complex stuff and get to the point.” (Chancery: Traditional, Chambers HNW London Bar 2020)*
- *“He’s a very good advocate; his style is very calm, unruffled under pressure, and he’s very persuasive.” “He distils complex legal questions*



*into understandable language.*" (Chancery: Traditional, Chambers UK Bar 2020)

- *"He is excellent – very good with clients, knows his stuff and a pleasure to work with." "He is personable, down to earth and just gets things that are complex to even try to explain."* (Real Estate Litigation, Chambers UK Bar 2020)
- *"He has a very sharp mind. He's excellent with clients and easy to engage with."*
- *"Personable, proactive, very bright, efficient, and excellent with clients."* (Commercial Litigations, The Legal 500 UK Bar 2020)
- *"Is both a fantastic advocate and very adept on paper."* (Private Client: Trusts and Probate, The Legal 500 UK Bar 2020)
- *"Extremely thorough and reliable; he is always persuasive with judges and excellent with clients."* (Professional Negligence, The Legal 500 UK Bar 2020)
- *"Proactive, very bright, efficient and excellent with clients."* (Property Litigation, The Legal 500 UK Bar 2020)
- *"Very smooth barrister, who is very smart; he is very good with clients and comes across very well. " "He always jumps in with good points. His written advice is always very comprehensive whilst at the same time being very clear and understandable for the client."* (Chancery: Traditional, Chambers UK Bar 2019)
- *"Combines thoughtful and considered advice with boundless commitment to the cause." "Really top drawer – he has a very sharp brain and always thinks practically and pragmatically. He's excellent with clients."* (Real Estate Litigation, Chambers UK Bar 2019)
- *"Reliable and considered, with a flair to go with it."* (Property litigation, The Legal 500 UK Bar 2019)
- *"Great client rapport and empathy; he is good on paper and able on his feet."* (Professional negligence, The Legal 500 UK Bar 2019)
- *"He has outstanding drafting skills."* (Private Client: Trusts, The Legal 500 UK Bar 2019)
- *"A formidable advocate who has the ability to make incisive points at key moments."* (Commercial Litigation, The Legal 500 UK Bar 2019)
- *"He has great technical ability and he is excellent at putting clients at ease."* (Real Estate Litigation, Chambers UK Bar 2018)
- *"Very approachable and an excellent advocate, he comes across very well in court and he always gives well thought-out and easy-to-understand advice to clients." "William takes a very considered approach to the law and his written opinions are very cogent. He is very logical in his thinking and he has extremely sound and detailed technical knowledge."* (Chancery: Traditional, Chambers UK Bar 2018)
- *"He has proven himself to be a tenacious advocate, who will work diligently and tirelessly for the cause. Nothing fazes him."* (Professional Negligence, The Legal 500 UK Bar 2017)
- *"He takes a very precise and considered approach to complex litigation."* (Commercial Litigation, The Legal 500 UK Bar 2017)
- *"Very knowledgeable and extremely helpful. He goes above and beyond when handling his cases and always expresses himself in easy-to-understand language."* (Real Estate Litigation, Chambers UK Bar 2017)
- *"Shows very good attention to detail."* (Real Estate Litigation, Chambers UK Bar 2017)
- *"He's a very good all-rounder. His drafting's very good and in mediation he is great at winning the confidence of the mediator and pressing home an advantage."* (Chancery: Traditional, Chambers UK Bar 2017)
- *"Amiable and personable yet with a fierce determination to win on behalf of his client."* (Professional negligence, The Legal 500 UK Bar 2016)
- *"He gives thoughtful and considered advice, with boundless commitment to the cause, always going the extra mile."* (Property litigation, The Legal 500 UK Bar 2016)

## **QUALIFICATIONS**

William was called to the Bar in 2000, having gained top awards from Gray's Inn in consecutive years and before that a double first from Cambridge University.

## **MEMBERSHIPS**

William is a member of the Chancery Bar Association.

## **POLICIES AND OTHER DETAILS**

Read Williams's [Privacy Notice](#), [Data Protection Policy](#) and [Disposal Policy](#).