



Favourite Cases: *Re Pinion (deceased)*

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Joshua Winfield

Call: 2001

Barrister

Joshua Winfield has a general chancery advisory and litigation practice, specialising in private client work and charities. He is also experienced in work relating to property, capital taxes and professional negligence in the private client and property context.

Reported at [1965] CH 85 (CA)

The question of whether a gift is charitable can encompass a remarkably diverse range of legal and factual inquiries. A memorable example is *Re Pinion (deceased)*, in which a testator left his residuary estate to his trustees to offer to the National Trust his art studio with the pictures painted by him and others, and his collection of antique furniture, to be kept intact in the studio and shown at an appointed time by the National Trust in a similar way to their other properties. The will also contained a power to appoint another body, if the National Trust refused to act.

When the testator died in 1961, the contents of the studio were valued at £742. The trustees applied to the court to determine whether the bequest was charitable. Two experts gave evidence at the first-instance hearing, and were scathing about the low quality of the collection. Wilberforce J, having found that the gift was for educational purposes and not entirely lacking in any recognisable public benefit, held that it must therefore be valid.

The testator's next-of-kin appealed. The Court of Appeal unanimously reversed the decision, holding that in considering the validity of a bequest for educational purposes, the court can consider expert evidence as to its educational value, and that the collection must be taken as a whole, so the few items of any merit were not enough to save the gift. Harman LJ's concise summary was "I can conceive of no useful object to be served in foisting upon the public this mass of junk."

I find that, as well as establishing some useful principles, the case provides an outstanding example of the type of "home-made" charitable trust that can keep legal advisers tied up for hours. I am also amused by the irony of the Attorney General and next-of-kin fighting so hard over property the value of which was dismissed in such caustic terms by the experts and judges.

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