ROBERT ARNFIELD

"Bob is excellent with clients and is capable of getting the client to focus on the important aspects of the case."
(Chambers UK 2024)

Call 1996

Robert Arnfield has been in practice at the Chancery Bar for nearly 30 years. His main practice areas include non-contentious and contentious private client, commercial chancery and associated taxation and professional negligence.

His non-litigious practice includes drafting and advising on trusts, wills, administration of estates, deeds of variation, deeds of appointment and shareholder agreements often with an international element. Robert's related tax experience includes Inheritance Tax, Capital Gains Tax, Pre-owned Assets Tax, Stamp Duty Land Tax and Corporation Tax.

Robert is also regularly instructed by parties or prospective parties to litigation or mediation in the same areas. Typical matters involve Inheritance Act claims, removal of trustees, challenges to wills and the construction or rectification of wills, trusts or commercial agreements.

Commercial & Business Disputes

Robert's wide advisory practice involves trusts, wills, estates and tax planning or mitigation for individuals, executors and trustees. This will frequently involve nil-rate band, Agricultural Property Relief and Business Property Relief planning for Inheritance Tax and Capital Gains Tax deferral including several recent Variation of Trusts Act 1958 applications to extend perpetuity periods.

Recent Cases:

- **A v B** [2016] EWHC 340 (Ch): Variation of Trusts Act 1958 application to extend perpetuity period. Case raised issues of confidentiality and offers guidance on the temporary exclusion of beneficiaries.
- **DC v AC** [2016] EWHC 477 (Ch): Variation of Trusts Act 1958 application to extend perpetuity period. Observations on impact on existing life interest for Inheritance Tax purposes.
- **Re A Settlements** (2016): Providing UK tax advice on effect of Jersey variation of trust application to

rectify settlement deeds.
- **Re R Settlements** (2016): Advice and drafting concerning availability of Agricultural and Business Property Relief for substantial landed estate largely held through settlements.

Private Client

Robert has wide experience of disputes concerning wills and estates, lifetime gifts, trusts, trustees or other fiduciaries. Most are resolved before trial – increasingly through mediation.

Recent Cases:

- **Re: T** (2016): Rectification of Deed of Appointment to correct identity of fund liable for Inheritance Tax. Rectification granted by a Master under the extended jurisdiction now available to Masters in the Chancery Division. HMRC had refused to accept construction advanced by executors.
- **Davidson v Seelig** (2016): Acting for a protector of a substantial family trust in claim by beneficiaries to set aside deed of appointment.
- **Re G deceased** (2016): Acting for family members in dispute over the sale of a portrait of sufficient national and artistic interest to attract conditional exemption for Inheritance Tax. To be heard in late 2016 or early 2017.
- **Re W** (2016): Challenge to will on grounds of undue influence. Acting for Defendants. Currently proceeding to trial.
- **Re C Settlement** (2016): Acting for trustees seeking to administer settlement made under Children Act 1989. Numerous issues including obtaining possession of family home and enforcement of covenants.

Taxation

Nil-rate band, Agricultural Property Relief and Business Property Relief planning for Inheritance Tax and Capital Gains Tax deferral including several recent Variation of Trusts Act 1958 applications to extend perpetuity periods.

Recent Cases:

- **DC v AC** [2016] EWHC 477 (Ch): Variation of Trusts Act 1958 application to extend perpetuity period. Observations on impact on existing life interest for Inheritance Tax purposes.
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- **Re R Settlements** (2016): Advice and drafting concerning availability of Agricultural and Business Property Relief for substantial landed estate largely held through settlements.

Trusts & Estates

Robert is regularly instructed to advise companies and shareholders on shareholder agreements or disputes. Typically these will involve close companies and companies held as part of a more complex trust structure.

Location

Ten Old Square
Lincoln's Inn
London
WC2A 3SU

Contact Us

T +44 (0)20 7405 0758
F +44 (0)20 7831 8237
E: clerks@tenoldsquare.com
DX: LDE Box No 306

Recent Cases:

- **Re G Ltd** (2016): Acting for shareholders exercising options under a shareholder agreement put in place following a company purchase. Dispute over valuation methods resolved by expert determination.
- **Re H Limited** (2016): Partition of family owned investment company and resolution of directors' dispute negotiated through mediation.
- **Re E** (2016): Dispute over construction and extent of tax indemnity relating to sums received by a professional footballer from an Employee Benefit Trust. Resolved by expert determination.

Professional Negligence

Professional negligence clams relating to the practice areas described above. Acts for both claimants and defendant insurers.

Recent Cases:

- **Re G Ltd** (2016): Negligence claim against former solicitors over drafting of sale agreement and associated shareholder agreement on company takeover.
- **Estate of R deceased** (2016): Negligence claim against former solicitors over failed Inheritance Tax and Capital Gains Tax shearing schemes involving family home.
- **Re B Ltd** (2015): Acting for Claimant in claim against insolvent former solicitors for negligent tax advice concerning an offshore Employee Benefit Trust. Settled by professional indemnity insurers without litigation.

Recommendations

"He has a knack of understanding the risk appetite of the client."

Chambers UK 2024

"Robert exudes gentlemanly reflection and consideration. He is a masterful draftsman and is good fun to work alongside on long-running cases."

Chambers UK 2023

"He is excellent as he is really technical, his attention to detail is terrific and he is very responsive too."

Chambers UK 2022

"The grand master of drafting."

"He is literally best practice – a measured, considered writer, whose pleadings are always so beautiful. Judges love to read his writing because he addresses everything so sensibly."

Chambers UK 2021

'*Is extremely clear in the advice he gives. He is super bright, thinks very carefully about the questions put to him and then presents his views in a clear, succinct fashion. He comes up with helpful ideas and plans.*'

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Legal 500 2020

"The grand master of drafting"

"He is literally best practice – a measured, considered writer, his pleadings are always so beautiful. Judges love to read his writing because he addresses everything so sensibly."

Chambers HNW 2020

"User-friendly, responsive, practical and very hands-on, approachable and very helpful. He is focused on detail and very knowledgeable."

"He is very client-friendly. He gives sound advice and is very thorough."

Chambers UK 2020

"An excellent junior counsel"

Legal 500 2020

"A*consistently reliable adviser*" and "*technical and very able*"

"U*ser-friendly, responsive, practical and very hands-on, approachable and very helpful*"

"*He is focused on detail and very knowledgeable*."

"*He is very client-friendly. He gives sound advice and is very thorough*"

HNW Guide 2019

"Absolutely knows his stuff and has gravitas. People respect what he says and listen to his advice without hesitation."

"Good at dealing with tricky technical work and meeting urgent deadlines, he always delivers clear, concise and invaluable advice."

Chambers UK 2019 - Chancery

"Highly recommended."

Legal 500 2018 - Private Client: Personal Tax

"His knowledge is good but what really stands out is how he applies the law to provide a pragmatic and practical answer. He knows all these obscure points and can provide the right solution for clients."

"Very articulate on his feet, he is completely unflappable even when judges throw some really tricky stuff at him. He handles matters coolly and very expertly"

HNW 2018 Guide - Chancery: Traditional - London Bar

"Really first-rate on the the technical side" and "utterly unflappable and very experienced."

“He is so good at turning around quality work under urgent time constraints. He always delivers clear, concise and invaluable advice.”

“He absolutely knows his stuff and has gravitas. People respect what he says and listen to his advice without hesitation.”

Chambers UK 2018 - Chancery (Band 1)

“His knowledge is good but what really stands out is how he applies the law to provide a pragmatic and practical answer”

“He knows all these obscure points yet he can also provide the right solution for his client and even the other parties on occasion.”

“He is very articulate on his feet. He is completely unflappable.”

Chambers HNW 2017

“He provides clear opinions, and does not adopt the approach of sitting on the fence. This is hugely helpful when you’re advising clients and making decisions. Obviously a balanced answer is provided, but a route forward is always known.”

Chambers UK 2017 - Chancery

“He provides clear and practical guidance and advice on complex trusts and inheritance tax issues”.

Chambers UK 2016

“He provides clear and concise guidance and doesn’t sit on the fence.”

Legal 500 2016 (Private Client - Personal Tax)

“Rated for his internationally focused trusts and estates practice, he is an expert on issues of entailment, executor powers and variation. His broader chancery practice extends to insolvency, real property and professional negligence, as well as capital gains and inheritance tax”

“He has the ability to clearly communicate issues to lay clients and his advocacy is pragmatic, appropriately structured, and covers the key points incisively”

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“He has the ability to clearly communicate issues to lay clients and his advocacy is pragmatic, appropriately structured, and covers the key points incisively”

Chambers UK 2015

“A much respected private client junior, whose caseload focuses heavily on trusts, probate, estates and tax work. His practice is increasingly international in flavour.”

“He is very approachable and always gives excellent advice.”

Qualifications

- Christ Church, Oxford University

Associations & Memberships

- Chancery Bar Association
- Society of Trust & Estate Practitioners
- Professional Negligence Bar Association

Publications

- Mellows on Taxation for Executors & Trustees

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