



# JAMES MACDOUGALD

Call: 2011

"JAMES IS FIRST CLASS. HE IS UNFLAPPABLE, INCREDIBLY USER-FRIENDLY AND SOMEONE WHO DEALS WITH MATTERS IN A VERY TIMELY FASHION."

Chambers UK 2025

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James MacDougald is a chancery barrister specialising in trusts, estates and private client tax. He enjoys a balanced diet of litigation and non-contentious advisory work. He appears regularly in the English courts and is often instructed to assist parties to offshore trust litigation.

In the Chambers UK Bar guide James is ranked in the categories of Trusts (Band 1) and Chancery: Traditional (Band 3). In the Legal 500 guides he is ranked as a Leading Junior (tier 3) for both Private Wealth and Probate (London Bar) and Trusts and Private Wealth (Caribbean: English Bar Offshore).

James is an editor of Williams on Wills (11th edition) and Mellows: Taxation for Executors and Trustees and he regularly delivers talks and webinars on his core practice areas.

## EXPERTISE

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## CHARITIES

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James advises on all aspects of charity law including charitable legacies in wills. He acted for the successful charity trustees in *Shergill v Khaira* [2017] EWHC 769 (Ch), a two-week trial about the trusteeship of Sikh temples in which he was led by Francis Barlow QC.

## CONTENTIOUS TRUSTS & ESTATES

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James is regularly instructed in contentious trust and estate litigation. His experience ranges from relatively straightforward probate and Inheritance Act 1975 claims and trustee/executor removal applications to more complex breach of trust claims.

James has extensive experience of offshore trust litigation (both contentious and non-contentious), especially in the Channel Islands and the Bahamas. He enjoys working with local counsel in the offshore jurisdictions and supporting the legal team as an adviser and draftsman.



## NOTABLE CASES

- **Velutini Perez v Equiom Trust Corp (UK) Ltd [2022] EWHC 2996 (Ch)** – Trustees’ right of indemnity and retention, led by Eason Rajah KC, and **[2023] EWHC 615 (Ch)** (costs), as sole counsel.
- **Pilatus (PTC) Ltd v RBC (Trustees) Guernsey Ltd [2021] GRC 012** – Breach of trust; reflective loss, assisting Alasdair Davidson (in the Guernsey Royal Court).
- **Dawson-Damer v Grampian Trust Co Ltd (2023) 26 ITELR 412** – Setting aside trustee’s decisions, assisting Eason Rajah KC and Sean Moree KC in the Bahamas Supreme Court and Bahamas Court of Appeal.
- **Dawson-Damer v Taylor Wessing LLP [2019] EWCA Civ 352 and [2017] EWCA Civ 74** – Data protection; legal professional privilege; beneficiaries’ information rights, led by Simon Taube QC and Timothy Pitt-Payne QC.
- **Barker v Confiance Ltd [2019] EWHC 1401 (Ch)** – Non-party costs order, as sole counsel.
- **Silvera v Pesic [2018] EWHC 2773 (Ch)** – Week-long trial of a probate claim, as sole counsel.
- **Crociani v Crociani (2017) JRC 146** – Breach of trust, assisting Eason Rajah QC and Edward Drummond (in the Jersey Royal Court).
- **Twin Benefits Ltd v Barker [2017] EWHC 1882 (Ch)** – Setting aside costs order and **[2017] EWHC 538 (Ch)** (non-party disclosure; redaction), as sole counsel.
- **Viscount Weymouth v Parry**, unreported, 2016 (trustee removal), led by Henry Legge QC.
- **Davidson v Seelig [2016] EWHC 549 (Ch)** – Locus standi of protectors; late amendments to pleadings, led by Simon Taube QC.
- **Gayle v Gayle [2016] EWHC 2587 (Ch)** – Removal of administrators, as sole counsel.

## PRIVATE CLIENT (NON-CONTENTIOUS)

James regularly advises on trusts, wills and estate administration. He has particular experience of applications to court to vary trusts (under the Variation of Trusts Act 1958), to extend trustees’ powers or to set aside or rectify mistakes in the administration of trusts.

He is an editor of Williams on Wills (11th edition).

### Notable Cases

- **South Downs Trustees Ltd v GH [2018] EWHC 1064 (Ch)** – Extending trustee’s administrative powers; blessing trustee’s decision.
- **Bathurst v Bathurst [2016] EWHC 3033 (Ch)** – Variation of trusts), led by Francis Barlow QC

## TAX

James specialises in private client tax, with a particular focus on capital taxes. He regularly advises on the tax treatment of trusts, estates and individuals and on communications with HMRC.

He is an editor of Mellows: Taxation for Executors and Trustees.

## COURT OF PROTECTION

James advises on the law of mental capacity and appears in the Court of Protection in applications relating principally to P’s property and financial affairs.



## DIRECTORIES & AWARDS



## ASSOCIATIONS & MEMBERSHIPS

- Chancery Bar Association
- Court of Protection Bar Association
- Contentious Trusts Association (ConTrA)

## AWARDS

- Hardwicke Award, Lincoln's Inn (2010)
- Buchanan Prize, Lincoln's Inn (2011)

## EDUCATION & QUALIFICATIONS

- Bar Professional Training Course (Outstanding), College of Law (2011)
- Graduate Diploma in Law (Commendation), College of Law (2010)
- BA (First Class), University of York (2009)

## PUBLICATIONS

- 'Trustees, check your privilege!', Private Client Business, 2023 (Issue 4)
- 'Long arm of the law: the English court's power to vary foreign trusts', Trusts and Trustees, 2016 (Vol 22, Issue 10)
- 'Crociani: the proper forum for trust disputes', Journal of International Tax, Trust and Corporate Planning, 2015 (Vol 22, Issue 2)

## REGULATORY INFORMATION

James MacDougald is a self-employed, independent barrister whose practice is governed by the Code of Conduct of the Bar of England



and Wales. He is regulated by The Bar Standards Board [Bar Ref 22569] and is fully insured with the Bar Mutual Indemnity Fund [BMIF Ref 2360/071] to provide legal services, please refer to the [BMIF website](#) for full details of the world-wide cover provided. He is registered for VAT under the reference 170343630.