



# PHILIP JENKINS

Call: 2003

"PHILIP IS AN EMPATHETIC ADVISER, WHO IS UNAFRAID TO BE ROBUST IN NEGOTIATION AND IN HIS ADVICE."

Chambers UK 2025

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Philip Jenkins's practice is focused upon wills, estate, trusts, property, partnership and Court of Protection (Property & Affairs) matters. His practice is predominantly litigation-focused, including mediation and other forms of ADR, and he has significant experience acting as sole counsel in large and complex claims. Alongside his litigation practice, Philip undertakes advisory and drafting work in non-contentious matters in the above-mentioned fields.

Of particular note is Philip's interest and expertise in farming partnership and proprietary estoppel claims and he is a leading practitioner those fields. Philip acted as sole counsel in the High Court and Court of Appeal in the leading case on remedy, *Guest v Guest*, [2022] 1 WLR 3480, and he was led by Penelope Reed KC in the Supreme Court.

Philip is recommended for his clear and practical advice, quickly getting to the heart of the case, his natural and confident advocacy style, and his empathetic manner with clients. Philip is able to bring these attributes to bear in litigation as well as at mediation whether acting as counsel or mediator.

## EXPERTISE

### CONTENTIOUS TRUSTS & ESTATES

Contentious trust and estate work, including 1975 Act claims, is the mainstay of Philip's practice, and his experience ranges from everyday claims through to more unusual claims and claims relating to substantial estates of persons in the public eye.

### RECENT CASES

- Acting for claimants and defendants in numerous proprietary estoppel succession disputes concerning farms stretching from the Lakes via South and West Wales to the tip of Cornwall.
- Acting for individual and charity beneficiaries in a £20m plus probate dispute raising novel issues of capacity and knowledge and approval in respect of a schizophrenic testator.
- Acting for beneficiaries in a dispute as to the entitlement to an estate involving the status of polygamous marriage and divorce under Sharia Law in Pakistan.



- Acting for beneficiaries in a probate dispute involving the impact of a Brazilian ‘stable union’ on earlier wills in the UK and Brazil.
- Application for a declaration of death relating to a person with mental health difficulties missing at sea.
- Application for relief from forfeiture regarding a killing by a person undergoing an acute schizophrenic episode.
- Acting for the former housekeeper and fiancée and her daughter in their claims under the 1975 Act relating to the substantial estate of a former Premier League football club chairman.
- Acting for the cohabitee in her 1975 Act claim relating to the estate of her late partner who was a celebrated songwriter, musician and environmental campaigner.
- Acting for the trustees of wills trusts in a claim by a hitherto unknown mistress and illegitimate child in an estate worth more than £30m.
- Acting for trustees of valuable family trusts in hostile applications for removal based upon a litany of allegations of breach of duty.
- Acting for a class of beneficiaries in a claim concerning the sale of shares in a water company to a pension fund (s.57 TA and Public Trustee v Cooper).
- Acting for a beneficiary of trusts in self-dealing and breach of trust claims regarding dealings with property located at Sandbanks.
- Acting for trustees in claims for construction and rectification and in mistake-based claims (including with a taxation angle).
- Acting in trust of land disputes involving claims for orders for sale, equitable accounting and occupation rent.
- Intervening in divorce proceedings to vindicate equitable proprietary rights of parents and other third parties to the marriage.

## PRIVATE CLIENT (NON-CONTENTIOUS)

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Philip has significant experience dealing with non-contentious private client matters which complement his contentious trusts and estates practice. His private client work encompasses Part 8 claims and applications relating to trusts and estates, through to non-contentious drafting and related IHT advice.

### RECENT CASES

- Applications for directions. Frequently, the context is actual or potential litigation (Re. Beddoe, representation orders, etc.) but non-contentious applications, for example, as to the existence, scope and exercise of powers, are also commonplace.
- Applications by executors and trustees for rectification of wills, trusts and dispositive instruments.
- Applications to set aside trusts and deeds for unilateral mistake (often with IHT issues).
- Advising on the interpretation and effect of wills and trusts.
- Advising on the administration of trusts and estates, often where there may have been mistakes or where future decisions have the capacity to be contentious.
- Drafting post-death deeds of variation and deeds of appointment to mitigate IHT.
- Drafting wills, settlements, deeds of appointment, indemnities, et cetera.
- Advising on IHT. In particular, NRB and RNRB, APR and BPR (Balfour, Farmer, et cetera) and conditional exemption for heritage property.

## COURT OF PROTECTION

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Philip’s Court of Protection practice (Property & Affairs) complements his contentious trusts and estates work.

### RECENT CASES

- Numerous statutory will and lifetime gift applications (especially for estate planning advantage).
- Contentious applications for the appointment or removal of attorneys and deputies.
- Claims for and against errant attorneys who have acted outwith their authority in relation to investments, lifetime gifts and straight-forward misappropriation.



- Advice in relation to P's best interests in relation to the purchase of a house for P and her divorced mother to live in.
- Advice in relation to errant attorneys and deputies (including in relation to the security bond), in relation to the interplay between statutory wills and 1975 Act claims, in relation to the ademption provisions contained in Sch. 2 MCA 2005.

## PROPERTY

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Property litigation forms a significant part of Philip's practice and he has particular expertise in informal property rights, trusts of land, and equitable remedies.

### RECENT CASES

- Multiple proprietary estoppel claims, often with an agricultural dimension, following his work in the Supreme Court case of *Guest v Guest* [2022] 1 WLR 3480.
- Acting for the claimant in a claim for a declaration as to the date of the disposition of a beneficial interest in land in equity as the result of a constructive trust or proprietary estoppel.
- Advising and litigating resulting and constructive trust claims in a multitude of different contexts.
- Acting for beneficial owners in trust of land claims with particular focus on equitable accounting and occupation rent.
- Advising and litigating on challenges to lifetime dispositions of property on the basis of sham, incapacity, undue influence or other equitable fraud.
- Acting for parents as intervenors in divorce proceedings to establish an equitable charge over the home they had gifted to the divorcing couple.
- Advising on the rectification of a notice of severance post-death of one co-owner.
- Adverse possession and boundary disputes.
- Residential, agricultural and business tenancies and claims for possession.
- Mortgages and accounts.
- Applications to the First Tier and Upper Tribunal (Lands Chamber) relating to service charges, RTM, enfranchisement and alike.

## MEDIATION

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Mediation figures large in Philip's practice and he frequently acts for clients in mediations in all his areas of practice. When acting as counsel, solicitors have said about Philip that he is, "Authoritative, approachable and excellent with clients. An expert in all aspects of contested trusts and probate, Philip combines superb drafting skills with a natural and confident advocacy style. He is particularly effective in mediations given his ability to cut through to the heart of the issues".

Philip is an enthusiastic proponent of mediation in almost all cases. Having acted as counsel in mediations for over 20 years, Philip is now himself an accredited mediator (SOM). Philip accepts instructions as a mediator in all his areas of expertise.

## PARTNERSHIP & LLP

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Philip has substantial expertise in traditional partnership law, in particular farm business partnerships and partnerships arising out of property ventures.

### RECENT CASES

- Acting for partners in a dispute over the mode of sale of three partnership farms on dissolution and the likelihood of *Syers v Syers* relief.
- Advising trustees of the estate of a deceased partner who purported to leave partnership assets to beneficiaries under his will and



the impact of Re. Holland.

- Advising as to the extent of partnership land and its devolution.
- Advising as to the interpretation of a partnership deed on the issue of the outgoing partner provisions combined with the dissolution of the partnership.
- Advising on the valuation of an outgoing partner's share (book value, fair or market value).
- TOLATA claims in respect of partnership property and directions allowing partners to purchase.
- Advising an expelled member of an LLP as to the extent of their liability for breaches of duty of good faith and forfeiture of profit share.

## DIRECTORIES & AWARDS



## APPOINTMENTS

- Qualified Mediator – Society of Mediators

## ASSOCIATIONS & MEMBERSHIPS

- Bar Pro Bono Unit
- Chancery Bar Association

## AWARDS

- Sachs Prize (BVC), Middle Temple (2003)
- Harmsworth Major Scholarship, Middle Temple (2001-2002)
- City University Scholarship, Middle Temple (2001)
- Ecole normale supérieure Scholarship, Bristol University (1999)
- Postgraduate Research Scholarship, Bristol University (1996-1999)



## EDUCATION & QUALIFICATIONS

- BVC, IC SL (2003)
- PGDL, City University (2002)
- PhD (Jean Baudrillard: Deconstruction & Alterity), Bristol University (2001)
- École Normale Supérieure, Paris (2000)
- BA Hons (First Class), University of Leeds (1995)

## REGULATORY INFORMATION

Philip Jenkins 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 45948] and is fully insured with the Bar Mutual Indemnity Fund [BMIF Ref 2360/072] 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 844047531.