



# RICHARD DEW

Call: 1999

”RICHARD IS THOUGHTFUL. HE OPERATES AT THE SILK LEVEL.”

Legal 500 2025

✉ richarddew@tenoldsquare.com ☎ +44 (0)20 7405 0758

Richard Dew’s practice is focussed on Wills, Estates and Trusts and related professional negligence. His practice is predominantly litigation, and he is frequently involved in large and complex claims. He also advises and represents in Court of Protection matters and provides expert advice in respect of tax and tax planning (principally capital taxation).

He is a former chair of the STEP Contentious Trusts and Estates SIG and is the treasurer of the Chancery Bar Association Committee. He also sits on the Law Society’s Wills and Equity Committee. He is a member of STEP and ACTAPS.

Richard is the editor of Private Client Business and an editor of Rossdale’s Administration of Estates. He regularly writes and lectures on chancery and private client matters.

Ranked as a Star individual in Chancery: Traditional and Band 1 in both Trusts and Court of Protection: Property & Affairs in Chambers UK 2022.

Richard has been appointed as a Deputy Master of the Chancery Division.

## EXPERTISE

### PRIVATE CLIENT (NON-CONTENTIOUS)

Richard regularly provides expert tax and tax planning advice, principally related to capital taxation. He is regularly instructed to advise and represent in applications to vary trusts and for the approval of compromises, often involving very substantial trusts.

### REPORTED CASES

- **Fold Farms Trustees v Cutts [2024] EWHC 2143** (not at trial) – A claim by trustees for approval of a decision to sell the farm to one of the beneficiaries at an acknowledged undervalue.
- **Hopes v Burton [2022] EWHC 2770** – A contested application to set aside two appointments which had catastrophic tax consequences. Richard succeeded in having the appointments set aside.
- **Cotterell v Beaumont (the Allendale Settlements) [2020] EWHC 2234** – Can section 57 Trustee Act 1925 be used to



amend administrative provisions without a specific transaction? This important decisions shows that it can and will be useful to trustees in modernising their administrative provisions.

- **PQ v RS [2019] EWHC 1643** – How to include illegitimate beneficiaries? Richard acted for trustees in obtaining approval so as to exercise their powers so as to add to the class of beneficiaries persons born out of marriage and excluded by the terms of an old trust.
- **Gelber v Sunderland Foundation [2018] EWHC 2344** – An application by trustees of a settlement for the Marlborough family to apply substantial funds for the benefit of Blenheim Palace as a means of unlocking larger monies by means of a planning consent and modifying the powers to appoint trustees. Richard acted for a minor defendant.
- **M Family Trusts** – An application to approve trustees entering into very substantial transactions to re-organise the trust holdings and to vary the terms of the trusts. Richard acted for the minor beneficiaries.
- **P Settlement Trusts** – An application to vary trusts, Richard acted for two of the beneficiaries.
- **A Trusts** – An application to vary very substantial trusts for the benefit of a minor

## CONTENTIOUS TRUSTS & ESTATES

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The majority of Richard's practice consists of litigation in the private client area, including challenges to Wills and trust, the administration of estates, trusts of land disputes and related professional negligence claims (including tax negligence). He has wide experience of litigation at all levels and considerable expertise in ADR and mediation.

## REPORTED CASES

- **Biria v Biria [2024] EWHC 121** – An unopposed probate trial involving allegations that a Will was fraudulently obtained whilst the testator lacked capacity.
- **Fold Farms Trustees v Cutts [2024] EWHC 2143** (not at trial) – A claim by trustees for approval of a decision to sell the farm to one of the beneficiaries at an acknowledged undervalue.
- **Battenberg v Phillips [2024] EWHC 3444** – A series of claims involving a complex web of trust documents following a failed probate claim in Australia.
- **Del-Curto v Del Curto [2023] EWHC 2106 (KB)** – A highly unusual attempt to enforce a foreign (Italian) probate judgment in England.
- **Gorbachev v Guriev [2022] EWHC 1907** – Richard represented a firm of solicitors in resisting disclosure of their file related to trusts advice given to a third party.
- **Hopes v Burton [2022] EWHC 2770** – A contested application to set aside two appointments which had catastrophic tax consequences. Richard succeeded in having the appointments set aside.
- **Shirazi v Susa [2022] EWHC 477** – A series of applications and an appeal about the appropriate person to be a litigation friend for the claimant.
- **Rokkan v Rokkan [2021] EWHC 481** – Whether Norwegian rules of forced heirship applied to the estate of a Welsh deceased. Also considered the law of ademption.
- **Titcombe v Ison [2021] Lexis Citation 43** – An allegation of a secret trust in favour of Richard's client.
- **Schumacher v Clarke [2021] EWHC 3381** – Richard, on behalf of representative beneficiaries, successfully contested an application by trustees for directions.
- **Parsonage v Parsonage [2019] EWHC 2362** – A battle of Wills. A probate claim where each party alleged that the Will in favour of the other was invalid. Richard cross examined witnesses and experts.
- **Knight v Knight [2019] EWHC 915** – Brotherly love. After the death of one brother, the survivor asserted that he owned the house in which the deceased had lived. Richard, acting for the estate, demonstrated that it had always been agreed that the home was owned by the deceased and held in the name of the survivor to avoid the consequences of a bankruptcy. Raised difficult issues of illegality.



## COURT OF PROTECTION

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Richard is an acknowledged expert in Court of Protection matters, acting and advising in both contentious and non-contentious matters. He has recent considerable experience in establishing (and ratifying) personal injury trusts.

Most recently, Richard was instructed by the Official Solicitor in respect of the potentially far reaching decision in *Re PW*, involving conflicts of interest and Deputies.

### REPORTED CASES

- **Re PW [2024] EWCOP 16** – An important decision about whether Deputies can instruct connected third parties and the implications of their doing so.
- **Re KS** – Can the Court make orders in respect of a minor (who will lack capacity when 18) where their property is no longer located in the jurisdiction.
- **Re Z [2019] EWCOP 55** – An application by a notified party for disclosure of documents arising in existing Court of Protection proceedings, raising important principles of open justice and standing in the Court of Protection.

## PROFESSIONAL NEGLIGENCE

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Richard brings his recognised expertise in the field of Wills, estates, trusts and tax to bear when considering claims against professionals. He is frequently instructed to act and advise in cases where mistakes have occurred (or are said to have occurred) in the drafting of implementation of Wills and trusts or where unexpected charges to tax have given rise to claims against previous advisers, as well as in cases involving breaches of duty by professionals acting in the administration of trusts and estates. He is often asked to assist Firm's risk departments consider whether claims have arisen or can be avoided.

An important consideration in all such cases is whether liability can be avoided or reduced by ancillary claims, including to set aside or rectify the mistaken document. Richard has successfully acted in many such claims.

## DIRECTORIES & AWARDS



## ASSOCIATIONS & MEMBERSHIPS

- Law Society's Wills and Equity Committee
- ACTAPS
- Chancery Bar Association



- STEP

## AWARDS

- ACTAPS Contentious Barrister of the Year 2016

## EDUCATION & QUALIFICATIONS

- LLB (Hons)

## PUBLICATIONS

- [Parker's Modern Will Precedents](#) (Eighth edition)
- [Rossdale's Administration of Estates](#) (Fifth Edition)
- [Tolley's Inheritance Tax Planning](#)
- [Ranking, Spicer and Pegler's Executorship Law, Trusts and Accounts](#)
- Lexis Nexis: The Registration Act 2002

### Chapters:

- Injunctions: in International Trusts Disputes.

### Articles:

- [Brewster and the future for unmarried cohabitants](#), Lawskills (Feb 2017)
- [Trusts & Disclosure \(2011\)](#) PCB 241
- Can TLATA be interpreted as a fiscal bill? (2009) TELTJ 106
- A Wasted Opportunity (2007) 83 TELTJ 23
- Extrinsic Evidence Returns (2006) 80 TELTJ 17
- The Claimant's share of blame (2006) 73 TELTJ 7

## REGULATORY INFORMATION

Richard Dew 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 40317] and is fully insured with the Bar Mutual Indemnity Fund [BMIF Ref 2360/053] 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 761309146.