



Andrew Child

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Clerks' Details

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Qualifications and Appointments

- Called Lincoln's Inn 1997
- Kennedy and Hardwicke Scholar
- Read Law at Sidney Sussex College Cambridge, Exhibitioner.

“A sharp-witted and tough litigator, who is persuasive in court and knows how to construct a neat and concise argument.”

Chambers & Partners 2019

Memberships

- Chancery Bar Association
- Revenue Bar Association

Publications

- Disputes over trusts that hold corporate structures (2016) *Trusts & Trustees* 22 (9): 1015-1023

Practice Overview

Ranked for many years by the directories as a specialist contentious trusts and estates practitioner working in the fields of contentious trusts and estates both on and offshore. Specialises in estates / trusts with a fraud element, in particular noted for undue influence claims and removing trustees / personal representatives for breach of trust.

Chambers & Partners 2019 - Trusts:

Highly experienced junior with a broad knowledge of domestic and offshore trusts law. He regularly acts for personal representatives, trustees and beneficiaries in breach of trust claims. Child has in-depth expertise in trust matters with a fraud element.

"A good advocate who has particular skill when dealing with big trusts disputes with a family or divorce aspect."

Chambers & Partners 2018 - Trusts:

Highly experienced junior with a broad knowledge of domestic and offshore trusts law. He regularly acts for personal representatives, trustees and beneficiaries in breach of trust claims.

"Very robust in his views and excellent at negotiating his way through disputes. He is an expert at reaching agreements and settlements."

Chambers & Partners 2019 - Traditional Chancery:

Leading junior in the field of traditional chancery, who often handles many of the most important cases concerning estate and trust litigation both domestically and offshore. He is noted for his expertise in breach of trust claims and specialises in disputes with an element of fraud or undue influence.

"A sharp-witted and tough litigator, who is persuasive in court and knows how to construct a neat and concise argument." "He is brilliant at working out the best strategy in a case and helping the instructing solicitor implement it."



Practice Overview continued

Chambers & Partners 2018 – Traditional Chancery:

Leading junior in the field of traditional chancery, who often handles many of the most important cases concerning estate and trust litigation both domestically and offshore. He is noted for his expertise in breach of trust claims and private international law issues.

"Known for giving well thought-out and clear advice, he is incisive and analytical in his approach to complex matters." "His is a name you see on all the biggest cases. He is very in-demand with solicitors and always acts in important cases that produce significant decisions and judgments."

Chambers & Partners 2019 – Offshore:

Has a strong offshore practice and noted experience of handling civil fraud and trusts matters. He is also involved in asset transfer disputes and is active in Guernsey and the Cayman Islands. Child has further expertise in private client matters including estate management.

"Really good on the detail, he can work out the best strategy and help you implement it."

Chambers & Partners 2018 – Offshore:

Andrew Child has a strong offshore practice and noted experience of handling civil fraud and trusts matters. He is also involved in asset transfer disputes and is active in Guernsey and the Cayman Islands.

"More than capable of holding his own with the best silks in the business, he's a man people take seriously."

Trusts, Tax, Probate and Estates

Andrew's cases include:

- ***In the matter of X*** Instructed by Macfarlanes on a matter involving allegations of fraud concerning purported breaches of fiduciary duty by the Defendants in administering high value assets of a daughter derived from the estate of her late father. Leading Simon Atkinson of Wilberforce Chambers.
- ***In the matter of Y*** Defending an executor against claims of fraud / breach of trust / devastavit in relation to the assets of his wealthy father. Case involves high value assets straddling numerous jurisdictions.
- ***In the matter of the Longleat Estate*** Instructed by Harcus Sinclair on behalf of Lord Bath in relation to this high profile estate / trust matter concerning the ongoing administration of the Longleat estate. Matter involved the rival contentions of Lord Weymouth against those of Lord Bath as to the future make up of of the Trustee body.
- ***Re Lipinski*** Instructed by Charles Russell Speechlys on behalf of Shahar Lipinski, in reply to a worldwide freezing injunction and asset protection order in support of ongoing Israeli divorce proceedings. Injunction said to be to assist the proceedings in Israel. Necessitated consideration of the interaction of the Israeli proceedings with the UK proceedings. Allegations of fraud made against the client in attempting to divert assets away from the family pot for the purposes of hindering the divorce.
- ***In the matter of the R and RA Trusts*** High value Guernsey trusts dispute. Acting for a beneficiary who is seeking a partition of her interests from family trusts. The matter is currently gearing towards a final partition that will require a Public Trustee v Cooper application blessing the proposed separation. The matter is highly contentious and has already necessitated one trip to the Guernsey Court of Appeal culminating in an important judgment cited as *In the matter of the R an RA Trusts 470/2014 (Guernsey)*. Another judgment of interest arising from the matter pertains to enforcement of the Court of Appeal Order through interrogatories served on a beneficiary following a 3 day hearing earlier this year. Matter ongoing.



Trusts, Tax, Probate and Estates continued

- **Re Jack Dellal deceased** High profile matter widely reported in the press concerning attempts of Ruanne Dellal to recover the fortune of her husband, the late legendary property developer, "Black Jack" Dellal. Three separate sets of proceedings were commenced. Two separate actions in different cantons in Switzerland, the first seeking an account from a purported agent of the Deceased as to the whereabouts of his assets and a second freezing assets in certain Swiss bank accounts. The third set of proceedings is a 1975 Act claim brought by Ruanne pursuant to section 10 in London. The 1975 Act matter led to (1) an important decision of Mostyn J. concerning the interrelation of disclosure / strike out / summary judgment and service out – *Dellal v Dellal and Others* [2015] EWHC 907 (Fam); and (2) an order by Russell J. that various partners of Mishcon de Reya file evidence personally concerning their previous dealings with the Deceased. Matter ongoing.
- **Re Stolkin deceased** In 2013 conducted an 8 day probate trial in front of Newey J. cited as *Greaves v Stolkin* (2013) EWHC 1140 (Ch), (2013) MHLO 36. Following that trial there have a number of pieces of consequential / satellite litigation. Ongoing costs litigation has led to a determination that the Claimant has not met the definition of success for the purposes of her CFA. Further the new battleground is a removal application brought by the Claimant against the Defendant to replace him as personal representative of his father's estate. There are additionally separate Part 20 proceedings against the solicitors who drafted the purported Codicil that was under dispute in the original probate trial. Those proceedings will be listed after the conclusion of the removal trial. Matter is ongoing.
- **Re Jean Montgomery Will Trust** Acting for Will Trustees. This matter concerns the attempts of the trustees to gain vacant possession of a valuable freehold property interest in Esher. One of the beneficiaries of the Trust has purported to take possession of the freehold. Matter has necessitated construction proceedings concerning the interpretation of the will trust and the subsequent seeking of Beddoe relief for approval to bring a possession claim. En route there has been a hearing before Newey J. determining whether adverse costs orders achieved against the beneficiary during the Beddoe proceedings should be paid forthwith or whether they could be equitably set off against that beneficiary's interest in the trust. Matter ongoing with a view to hopefully selling the freehold interest and making the appropriate distributions to the beneficiaries.
- **Re the Estates of Lady Moorea Black and Brinsley Black Deceased** Acting on behalf of the executors / trustees of the estate of Brinsley Black who face a claim brought against them by the estate of his late wife challenging an inter vivos disposition of a property interest on the grounds of undue influence / lack of capacity. Beddoe relief sought as to the position which the clients should take in response to the Claim.
- **Re Schwab** Complicated probate / 1975 Act matter concerning the estate of a wealthy businessman. Issues raised by the threatened litigation concerned apparent purported revocation of the Will by destruction, construction of an Israeli Will and financial provision for the widow. Matter ongoing although settled in principle. Looking to be listed for approval of a final order this term.
- **Re XXX Trust** Advising Trustee on approach to take to potentially sham trust purportedly settled to operate an offshore tax mitigation scheme concerning payments to workers in the offshore oil and gas industry. Application for directions will in due course be made. Ongoing negotiations with the Revenue concerning the tax impact of the scheme as a whole. Matter ongoing.
- **Re Goss deceased** [2015] Contentious probate and proprietary estoppel claim concerning farmland in the midlands. Matter was scheduled for 7 day trial this January but settled at mediation a week before the trial was due to commence.
- **J.F. and M.F. v. Hexagon Investments** [2014] (Cayman Islands, Grand Court) Two day trial before Smellie C.J. Acting on behalf of a Cayman company, Hexagon Investments Ltd, as to whether assets that had been transferred to it had been transferred to be held as beneficial owner, as trustee for a family trust or whether the assets were held on resulting trust for the settlors. Successfully argued that the assets had been transferred to the Company as beneficial owner.



Trusts, Tax, Probate and Estates continued

- **Re Wizard Settlement** [2014] Advising the son of rock star Mark Bolan on how to ensure proper financial provision is made for him out of the offshore trust structures set up by his father before his untimely death.
- **Polegoshko v Ibragimov** [2013 – 2014] Matter concerning the true ownership, designated membership, management and control of a limited liability partnership used to hold investments in the Lithuanian and offshore shipping industry. Successfully defeated a summary judgment application. Heard before Newey J.
- **Re T** [2013] Attempts by prominent Qatari family to recover the highly valuable contents of a safety deposit box held by a bank in London.
- **Al-Sadi v Al-Sadi** [2013] EWHC 2379 (Ch) Dealt with cost consequences on the Claimants' discontinuance of their action.
- **Re C Trust** [2013] Construction of a complicated trust deed the instructions for which were given in French.
- **Re G Trust** [2012] Construction of Italian Trust Deed governed by the law of Jersey. Interrelation with ongoing criminal proceedings in Italy.
- **C v D – Supreme Court of Bermuda** [2012] Concerned certain beneficiaries of a civil law Foundation and a Bermuda trust purportedly settled by the Foundation bringing proceedings in two jurisdictions seeking declarations that the Foundation and the trust were invalid ab initio. Instructed in the Bermuda proceedings where the claimant beneficiaries made a number of alternative claims, including breach of trust claims, claims for declarations as to the fiduciary nature of certain powers, a claim for the removal of the trustees from office and a claim seeking to force a reorganisation of the structure. The matter settled and an application was then made to the Supreme Court of Bermuda for approval of the settlement and such approval was granted.
- **The Estate of the Late A** [2012] Advising executors of the estate concerning valuation and sale of the shareholding held by the Deceased in a famous fashion house.
- **Re D** [2012] Contentious probate matter concerning the estate of a successful businessman. Acting for the second wife. Dealing with claims by the first family that the Will was invalid for want of capacity / knowledge and approval.
- **Re X** [2012] Acting for the trustee of valuable offshore trusts. Dealing with an application for information about the trust.
- **Re Zhang** [2012] Defending Elaine Zhang against claims brought by the estate of her deceased ex-partner concerning attempts to impugn various inter vivos gifts made to her by him that had in turn been used to fund a valuable London property portfolio.
- **Al-Sadi v Al-Sadi** [2011] EWHC 976 (Comm) Whether Claimant can rely on amended pleading when defendant applies to set aside service out of the jurisdiction.
- **Howell v Lees-Millais** [2011] EWCA Civ 786 Court of Appeal decision on CPR Part 36 offers concerning on going litigation arising from a lengthy Beddoe application.
- **Re Circle Trust** [2011] Trial in the Cayman Islands before Henderson J concerning the proper distribution of trust property between the competing beneficiaries.
- **X v Y** [2010] Very high value claim between two Russian businessmen. Matter settled before claim was issued.
- **Kershaw v Micklethwaite** [2010] EWHC 605 (Ch) Well known case concerning attempts to remove personal representatives from office.
- **Re Kelk** [2009] High value 1975 Act claim involving consideration of entitlement to Latvian assets. Reasonable financial provision obtained for the wife and settlement approved by the Court.
- **Birley v Birley** [2008] Acted for Robin Birley in his claim against the estate of his deceased father, Mark Birley, the former owner of Annabel's nightclub.



Trusts, Tax, Probate and Estates continued

- **Jones v Firkin Flood** [2008] EWHC 2417 (Ch) Acted on behalf of various beneficiaries, successfully removed three out of the four trustees of the Bredbury Hall Trust Fund and succeeded in preventing the former trustees from relying upon a provisional resolution for the distribution of the £15 million trust fund.
- **Walters v Smeeth** [2008] EWHC 2902 (Ch) and [2008] EWHC 2029 (Ch) Probate trial in the Chancery Division heard by HHJ Purle Q.C sitting as a Deputy Judge of the Chancery Division.
- **Prince Jeffri v Brunei Investment Agency** [2008] Instructed to advise on various issues pertaining to numerous high value trust funds held in different jurisdictions including London, the Cayman Islands and Jersey.
- **Mega Management Ltd v Southward Ventures Depository Trust & others** [2008] Drafted the petition for special leave to the Privy Council in this case which concerned a Bahamian dispute concerning the ownership of a Bahamian Island. Special Leave granted.
- **National Animal Welfare Trust v Miller** [2008] Instructed on behalf of the National Animal Welfare Trust and successfully obtained an order for the removal of a solicitor executor who was failing to administer the estate.
- **World Society for the Protection of Animals and others v Bowman** [2008] Instructed on behalf of the World Society for the Protection of Animals and successfully obtained an order for the removal of an executor who was failing to administer the estate in accordance with the will.
- **The Estate of Charles Albert Rayns** [2007] Acting for minor children of the Deceased who were not included in his will. Estate value gross circa 50 million pounds. Successfully compromised before the Court on behalf of minor clients.
- **Re Maria Carmela Trust** [2007] Purposive construction / rectification of Italian trust deed governed by English law. Appeared before John Jarvis QC sitting as a deputy on behalf of the Defendant trustee.
- **Walker v Walker** [2006/7] All ER (D) 418 (Mar). High profile undue influence claim. Successfully removed a father trustee of a family trust and had two deeds set aside on the basis of undue influence.
- **Sharp v Adam** [2006] EWCA Civ 449; [2006] All ER (D) 227 (Apr) Acted for the executor trustees in this well-known probate case concerning testamentary capacity.