



## Tom Roscoe

Call: 2010

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### Clerks' Details

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### Qualifications and Appointments

- BA (Hons) (1st Class) – Philosophy, Politics and Economics – Brasenose College, Oxford
- GDL – City University, London
- BVC – City University, London
- BVI practicing certificate

### Memberships

- Chancery Bar Association
- Combar

*“He is incredibly intelligent, very good and personable. He’s absolutely fantastic to work with and down to earth.”*

Chambers & Partners, 2020

## Publications

- “Shammer Time”: Paper presented to the Wilberforce Cayman Conference 2017 (with Jonathan Hilliard QC)
- [Wilberforce Property Newsletter \(2016\) Issue 2 \(editor\)](#)
- [Dealing with fixtures on a lease renewal – A trap for the unwary?](#) (2014) *Property Litigation Association*
- ‘Joint Ventures: Relationship break-down’: Talk presented as a part of Wilberforce’s Dubai seminar series (May 2014)
- [‘Dilapidations: Section 18\(1\) and a Landlord’s Subsequent Works’](#) (2012) *Property Litigation Association*
- [‘The Limits of Possession Claims’](#) (2012) *Development Disputes: Current issues for property litigators*
- ‘Bad business acquisitions – commercial and professional liability claims’: Talk and paper presented to Wilberforce Chambers September 2012 Professional Negligence Conference

## Practice Overview

Tom has a broad commercial chancery practice, spanning business, trusts and property disputes in the UK and abroad. His practice is evenly split between led and non-led work. Tom regularly appears in range of domestic courts and tribunals and, increasingly, in courts and tribunals in other jurisdictions. He also undertakes a broad range of advisory and drafting work.

### The bulk of Tom’s practice comprises:

- Commercial and contractual disputes
- Trusts, wills and probate
- Residential and commercial property
- Civil fraud and asset recovery
- Corporate and personal insolvency
- Professional negligence

Tom’s practice has an increasingly international focus and he has recent experience on substantial disputes (litigation and arbitration) in the Cayman Islands, British Virgin Islands, Guernsey, the Dubai International Financial Centre, Hong Kong and Bermuda. That experience builds upon secondments in the first three of those jurisdictions between 2013 and 2015 with Campbells (Cayman and BVI) and Mourant Ozannes (Guernsey). He maintains a practicing certificate in the BVI. He enjoys, and has considerable experience, working as a part of team of lawyers in different jurisdictions.

Tom also has a particular experience of and interest in ‘difficult’ possession claims and obtaining related injunctive relief, especially those involving high-profile or unusual properties, protestors, squatters and difficult litigants in person. He recently acted for the Secretary of State for Transport in obtaining relief against “direct action” protestors opposed to HS2.

Tom was a scholar of Brasenose College, Oxford and graduated in 2008 with a first class degree in Philosophy, Politics and Economics, before converting to Law the following year at the City Law School. He completed the Bar Vocational Course in 2010, also at City, and was graded ‘outstanding’.



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## Trusts, Tax, Probate and Estates

Tom has a broad range of experience of private client disputes, which span the range from very modest domestic trusts and estates to off-shore trusts worth hundreds of millions of dollars. His interest in work in offshore jurisdictions stems from his secondments in Guernsey, Cayman and the British Virgin islands between 2013 and 2015.

As a complement to his property practice, Tom also frequently advises and appears on disputes concerning trusts of property.

### Recent illustrative cases include:

- Advising a beneficiary of a substantial Guernsey trust in connection with a contested application by the trustee for the 'blessing' of a proposal to separate the interests of various beneficiaries into new trusts (with [Jonathan Hilliard QC](#))
- Advising a former trustee of an insolvent Guernsey trust, in the context of administrative proceedings, in relation to the extent of its obligations to disclose information to incoming trustees and the extent of its right to recover legal fees incurred in earlier proceedings
- Appearing (unled) in the Cayman Islands Court of Appeal on behalf of the executor in contentious probate proceedings, concerning the nature of a beneficiary's interest in assets of a deceased's estate during its administration and issues as to whether complaints about maladministration were barred by laches: *Hinds v Hinds* CICA 6/2013
- Extensive work on the appeals to the Court of Appeal and the Privy Council on issues concerning the nature of a Trustees' personal liability and the extent of its indemnity under Guernsey and Jersey Law, arising from the first instance decision of Lieutenant Bailiff Chadwick's in *Investec & ors v Glenalla & ors* (unreported) (6 December 2013)
- Acting for the litigation friend of an incapacitated defendant defending a claim brought by her daughter-in-law for declarations that the daughter-in-law was the beneficial owner of the defendant's home
- Acting for a Nigerian company, which is the registered owner of a substantial property in London, defending a claim by the former partner of one of the company's directors, for a declaration that she was entitled to a beneficial interest in the property by way of a common intention constructive trust. She had previously sought relief under the Matrimonial Causes Act 1973, but failed as the judge found that she was never married to the director, but had assumed the identity of the director's real wife
- Advising, in the context of divorce proceedings, whether a purported trust of shares created by the husband was a sham
- Appearing for the defendant beneficiary in the two-day trial of a claim by an adult 'child of the family' for maintenance under the Inheritance (Provision for Family and Dependents) Act 1975.