

PHILIP JENKINS

"Extremely good - clients love him, he sees the bigger picture and he takes a very good, strategic approach."
(Chambers UK 2020)



Call 2003

Philip Jenkins is an established Chancery practitioner with a particularly strong reputation for his advisory, drafting and litigation work in the fields of wills, probate, the administration of trusts and estates, real property and related professional negligence claims.

"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 has a remarkable clarity of thought and always expresses himself in a way which clients of all kinds find straightforward and easy to understand."

"We get a great deal of working with Philip as members of a team together. He is able to step in and then out in a way which gives our clients the greatest benefit. He can do that in substantial cases over a long period of time, picking up the reins again without a pause."

Private Client: Contentious

Contentious private client work is the mainstay of Philip's busy practice and he is regularly instructed in substantial trusts and estates.

Particular areas of expertise include:

- Contested summonses and probate claims.
- Applications to court under the 1975 Act.
- Applications to court for the removal of personal representatives and trustees.
- Trust disputes.
- Applications to court for directions in relation to questions or disputes involving trusts and estates.
- Intervener claims in matrimonial proceedings vindicating property rights.

Location

Ten Old Square
Lincoln's Inn
London
WC2A 3SU

Contact Us

T +44 (0)20 7405 0758
F +44 (0)20 7831 8237
E: clerks@tenoldsquare.com
DX: LDE Box No 306

- Claims arising from breach of trust or fiduciary duty, ranging from devastavit to self-dealing to fraud.
- Proprietary estoppel, constructive trust and mutual will claims.
- Applications to court for rectification of wills and rectification or setting aside of deeds (including where motivated by fiscal advantage).

Private Client: Non-Contentious

Philip is regularly asked to provide advice and to draft documents in relation to the full range of non-contentious private client matters including:

- Advising in relation to difficulties arising in the course of the administration of estates and trusts.
- Advising in relation to the meaning and effect of wills, trusts and powers (including in relation to applications for directions and pursuant to section 57 TA 1925).
- Advising in relation to applications for the variation of trusts.
- Advising in relation to IHT and CGT for estates and trusts (including in particular NRB trusts, APR and BPR claims in relation to farms and estates).
- Drafting complex wills and will trusts designed to secure fiscal advantage.
- Drafting trusts and deeds (including deeds of variation, deeds of appointment, deeds of indemnity).

Court of Protection

Philip has significant experience in the Court of Protection which jurisdiction strongly favours his empathetic manner and technical skills. Recent work includes:

- Statutory will and best interest applications.
- Contentious applications for the appointment / removal of attorneys and deputies.
- Claim for declaratory relief in relation to capacity to give good receipt for trust monies.
- Claim for declaration in relation to the status of a living will: **Re E** [2014] EWCOP 27.
- 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

Property advice and litigation accounts for a large part of Philip's practice. He deals routinely with the following matters:

- [Guest v Guest & Anor \[2019\] EWHC 869 \(Ch\) \(16 April 2019\)](#)
- Proprietary estoppel claims (**Bradbury v Taylor** [2012] EWCA Civ. 1208).
- Co-ownership disputes and applications under TOLATA.
- Adverse possession and boundary disputes.
- Easements and freehold covenants.

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- 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.

Recommendations

Philip Jenkins is described by a commentator as *“approachable, down to earth and flexible – an excellent barrister,”* and another interviewee states: *“He’s very good and very helpful, with a no-nonsense approach which is so welcome.”* His broad chancery practice includes contentious wills and probates, trust and estate administration and professional negligence claims.

Chambers HNW 2020

“Extremely good – clients love him, he sees the bigger picture and he takes a very good, strategic approach.”

Chambers UK 2020

“Philip was very user-friendly, commercially minded and pragmatic. His papers and closing submissions were drafted with acute and thorough attention to detail, while his advocacy was methodical, clear and engaging”

HNW Guide 2019

Philip is recognised for Real Estate.

Who's Who Legal Bar 2017

Qualifications

- PhD (Jean Baudrillard: Deconstruction & Alterity), Bristol University (2001)
- École Normale Supérieure, Paris (2000)
- BA Hons (First Class), University of Leeds (1995)

Associations & Memberships

- Bar Pro Bono Unit
- Chancery Bar Association

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