

Paul Hewitt

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Paul is a partner in the trust, estate and inheritance disputes team.

Top ranked in the directories, Paul is described as a 'star litigator' and 'a formidable opponent'; as well as listed in The Lawyer's Hot 100.

Paul specialises in all types of trust and probate disputes. This includes claims about the validity, construction and rectification of wills and trusts, Inheritance (Provision for Family and Dependents) Act 1975 claims, removal of executors and trustees, and contentious estate and trust administrations.

The Court has appointed him administrator in a number of contentious estates. A barrister interviewed by the leading independent legal directories commented: 'if I were a client with a contentious trusts or probate claim, I would, without hesitation, go to Paul'.

Paul also advises on contentious Court of Protection matters, both financial, and health and welfare, involving those unable to manage their own affairs. These include statutory will applications and disputes over the appointment or conduct of attorneys and deputies. Occasionally he acts as a 'litigation friend'.

He also advises on professional negligence claims arising out of trust and estate administration, and failed estate and tax planning.

Paul Hewitt enjoys an excellent reputation for his work on complex private client disputes. *"There is a uniquely commercial aspect to his work and he is exceptional at judging whether something is worth running,"* observes one source. Another comments: *"He really knows what he's doing and is absolutely determined to do the best with his clients."*

The Lawyer says *"There aren't too many lawyers who can claim to have acted in a case spanning more than 70 years concerning two countries, a bank and a former state. However, that is precisely what Paul Hewitt did when representing*

the 8th Nizam in High Commissioner for Pakistan In the United Kingdom v Prince Muffakham Jah & Ors last year, a dispute linked to a £1m fee that eventually ballooned to £35m."

He heads the firm's work for charities and not-for-profit organisations on legacy income with [Stephen Richards](#).

Track record

Withers Trust Corporation v Estate of Goodman

Paul and Alexandra Dix acted for Withers Trust Corporation in the estate of Adrian Berry, securing full relief from the forfeiture rule. Mr Berry had assisted in the death of his terminally ill wife, before tragically taking his own life. As a result of the relief granted, Mr Berry's estate receives the benefit of his wife's estate, such that all their assets pass to their intended charity, free of inheritance tax. [Click here](#) to read the judgement and [here](#) to read our briefing note.

Klein v Adler and Klein

In *Klein v Adler and Klein* [2021] EWHC 2503 (Ch) Paul and [Alexandra Dix](#) acted for the successful claimant, Mrs Klein, in an action to replace the executor with an independent administrator, the Deputy Master holding that there had been a '*real failure to progress the administration*' resulting in part from her lack of modern technological ability which served to emphasise why she was '*not a suitable person to carry through the administration of the estate*'.

Sightsavers residuary beneficiary

Paul and [Alice Tomlin](#) acted for Sightsavers under its formal name in the decision on appeal of Sir Anthony Mann *Beasant v Royal Commonwealth Society for the Blind* [2022]. The charity, acting as representative for twenty other charities, was defending its success in *Royal Commonwealth Society for the Blind v Beasant and others* [2021], an application to determine that a legacy expressed to be equal to the maximum passing free of tax has a nil value where there are already gifts to non-exempt beneficiaries exceeding the tax free element. [Click here](#) to read our briefing note on the case and [click here](#) to read the appeal and [here](#) to read the original judgment.

Zaha Hadid Ltd Schumacher v Clarke and others

Paul Hewitt and [Sarah Aughwane](#) advised the nominated representative of the former employees of Zaha Hadid Limited in *Schumacher v Clarke and others* [2020] in which the executors and trustees of Dame Zaha Hadid's estate sought the Court's blessing of a decision to pass significant assets to an Employee Benefit Trust. The Court accepted submissions made on behalf of the former employees and other representative parties that the decision should not be blessed. [Click here](#) to read the Judgment.

Prince Mukarram Jah frozen funds

Paul, [Deborah Nicholls-Carr](#) and [Olivia Turner](#) represented Prince Mukarram Jah, His Exalted Highness Nizam VIII of Hyderabad, in a dispute over funds frozen at Natwest Bank for over 70 years (the subject of a 1958 House of Lords decision *Rahimtoola v Nizam of Hyderabad*), involving the governments of India and Pakistan. Pakistan issued a new claim in 2013. The High Court decided in *Pakistan v Natwest and Ors* [2015] EWHC 55 (Ch) that the Nizam's claim to the funds should be allowed to proceed. The Judge upheld the Nizam's claim (along with those of his younger brother and India) to his grandfather's funds. Read the Judgment [here](#). The case was one of The Lawyer's 'Top 20 Cases of 2019'. In July 2020 we succeeded in ensuring applications to set aside the Judgment and seeking disclosure of various documents were dismissed. See the Times of India's report [here](#).

Mrs Bhusate's claim

Paul, [Alexandra Dix](#) and [Alice Tomlin](#) acted for Mrs Bhusate in her claim for financial provision from her late husband's estate more than 25 years after her husband passed away. Despite the lengthy delay (the previous record of just under six years was set in 1993) Chief Master Marsh ordered that Mrs Bhusate's claim should be allowed to proceed. Click [here](#) to see his judgment. In January 2020 the High Court upheld Chief Master Marsh's decision (the appeal judgment [here](#)) meaning Mrs Bhusate's claim could proceed. Shortly after the defendant stepchildren conceded the claim. Click [here](#) to read our briefing note.

Mrs Cowan's claim

Paul and [Sarah Aughwane](#) represented Mrs Cowan in her claim for reasonable financial provision from the estate of her late husband. In July 2019 the Court of Appeal unanimously gave her permission to bring her claim notwithstanding it having been issued out of time. Here is a link to the Court of Appeal [Judgment](#) and to our [article](#). The defendants subsequently conceded her claim and settled.

Wells v Chorus Law and Others

In *Wells v Chorus Law and Others* [2018], Paul and [Alexandra Dix](#) acted for the successful defendant in the first 'child of a single parent family' 1975 Act claim, ensuring that the Judge was not persuaded the claimant was ever part of a family and therefore was not able to bring a claim. [Click here](#) to read our briefing note on the case.

Macmillan Cancer Support v Hayes and Another

In *Macmillan Cancer Support v Hayes and Another* [2017] EWHC 3110 (Ch) Paul and [Julia Schtulman](#) succeeded in ensuring that relief from forfeiture was granted by the Judge notwithstanding that the husband killed his wife in tragic circumstances. [Click here](#) to read our briefing note on the case.

British Red Cross and Others v Werry and Others

In *British Red Cross and Others v Werry and Others*, reported at [2017] WTLR 441, Paul, together with [Richard Walker](#) successfully appealed a 1975 Act order made as long ago as April 2011 on the basis that it resulted from a fundamental mistake (namely a belief that the deceased had died intestate when, five years later, it was discovered he had made a will). [Click here](#) read our briefing note on the case.

Royal Society v Robinson

In *Royal Society v Robinson & Others* [2015] Paul acted for the Royal Society in its successful application to extend the meaning of 'United Kingdom' to include Jersey and the Isle of Man in the context of the Will of the eminent physicist, Michael Crowley-Milling. [Click here](#) to read our briefing note on the case

Bourke v Favre [2015]

In *Bourke v Favre* [2015] EWHC 277 (Ch), Paul acted for the owner of Chettle in Dorset, one of a handful of privately held villages in England, in response to her nephew's claim that she was required to leave him the entire village based on a purported 50 year old oral family agreement. The Court rejected the nephew's attempt to add a significant new cause of action, proprietary estoppel, after exchange of witness statements. [Click here](#) to see the decision. The substantive dispute settled shortly thereafter.

Nicholas Turquand-Young

In the matter of the estate of Nicholas Turquand-Young [2013] JRC 235, Paul, working with Jersey advocates, advised Macmillan Cancer Support on an application before the Royal Court of Jersey about the correct interpretation of a will. Under the will, two shares of residue were left to Macmillan, but under different former names. The executor considered Macmillan only took one share. The Royal Court, applying English law, held that Macmillan was entitled to both shares.

Hawksford Executors

In the matter of the representation of Hawksford Executors, reported at [2013] JRC 188, Paul and Phineas Hirsch working with Jersey advocates advised RSPCA, Cancer Research UK and RAF Benevolent Fund in securing an order that Mrs Ivelaw had not intended to revoke an earlier will benefiting the three charities when making a later Belgian will.

Louisa Hodkin judicial review

Paul acted for Louisa Hodkin in a judicial review of the Registrar General of Births, Deaths and Marriages' refusal to register a Church of Scientology Chapel as a place of religious worship (thereby denying Louisa and her fiancé the right to a legally recognised marriage in their own church). Ouseley J refused the application, reported at [2013] ACD 32, because he was bound by a 1970's Court of Appeal authority, but recognised that Scientology is a religion. In a separate judgment the Judge gave permission to seek leave to appeal direct to the Supreme Court (leapfrog). The Supreme Court expedited the hearing and in December 2013 unanimously upheld the appeal. [Click here](#) to view Lord Toulson summarising the Court's decision, which is reported at [2014] AC 610 and [2014] WLR 23.

re Goodman

Paul and [Natasha Stourton](#) acted for the first defendant in *re Goodman, decd*, reported at [2013] 3 WLR 1551, where Newey J, on appeal from Master Bragge, upheld the first instance decision on removal of executors (Paul was the successful advocate before Master Bragge).

Burgess v Hawes

In *Burgess v Hawes* Paul and Natasha Stourton acted for the successful claimants in overturning a will purported to be that of their late mother and securing recovery of lifetime transfers from their sister and her immediate family. The Court of Appeal, reported at [2013] WTLR 453, unanimously upheld the first instance decision which is reported at [2012] WTLR 423. [Click here](#) to view the decision. [Click here](#) to read our briefing note on the case.

Futter v Futter

Paul acted for the trustees in the Hastings Bass matter of *Futter v Futter* in their application to set aside an advancement, the result of incorrect tax advice, which went to the Supreme Court. The first instance decision is reported at [2010] WTLR 609. The Court of Appeal decision is reported at [2011] 2 All ER 450.

Will interpretation

In *Spurling & another v Broadhurst & Others*, reported at [2012] WTLR 1813, Paul represented the executors who sought a declaration to determine which of four possible constructions was the correct interpretation of the will.

Relief from forfeiture

In *Semmens v Hards & Another* (2011), Paul acted for the deceased's nephew to secure relief from forfeiture and ensure that he received his uncle's entire estate, notwithstanding assistance in his uncle's final trip to the Dignitas Clinic.

Clark v World Wildlife Fund and Others

In *Clark v World Wildlife Fund and Others*, reported at [2011] WTLR 961, Paul Hewitt and [Natasha Stourton](#) represented the charities who successfully argued that English law governs the validity of a will dealing with English immovable property (the first judicial approval of the rule in Dicey). The court also held that England rather than Alabama was the appropriate forum for the dispute, despite the testatrix's nephew, Mr Clark, having obtained letters of administration in Jefferson County, Alabama.

RSPCA

Paul together with [Stephen Richards](#) acted for the charity in *RSPCA v Sharp & Others* [2010] in which the Court of Appeal unanimously upheld the RSPCA's case that its benefactor, the late George Mason, had intended his estate to pass free of inheritance tax. [Click here](#) to read our summary of the case and [click here](#) to read the Judgment.

Enforcement dispute

In *Re MN*, reported at [2010] WTLR 1355, a dispute over the enforcement of a Californian Order that MN be returned to California, Paul and Stephen Richards represented MN's niece. It is a leading authority on cross-border welfare disputes in the Court of Protection.

Esson v Esson

In *Esson v Esson*, reported at [2010] WTLR 187, Paul acted for the successful claimant in an application for construction and rectification of his late mother's homemade codicil. The Judge agreed that the words 'should I predecease him' were not intended to be a condition of the gift of a bank account to the testatrix's grandchildren.

Talks

- Contentious Trust and Probate Ceremony - *James v James* - 8 February 2018
- The Law Society Private Client Cross Border Conference 2016, *Cross Border Contentious Probate*
- Law Society, *Will drafting post Illot v Mitson*(2015) - 9 October 2015
- Contentious Trust and Probate Conference, *Removal of Personal Representatives* - 8 October 2015
- Institute of Fundraising, Legacy Fundraising Summit, *What happens when your legacy gift is under dispute?* - 14 September 2015
- IBC's UK & Cross Border Contentious Wills & Probate Conference, *Examining the Role of the Personal Representative in Probate Litigation* - January 2015
- Legacy Labyrinth, *Chattels as a source of discord* - January and February 2015
- Law Society webinar, *Contentious probate* - September 2014
- Legacy Labyrinth, *Deathbed Gifts* - January and February 2014
- Law Society webinar, *The latest on contentious probate* - September 2012
- Jordans Wills Trust and Probate Update 2011 - *Contentious Probate - the Golden Rule revived?* - November 2011
- STEP Cheshire *Charities as beneficiaries - friend or foe?* - September 2011
- Surrey Law Society 2011 Private Client Conference *Construction of wills - when words don't always mean what they say* - September 2011
- Solicitors Group Wills and Probate *Trustee Errors - Hastings Bass and other remedies after the Court of Appeal* - May 2011
- LexisNexis Webinar *Charities as Beneficiaries under wills: drafting, administering and litigating* - April 2011
- STEP Cross Border Incapacity Conference *The Case of Re MN* - December 2010
- STEP Norwich and Norfolk *Family disputes: pre and post death* - November 2010
- Surrey Law Society Private Client Conference *The Court of Protection in Practice* - September 2010
- Solicitors for the Elderly *Putting Tax Mistakes Right* - June 2010
- STEP Lakes and Lancaster *Confusion in Wills - the modern approach to construction* - May 2010
- Advising The Elderly Conference 2010 *Court of Protection Issues including Lasting Powers of Attorney* - April 2010
- Jordans Wills, Trusts & Probate Seminars Autumn 2009 *No Contest Clauses*
- 4me Convention Nationale des Avocats 2008 *Reformes des tutelles: La protection en Common Law, Illustrations transfrontalière (France/Grande Bretagne)*
- Contributor to Legal Network Television programmes including Private client: troublesome trustees, executors and beneficiaries; Will and Trusts: Mistakes; Private Client: Contested Legacies and Trusts and Mistakes

External publications

'Inheritance Act Claims' - Law Society, third edition, co-author, 2022

'UK Court of Appeal Rules British Tycoon's Widow Can Bring Will Claim.' WealthManagment.com, August 2019, quoted

'Probate Disputes and Remedies', Jordans third edition - March 2014, co-author

'Strength of Will', Law Society's PS Magazine - May 2013, co-author

'A matter of Record', Private Client Advisor - April 2013, co-author

'The Court of Protection, Charities and the Evolution of Best Interests', Elder Law Journal - 2012, co-author

'Legacy Income', Tolley's Charities Manual,

'Practical Will Precedents' and *'McCutcheon on Inheritance Tax'* (both Sweet and Maxwell),

'Charities as Beneficiaries' guidance, Law Society Private Client Section/ILM, contributor

Admissions

England and Wales, 1997

Education

University of Kent at Canterbury, Law with a Contemporary Language (French)

Languages

English

Memberships

Association of Contentious Trust and Probate Specialists

Society of Trust and Estate Practitioners

Law Society Private Client Section

Charity Law Association

International Association of Young Lawyers

Key dates

Year joined: 1998

Year became partner: 2003

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