

Deborah Nicholls-Carr

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Deborah is an senior associate in the trust, estate and inheritance disputes team.

She provides advice on all types of inheritance, will and trust disputes. She has experience of both domestic and international estates. She acts for private clients, charities and high net worth individuals.

Her work ranges from issues relating to the validity of wills and trusts, the Inheritance (Provision for Family and Dependents) Act 1975, Court of Protection work and claims for removal of trustees/ protectors and division of trust assets.

Named associate by Legal 500 in 2019 and 2018 for Court of Protection work.

She is a member of the firm's elder law team and specialises in cases where mental capacity is an issue.

Deborah mentors a school student through the ACD Diversity mentoring scheme and is on the committee of Withers' Women's Network.

Track record

Frozen funds dispute

Deborah and [Paul Hewitt](#) 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 of The High Commissioner for Pakistan in the UK v Prince Muffakham Jah & Others [2019] EWHC 2551 [here](#) The case was one of *The Lawyer's 'Top 20 Cases of 2019'*.

Application to Court of Protection

Deborah, together with [Julia Abrey](#) and [Richard Walker](#), acted for the Deputy in an application to the Court of Protection to authorise gifts to family members and charities from an estate of £17 million (*FL v MJL 2019 EWCOP 31*).

Contested statutory will application

Deborah and Paul Hewitt acted for the a respondent in an urgent contested statutory will application in the Court of Protection in relation to an estate of approximately £3.5 million. The application was made on 4 April 2019 and the statutory will was approved by the Court on 30 May 2019.

Court of Protection

Named associate by Legal 500 in 2019 and 2018 for Court of Protection work.

Removing executors of a Will

Deborah and Steven Kempster acted for beneficiaries of an estate in proceedings that went to the Court of Appeal in England on the issue of removing executors of a Will and on the costs of the dispute; reported as *Griffin v Higgs* (2018). The Court of Appeal decision clarified the scope of an executor's costs indemnity.

Will provision

Deborah and [Steven Kempster](#) brought the highest value Inheritance Act claim to date in *Wooldridge v Wooldridge* (2016). We were acting for a widow who sought to increase provision under her husband's will after his death in a tragic helicopter accident.

Court of Protection

Deborah and [Stephen Richards](#) acted for the applicant in a Court of Protection matter, successfully securing the removal of a joint attorney for property and financial affairs of an elderly person where there were concerns were raised over his suitability by neighbours and friends.

Charities settlement

In a claim over the construction of a will, Deborah and [Stephen Richards](#) negotiated a settlement on behalf of eight charities, which settled in the charities' favour without the need for a Court hearing.

Talks

- 'Why everyone should have a creative outlet: creativity is good for you and good for business' - Women in Law Summit 2019
- 'Update of gifting following Re JMA and Re MJL' - Simon Gore Court of Protection conference - October 2019
- 'Recent developments in statutory wills and lifetime gift applications', Simon Gore Elderly Client Conference - April 2019
- 'Lasting Powers of Attorney', Law Society webinar - April 2019

External publications

'Gifts by Attorneys and Deputies', November 2017'[Looking After Those who Look After P](#)', February 2019'Degrees of change: making the conversion to law', Lawyer 2B - December 2013

Admissions

England and Wales, 2014

Education

University of Manchester, BA (Hons) History of Art

Languages

English

Memberships

Association of Contentious Trusts and Probate Specialists
Junior Lawyers Division of the Law Society
Women in Law London network
ConTra, the Contentious Trusts Association

Key dates

Year joined: 2012

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