

## UK losing counsel series: Joint bank accounts on death – who gets the money?

04 MAY 2018

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**CATEGORY:**  
EVENTS



### Event

Event Headline

4 May | 12.45pm - 2.00pm | Withers head office | 16 Old Bailey, London, EC4M 7EG

Event Office

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***Whitlock v Moree [2017] UKPC 44***

Joint bank accounts on death – who gets the money?

We welcome [Gavin Kealey QC](#) and [James Goudkamp](#) of 7 King's Bench Walk to talk us through the issues in this case which decided who owned the interest in a joint bank account upon the death of one of the joint account holders.

### The case in brief

*Whitlock v Moree* was an appeal from the Court of Appeal of the Bahamas to the Privy Council in London.

Gavin Kealey QC and James Goudkamp of 7 King's Bench Walk appeared for the Appellants, Mr Whitlock and Ms Jack, two of the late Mr Lennard's residuary beneficiaries.

The third residuary beneficiary, Mr Moree, claimed to be solely entitled to the proceeds of a bank account to which he had been joined by Mr Lennard a few months before Mr Lennard died. Mr Lennard had contributed all of the funds standing to the credit of the account, and on the account opening form, which Mr Lennard signed, a bank official had written the words *'to pay utilities'*.

Mr Whitlock and Ms Jack claimed that the balance in the account, c\$190,000, was held on resulting trust for Mr Lennard's estate. At first instance, the Chief Justice of the Bahamas held that Mr Lennard had not intended to make a gift of the monies in the joint account to Mr Moree, and, in turn, that Mr Moree had not rebutted the presumption of a resulting trust. The Court of Appeal of the Bahamas overturned the Chief Justice's findings of fact. A 3:2 majority of the Privy Council dismissed an appeal by Mr Whitlock and Ms Jack. The majority decided that the account opening documents that Mr Lennard had signed, which had printed on them the bank's terms including joint tenancy and survivorship clauses, conclusively determined the dispute in Mr Moree's favour.

Mr Kealey QC and Mr Goudkamp will consider the law and the majority and minority judgments. They will also consider the potential impact of this decision in the real world where, as people age, adding the name of a helpful neighbour or relative to a bank account is often the easiest way to manage day-to-day finances.

**Please scroll down to request a place.**

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