



serle court

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Frank Hinks KC

Year of Silk: 2000 Year of Call: 1973

"a wonderful silk"

Chambers & Partners HNW Guide 2018

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Practice Overview

After 45 years in practice at Serle Court Frank Hinks retired from practice at the Bar on 30 April 2020. Frank remains an Associate Member of Chambers.

During his long career at the Bar, Frank specialised in the field of trusts with litigation, drafting and advisory work for some of the most substantial fortunes in the world, but his practice extended to property, partnership, charities and Chancery work of a more commercial nature. He developed an international practice conducting multi-jurisdictional Chancery litigation, appearing in Court in England, Bermuda, BVI, Hong Kong, Cayman and Bahamas as well as doing advisory work in relation to other jurisdictions such as Guernsey, Jersey, Singapore and Isle of Man. Cases include *Re Nina Wang Dec'd* [2012-14] (Hong Kong): effect of will of wealthiest woman in Asia; *BQ v DQ* [2011] WTLR 373 (Bermuda): declaring trusts void as testamentary dispositions; *Executors of HM Queen Mother and HRH Princess Margaret v Brown* [2008] (CA England): resisting claims for the unsealing of Royal Wills.

Frank is unusual in having combined a successful career at the Bar with being the writer and illustrator of the Ramion series of children's stories. There are 19 individual books (plus collections) ranging from *The Land of Lost Hair* (2003) to *The Gift of Evil* (2019).

Areas of Expertise

Private Client Trusts and Probate

Frank was involved in trust and probate cases in different jurisdictions. Cases include the following.

Bermuda: *Re A Trust* [2018] SC (Bda) 42 Civ. Kawaley C.J.: court approval of momentous decision in face of beneficiary opposition.

British Virgin Islands: *Re V & W Trust* [2018] Mr Justice Adderley: using trustee's Beddoe summons to obtain substantive relief for a Claimant.

In *Re E* [2018] Switzerland Frank Hinks KC provided expert evidence in relation to powers of appointment contained in the Bermudian trusts of a billionaire family.

British Virgin Islands: *Re V & W Trust* [2017] Mr Justice Carrington KC: successfully obtaining appointment of a Receiver and proprietary injunctions to protect a trust fund from dissipation where the trust deed was allegedly fabricated after the settlor's death (alternative case sham trust).

Cayman: *Re Y Trust* [2016] Smellie C.J.: successful proceedings to establish the validity of 30 years of trust administration (raising issues of rectification and need for protector consent to trustee retirement) and to obtain court approval to the appointment of private trust companies in place of individual trustees.

Hong Kong: *Re Nina Wang Dec'd* [2014] Court of Appeal [2012] Poon J.: proceedings to determine the true construction and effect of a homemade Chinese will of the woman who during her lifetime was by repute the wealthiest woman in Asia.

Bermuda: *Re A Trust* [2012] Bda.LR79 Kawaley C.J.: successful application to obtain an anti-suit injunction preventing a disaffected beneficiary from taking proceedings in another jurisdiction relating to a Bermuda Trust. Costs ruling: *Re A Trust* [2013] Bda.LR21

Bermuda: *C v D* [2012] Kawaley C.J.: successful proceedings to have a Bermuda trust and a civil law foundation of very substantial value brought to an end.

England: Scarfe v Matthews [2012] WTLR 1579: issues of will construction and the doctrine of election in relation to the estate of a celebrated Norfolk turkey farmer.

Bermuda: Re Q Trusts [2011] WTLR 373 Ground C.J.: (a) successful in getting two inter vivos trusts declared void as ineffective testamentary dispositions with consequential tax saving: (b) rearrangement of trusts of very substantial North American commercial fortune.

Bahamas: Lady Henrietta St George et al v Sir Jack Haywood et al [2010]: Court of Appeal: litigation in relation to the ownership and control of Freeport Grand Bahama.

England: Brown v Executors of HM Queen Mother and HRH Princess Margaret [2008] WTLR 425 Court of Appeal: resisting on behalf of the Royal Family a claim by a Jersey accountant for the unsealing of the Wills of HM Queen Mother and HRH Princess Margaret on the basis that he is the illegitimate son of Princess Margaret.

Cayman: Re C Trust [2006] Smellie CJ: successfully getting principal beneficiary reinstated who had been removed by mistake.

Domestic and international trusts including taxation: advisory, drafting and litigation work at the highest level including: Re Variation of Trusts of Duke of Bedford; Re Trusts of Marquis of Exeter and Re Trusts of the Duke of Hamilton.

International trusts work in relation to various jurisdictions but in particular the Cayman Islands, Jersey, Bermuda, Bahamas and Hong Kong: cases include Re Akram Ojeh Trust (1993) Cayman Islands L.R. 348 (entitlement of beneficiaries to information) Re Hampstead Trust (1995) C.A. Grand Cayman (revocation of settlement) Re Chan Settlements (2001) Hong Kong and Alhamrani (2009) Jersey.

Expert witness: in US cases in relation to validity of trusts governed by Cayman and Jersey Law: Re 1995 and 1996 Trusts (1998) Washington State; Flemmer v HRO (2000) Colorado; in Spanish case in relation to validity of trusts governed by Cayman Law: Casadevall v. J.P. Morgan Chase Bank [2002] Catalonia; in Jersey case in relation to trustee liability under law of Bermuda: Hankinson v Walbrook Trustees (Jersey) Limited [2009].

Re G Trust [2006] CA: successfully appealing court order 5 years out of time thereby saving trust fund US \$45 million gift tax.

Topham v Charles Topham Group Ltd [2002] All ER (D) (May): successful litigation to save a tax freezer scheme involving onshore and offshore settlements which had gone wrong due to negligent advice.

Re Shelton-Agar [2002] All ER (D) 16 (May) Hart J: highly contentious will construction (part of a long running family dispute) in relation to a landed estate.

Fazio v Rush [2002] All ER (D) 392 (Jul): successful defence of action by child of Caitlin Thomas to share in the trusts of the copyrights of the poet Dylan Thomas.

Wight v Olswang [1998] TLR 564: trustee exemption clauses.

Finers v Miro (1991) 1 W.L.R. 35: constructive trust.

Partnership and LLP

Frank had a long established specialist partnership practice. Cases included: Kerr v Morris [1987] Ch 90 CA: restraint of trade re medical partnership. For years partnership work was principally for solicitors in relation to their own partnership problems. More recent work included partnership disputes in relation to investment and hedge fund LLPs.

Quasi-partnership disputes of an international character include between 2006-2010 Lady Henrietta St George. v. Sir Jack Hayward: multi-jurisdictional litigation in relation to Freeport the 2nd largest port in the Bahamas which was run in quasi-partnership between Sir Jack and Lady Henrietta's late husband.

Property

Frank had for many years a specialist real estate property litigation practice. More recently he specialized in the law of commons and other cases demanding a high level of technical expertise and the ability to deal with legal concepts and issues going back up to a 1,000 years.

England: Roberts v Swangrove Estates Ltd [2008] Ch. 439 Court of Appeal: establishing the Crown's title to the bed of the River Severn on the basis of adverse possession in the face of textbooks and authorities going back to 1530.

England: Crown Estate Commissioners v Roberts [2008] P & CR 255 Lewison J: establishing the Crown's title to half the coastline of Pembrokeshire and successfully rebutting a claim to franchise rights based (in part) on a Royal Charter of 1115 which was confirmatory of pre-Norman conquest rights.

Earl of Macclesfield v. Parker [2003] Lewison J. Successful defence of proprietary estoppel claim by the Earl to live in Shirburn Castle for life.

Mid-Glamorgan C.C. v Ogwr B.C. [1995] 1 W.L.R. 313 House of Lords: effect of compulsory purchase for an abandoned purpose on common land??

Dugan-Chapman v Grosvenor Estate Belgravia [1997] 10 E.G. 152: whether right to enfranchisement extends to mews house??

National Trust v Ashbrook (1997) T.L.R. 360: powers of National Trust to fence common land.

Commons work has included enquiries before Commissioners including for the Duchy of Lancaster and non-statutory inquiries re town or village greens (as Inspector and counsel) including Re Harlequins Ground Cardiff (2000) Re Barrow Hill Chatsworth Estate (2001) Re Jim Driscoll Way Cardiff (2001).

Charities

From the beginning of his practice at the Chancery Bar Frank did advisory, drafting and litigation work in relation to charities. More recently he acted the Nina Wang case in Hong Kong in relation to an estate worth HK\$85 bn, possibly the largest charitable bequest in history.

Hong Kong: Re Nina Wang Dec'd [2014] Court of Appeal [2012] Poon J.: proceedings to determine the true construction and effect of a homemade Chinese will of the woman who during her lifetime was by repute the wealthiest woman in Asia.

Re Carapiet [2002] All ER (D) 98 (Jul): successful action to determine that a trust for the establishment in life of Armenian children is a valid charity.

Chancery

International and Offshore

Recommendations

Private Client: *(Who's Who Legal: UK Bar, 2020)*
Offshore, Private Wealth: Trusts UK *(Chambers Global, 2019)*
Private Client *(Who's Who Legal: UK Bar, 2019)*
Chancery: Traditional, Offshore, Trusts *(Chambers & Partners, 2019)*
Company & Partnership, Offshore, Private Client: Trusts and Probate, Property Litigation & Agriculture *(Legal 500, 2019)*
Chancery: Traditional, Offshore, Trusts *(Chambers & Partners, 2018)*
Traditional Chancery: HNW Guide *(Chambers & Partners, 2018)*
Offshore, Private Wealth: Trusts *(Chambers Global 2018)*
Private Client Global Elite *(Legal Week 2018)*
Chancery: Traditional, Offshore, Trusts *(Chambers & Partners, 2017)*
Offshore, Private Client: Trusts and Probate *(Legal 500, 2017)*
Contentious Trusts *(Citywealth Leaders List 2016)*
Trusts, Offshore, Chancery: Traditional *(Chambers & Partners 2016)*
Partnership, Offshore, Private Client: Trusts and Probate, Property Litigation *(Legal 500 2016)*
Private Client *(Who's Who Legal: UK Bar 2016)*

Quotes

"A top-flight silk and top-flight trusts lawyer." "He's very responsive, very conscientious and has a very quick turnaround time." Chambers & Partners, 2020

"If you have a really hard trusts problem, he is a go-to person." Chambers & Partners, 2020

"He's very responsive and we got a great result because of Frank's advocacy skills. He's very hard-working and very engaged." Chambers & Partners, 2020

"He is a highly experienced and very effective KC." Legal 500, 2020

"A highly experienced and very effective silk in the offshore trusts field." Legal 500, 2020

"a top-flight silk and top-flight trusts lawyer" Chambers High Net Worth, 2019

"He's very responsive, very conscientious and has a very quick turnaround time." Chambers High Net Worth, 2019

"Technically brilliant in court and a man who looks for answers - he is there to get the job done." Chambers Global, 2019

"He's incredibly hard-working, amazingly knowledgeable and someone with a good eye for tactics. He turns things around very quickly and thoroughly." Chambers Global, 2019

"A senior silk operating at the top of his game, who is very clever, very responsive and someone who has a quick turnaround time. He is a particularly strong advisory silk and has good tactical sense." Chambers & Partners, 2019

"Learned, measured, responsive and deeply knowledgeable." Chambers & Partners, 2019

"Frank is very solution-orientated." Chambers & Partners, 2019

"He is highly intelligent, incisive and meticulous in assessing and advising on legal problems." Legal 500, 2019

"His work includes significant BVI and Hong Kong cases." Legal 500, 2019

"He is excellent at coordinating a team of advisors in different jurisdictions in offshore litigation." Legal 500, 2019

"Modest, incisive and leaves no stone unturned." Legal 500, 2019

"Top, top drawer and the most experienced counsel you could meet. He handles some of the biggest clients and handles matters with incredible savvy." Chambers & Partners, 2018

"Has incredibly quick turnaround time and is very user-friendly. He always gives practical advice and is a good strategist." Chambers & Partners, 2018

"He has a terrific intellect and is very responsive. He is a good strategist whose preparation is meticulous. He's highly effective and he doesn't miss a thing." Chambers & Partners, 2018

"Has a terrific intellect and is very responsive. He has an incredibly quick turnaround time, he is very user-friendly, and he always gives practical advice. A good strategist and an effective advocate, he is meticulous in his preparation and doesn't miss a thing." Chambers & Partners, 2018

"Has a terrific intellect and is very responsive. He has an incredibly quick turnaround time, he is very user-friendly, and he always gives practical advice. A good strategist and an effective advocate, he is meticulous in his preparation and doesn't miss a thing." Chambers Global, 2018

"The go-to silk for big-ticket trusts cases." Legal 500, 2017

"Frank Hinks is a name you naturally expect to be involved in any big ticket international trust dispute - he has a remarkable facility to co-ordinate and run multiple work streams in different jurisdictions arising out the same matter, providing overall strategic advice as well as technical expertise of the highest order. He is learned, wise, practical and very responsive. He is someone you want to have on your side." Citywealth Leaders List, 2016

"a star of the trusts world" Chambers & Partners, 2014

"learned, thorough and responsive, and he carries great authority in court" Chambers & Partners, 2014

"an amazing intellect and can handle huge cases with great determination and energy" Legal 500

"uniquely creative" Legal 500

"extremely intelligent and very good tactically" Legal 500

"very astute" Legal 500

"thorough and user friendly" Legal 500

"a quality advocate" Legal 500

"has particular expertise in relation to offshore trusts" Legal 500

Education & Qualifications

MA (First Class), BCL (First Class), St Catherine’s College, Oxford
