



Jonathan Fowles

Year of Call: 2004

“For his intellectual rigour and incredible responsiveness – he is affable and pragmatic and is a very creative and innovative thinker who finds solutions.”

“He is incredibly knowledgeable about charity matters generally, gives very good practical advice and is a terribly likeable man.”

Legal 500 and Chambers & Partners

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Practice Overview

Jonathan has a traditional chancery practice, encompassing charities, trusts, probate, and property. His main specialism is in charity law, in which he takes on non-contentious and contentious work. His practice in non-charitable trusts, probate, and property is focussed on contentious matters. It is not unusual for his cases to combine one or more of his specialisms. He is co-author with William Henderson of *Tudor on Charities*, 10th Ed. (2015 and 2018 (Suppl.), Sweet & Maxwell).

Areas of Expertise

Charities

Jonathan is co-editor of the leading textbook, *Tudor on Charities*, 10th ed. (Sweet & Maxwell, 2015)

(Much of Jonathan’s work in this area is non-contentious and has not been before the court in public hearings. Accordingly, it has been necessary to make a number of the case references anonymous for reasons of confidentiality.)

Nuffield Health v London Borough of Merton (2020): Jonathan Fowles acted with Cain Ormondroyd (Francis Taylor Building) for Merton Council in defending a claim to establish charitable exemption from non-domestic rates for one of Nuffield Health’s fitness and wellbeing centres. The claim succeeded, but the Court of Appeal has given Merton permission to appeal. The case raises important issues about the charitable exemption and the public

benefit test in charity law.

Re RSPCA (2018-19): Advising RSPCA on governance reform, led by Shaheed Fatima QC (Blackstone Chambers)

Re Z Library (2018): Advising major educational and heritage charity on governance.

B v Interim Managers (2018): Advising individual on dispute with Interim Managers of religious charity.

Charity Commission v A (2018): Advising the charity commission on potential proceedings by the commission for wide-ranging breaches of trust.

Re X Trust (2017): Advice to major offshore charitable trust on constitutional matters.

Re AB (2016): Advising Interim Managers of Charity.

Re Jehovah's Witnesses (2014-2018): Providing ongoing advice to relevant charitable institutions in the UK.

Re CH (2016): Advising charity connected with foreign government in connection with creation of new trust of land; drafting trust deed.

Re L Trusts (2016): Advising trustees as to potential charitable conditions on ownership of land transferred to their predecessors in 16th century (with William Henderson).

Re C School Trust (2015): Advising charity connected with independent school as to possible dissolution.

N v B&T (2015), Chancery Division: Acting with Christopher Stoner QC for charities claiming rectification of multi-million pound land transaction; the claim has unusually involved the joinder of the Official Custodian for Charities.

W v Charity Commission (2015): Advising high-profile international organisation as to dispute with Charity Commission.

Re Allotments for the Labouring Poor (2014): Advising Hughenden Parish Council as to historic charitable trusts arising under the Inclosure Acts (subsequently the subject of litigation in *Densham v Charity Commission* [2018] UKUT 402 (TCC)).

Re Y Institute (2013): Advising charity trustee of high-profile research charity on matters arising out of the charities legislation.

Re R (2011): Advising well known animal welfare charity on various matters relating to its constitution and governance.

Re C (2010): Advising well known farming charity as to restructuring and its effects on legacies.

Private Client Trusts and Probate

(Much of Jonathan's work in this area is non-contentious and has not been before the court in public hearings. Accordingly, it has been necessary to make a number of the case references anonymous for reasons of confidentiality.)

Phoenix v Phoenix (2020): Jonathan acted for the successful claimant in a claim to enforce a testamentary option. The case involved arguments about the construction of a will and whether in the circumstances all executors needed to be individually served with the relevant option notice. The case is also notable for its approach to an award of statutory interest. The Deputy Master commented in his judgment that: *"The skeleton arguments of both counsel were especially clear and helpful, and oral submissions focused and succinct."*

Miles v Miles (2017): Successful appeal for defendant beneficiary in spouse's claim on divorce cross-check and testamentary wishes arguments.

Moreno de la Hilja v Lee (2017): Acting for widow and estate of Sir Christopher Lee to resist claim to lift stay of enforcement of purported Spanish judgment and European Enforcement Order (led by Jessica Simor QC, Matrix Chambers)

Re L Trusts (2016): Advising trustees as to potential charitable conditions on ownership of land transferred to their predecessors in 16th century (with William Henderson).

Re Moller (2016): Acting for charitable beneficiaries in relation to cross-border estates dispute.

Re Freud (2016): Acting for beneficiary in dispute as to administration and appointment of administrator in intestacy.

B v White (2015), Chancery Division: Acting with Philip Marshall QC in pursuing probate claim and resisting counterclaim for breach of fiduciary duty.

Re Trilogy (2015), Jersey: Advising as to trustee appointments.

Re Tadros (Deceased) (2013-14), Chancery Division: Acting for and advising Second Defendant in ongoing probate proceedings relating to testamentary documents in England and the Netherlands.

Re S Settlements (2013): Advising beneficiaries on historic transactions and exercise of trustees' powers in group of multi-million pound family trusts in Jersey.

Re Y Trust (2013): Advising and acting for trustees in relation to trustee and protector appointments in Cayman Islands; led by Frank Hinks QC.

Re M Settlements (2010-11): Advising and acting for beneficiaries in a multi-million pound Bermudan trust dispute; led by Frank Hinks QC.

Property

Phoenix v Phoenix (2020): Jonathan acted for the successful claimant in a claim to enforce a testamentary option. The case involved arguments about the construction of a will and whether in the circumstances all executors needed to be individually served with the relevant option notice. The case is also notable for its approach to an award of statutory interest. The Deputy Master commented in his judgment that: "*The skeleton arguments of both counsel were especially clear and helpful, and oral submissions focused and succinct.*"

Poon Tip v Lawrence (2017), FTT: Successful application to strike out parts of the Respondent's case resisting claim to title by adverse possession under Schedule 6, LRA. The judgment addressed the test for strike-out under the Property Chamber rules and the notice provisions in relation to Schedule 6.

Re CH (2016): Advising charity connected with foreign government as to creation of trust of land; drafting trust deed.

Re L Trusts (2016): Advising trustees as to potential charitable conditions on ownership of land transferred to their predecessors in 16th century (with William Henderson).

N v B&T (2015), Chancery Division: Acting with Christopher Stoner QC for charities claiming rectification of multi-million pound land transaction.

Re a company (in administration) (2014): Advising secured creditors as to scope of charge over real property in multi-million pound administration of high-profile company.

Canal & River Trust v Timmins (2014), Birmingham CC: proceedings for declaration and injunction in relation to

management of inland waterways.

Blackall v Moledina (2014), FTT: claim for adverse possession, raising novel issues in relation to overriding interests under the Limitation Act.

Chancery

Recommendations

Charities (*Chambers & Partners*) - Band 2

Charities (*The Legal 500*) - Tier 2

Private Client: Trusts and Probate (*Legal 500*) - Tier 3

Property Litigation (*The Legal 500*) - Tier 3

Quotes

"*Hugely bright and superb attention to detail.*" Legal 500, 2021

"*For his intellectual rigour and incredible responsiveness – he is affable and pragmatic and is a very creative and innovative thinker who finds solutions.*" Legal 500, 2021

"*He is technically fantastic, very responsive and provides robust advice.*" Legal 500, 2021

"*He is incredibly knowledgeable about charity matters generally, gives very good practical advice and is a terribly likeable man.*" "*His advice is clear and pragmatic on complex issues and he is a pleasure to instruct and work with.*" Chambers and Partners, 2021

"*He is someone who goes down very well with clients and has a common sense streak. You can put faith in his technical skill and breadth of knowledge. He has dedicated time and effort to the area, and it shows in the confidence of the opinions you can get from him. He is deeply immersed in the charity law world and is an exceptionally bright and user-friendly senior junior.*" Chambers & Partners, 2020

"*Has the ability to distil very complex concepts and make them accessible and understood by a lay client.*" The Legal 500, 2020

"*Has a deft and practical touch.*" The Legal 500, 2020

"*Engaging, incisive and enthusiastic...His advice was very authoritative and provided in a clear manner which the lay clients found particularly helpful.*" Chambers & Partners, 2019

"*Leaves no stone unturned, strong attention to detail, clear and pragmatic advice.*" The Legal 500, 2019

"*A man steeped in charity law...He's down to earth, pragmatic and commercial. He knows charity law inside out, but he doesn't allow his esoteric knowledge of the law to cloud his decision making.*" Chambers & Partners, 2018

"*Exceptionally thorough, very bright and technically superb*" "*He is absolutely meticulous and lovely to work with*" "*A true academic who dives right in to knotty issues*" The Legal 500, 2017

"*Able to get to the crux of the issues incredibly quickly, spotting things others may miss - a real joy to work with.*" The Legal 500, 2015

"*He is extremely bright, very easy to work with, and has an excellent rapport with clients*" The Legal 500, 2014

Publications

"Thatcher library money is spent before a brick is laid", *The Times*, 28 February 2019

"The charitable trust: not so special after all?", *Trusts & Trustees* (OUP), vol. 25, issue 4, May 2019, pp.382-390

Tudor on Charities, First Supplement to 10th Ed. (2018, Sweet & Maxwell), co-author with William Henderson

Tudor on Charities, 10th Ed. (2015, Sweet & Maxwell), co-author with William Henderson

Contributor to Francis, *Inheritance Act Claims: Law, Practice and Procedure* (Jordans, looseleaf)

"How to assess the risk of contesting a legacy", *Charity Finance*, October 2017

"Charity begins with the law", *Estates Gazette*, 26/6/17 (Charities Act requirements for land transactions)

"A work in progress", *New Law Journal*, 24/6/16 (on the *Pallant v Morgan* equity)

"The Removal of Trustees", *Practical Law Company*

"Charity Litigation: The role of the Charity Commission": *Practical Law Company*

Public Access

Jonathan accepts public access instructions in the field of charity law.

In the Press

Comments in *The Times* "[Margaret Thatcher library money is spent before a brick is laid](#)" 28 February 2019

Education & Qualifications

New College, Oxford: - MA, Literae Humaniores

City University, London - Postgraduate Diploma in Law

Karmel and Bedingfield Scholar (Gray's Inn)

Memberships

Chancery Bar Association

Charity Law Association

Property Bar Association
