serle court

Thomas Fletcher

Call: 2009

Thomas is a joy to work with. You can always be confident that no stone is left unturned and that all eventualities, even in the most high pressured and complex of cases, have been considered.

CHAMBERS & PARTNERS 2025

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Thomas Fletcher is a trusts and estates specialist. He is regularly instructed in complex, high-value claims both in England and international jurisdictions concerning trusts and estates matters. He has appeared as Counsel at every level of the court hierarchy in England and Wales from the High Court to the Supreme Court. He has also appeared three times before the Judicial Committee of the Privy Council.

He is the editor of the leading practitioner textbooks for trusts and estates work, *Lewin on Trusts and Theobald on Wills*. He is also one of the editors of the leading journal, *Trusts & Trustees*.

His practice covers the full range of contentious and non-contentious private client work, ranging from (on the trusts side) trust administration applications including *Beddoe and Public Trustee v Cooper* proceedings, breach of trust claims, trustee removal applications, variations of trust and all related trust drafting to (on the estates side) construction and rectification claims, contentious probate, claims under the Inheritance (Provision for Family and Dependants) Act 1975, executor removal claims, and breach of duty claims against personal representatives.

Thomas's practice is based in England, but he has very considerable experience in overseas jurisdictions, including Bermuda, Guernsey, Jersey, Isle of Man, the Bahamas and the BVI. Many of his cases have a cross-border dimension and he is highly experienced in conflicts of laws issues as they affect the administration of trusts and estates.

He has been recommended for many years as a Leading Junior in trusts and estates work by Legal 500 (UK Bar and English Bar Offshore) and Chambers & Partners (UK Bar, Global and High Net Worth).

Related with his trusts and estates work, Thomas's practice extends to commercial disputes which involve issues of trusts and estates law. He also has a growing practice in charities work, particularly related to the administration of charitable trusts and similar structures.

Contact

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Expertise

Trusts & Probate

Recent Cases

- *Viegas v Cutrale* [2025] 1 WLR 1467 (2022 – 2025) – Instructed by Linklaters. Thomas successfully argued before the Court of Appeal that hundreds of claims for damages arising from an alleged cartel should be struck out for failure to obtain grants of representation in England to act for the relevant estates. The Court of Appeal's judgment has been cited in several subsequent judgments for its important commentary on (i) the distinction between administration and succession under English law, and (ii) the requirement to obtain an English grant in relation to an estate where the deceased died domiciled abroad, even where the saisine principle applies under the law of the domicile.
- *Investec Trust (Guernsey) Ltd v Glenalla Properties Ltd* [2019] AC 271 – Instructed by Macfarlanes and Mourant. Thomas acted in 10 appeals heard by the Privy Council from Guernsey. The judgment has been one of the most significant decisions in the trusts industry for many years due to the commentary on (i) a new rule of private international law based on the status of a trustee, (ii) the role of causation in breach of trust claims, (iii) the application of the rule in Henderson v Henderson in breach of trust claims and (iv) unjust enrichment.
- *Equity Trust (Jersey) Ltd v Halabi / ITG Ltd v Fort Trustees Ltd* [2023] AC 877 – Instructed by Macfarlanes. Thomas acted in relation to combined appeals from Jersey and Guernsey heard by the Privy Council. These appeals were the first anywhere in the common law world to consider the order of priorities for an "insolvent" trust. The judgment has been hugely influential for that reason and has been cited in several courts in other jurisdictions, including the High Court of Australia.
- *ITG Ltd v Fort Trustees Ltd* (2018 to 2024) – Instructed by Macfarlanes. Thomas acted for former trustees in relation to one of the first contested Alhamrani assessments of trustee costs anywhere in the common law. Three judgments were given by the Royal Court of Guernsey ([2020] GRC 020; [2021] GRC 007; [2022] GRC 003) and three judgments by the Court of Appeal of Guernsey ([2023] GCA 004; [2023] GCA 009; [2024] GCA 002).
- *In the Matter of the XYZ Trusts* (2017 to 2024) – Instructed by Baker McKenzie and Carey Olsen. Thomas acted for trustees in proceedings in Bermuda concerning the restructuring of multiple valuable trusts. Two judgments were given by the Supreme Court of Bermuda in 2017 and 2022 ([2017] SC (Bda) 111 Civ; [2022] SC (Bda) 10 Civ).
- *Buchanan v Buchanan* (2025) – Instructed by Birketts. Thomas acted for the claimants in proceedings for rectification and construction in relation to a trust deed where the existing drafting produced substantial potential tax liabilities. Thomas successfully argued that the trust deed should be rectified as sought.

International

Recent Cases

- *In the Matter of the Alpha, Beta & Delta Trusts* (2023 –) – Instructed by Macfarlanes and Ogier. Thomas acts for the trustees in proceedings in Jersey concerning the restructuring of several high-value trusts.
- *Investec Trust (Guernsey) Ltd v Glenalla Properties Ltd* [2019] AC 271 – Instructed by Macfarlanes and Mourant. Thomas acted in 10 appeals heard by the Privy Council from Guernsey. The judgment has been one of the most significant decisions in the trusts industry for many years due to the commentary on (i) a new rule of private international law based on the status

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- *Campbell v Campbell* [2017] JRC 018 – Instructed by Dickinson Gleeson. Proceedings in Jersey in respect of a long-running dispute arising out of a family partnership concerning the beneficial ownership of shares in a Jersey company owned by the partnership. Judgment held for the first time in Jersey that the principles of common intention constructive trusts could apply outside a real property context and also included some of the first discussion of claims in unjust enrichment in Jersey.

Charities

Thomas has a strong interest in charities work and regularly advises on issues affecting the administration of charities, especially trustees of charitable trusts. His recent work includes advising on potential claims against charitable trustees for breach of trust, advising on the registration of charities in light of the requirements of the Equality Act 2010 and advising on an application for Charity Commission sanction under section 105 of the Charities Act 2011.

In addition, Thomas has considerable experience advising on issues concerning charitable interests under trusts and charitable bequests under wills, including gifts to unincorporated associations such as sports and social clubs. His recent work in this area includes advising trustees on how to account for charitable interests as part of the distribution of the assets of offshore trusts and advising an unincorporated association on its status as a beneficiary under a trust. He is also one of the editors of Theobald on Wills and edits the chapter on charitable gifts in wills.

Commercial Litigation

Thomas has a particular interest in commercial disputes which involve issues of trusts and estates law. He has considerable experience working with legal teams with expertise in several disciplines and enjoys the challenges of synthesising different areas of law.

Recent Cases

- *Viegas v Cutrale* [2025] 1 WLR 1467 (2022 – 2025) – Instructed by Linklaters. Thomas successfully argued before the Court of Appeal that hundreds of claims for damages arising from an alleged cartel should be struck out for failure to obtain grants of representation in England to act for the relevant estates. The Court of Appeal's judgment has been cited in several subsequent judgments for its important commentary on (i) the distinction between administration and succession under English law, and (ii) the requirement to obtain an English grant in relation to an estate where the deceased died domiciled abroad, even where the saisine principle applies under the law of the domicile.

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- *Maroil Trading Inc v Cally Shipholdings Inc* ([2020] EWHC 3062 (Comm)) – Applications for security for costs in the context of proceedings in England concerning breach of a settlement agreement and separate breaches of duty of confidence. The applications produced two judgments, including an important judgment on the principles for security for the costs of an additional claim ([2020] Costs LR 1697).
- Acting on an LCIA arbitration concerning a contractual interpretation dispute.
- Advising trustees and personal representatives in relation to potential and actual claims against financial advisers for breaches of the Financial Services and Markets Act 2000 and the FCA Handbook.

Testimonials

"Thomas is a joy to work with. You can always be confident that no stone is left unturned and that all eventualities, even in the most high pressured and complex of cases, have been considered."

Chambers & Partners 2025

"Thomas Fletcher is an incredibly bright lawyer, very technically sharp and very strategically astute. He's a real asset. He's technically extraordinary and strategically superbly astute."

Chambers High Net Worth 2026

"Thomas is a really good senior junior. He has a very strategic outlook and is really knowledgeable on the case law side of things, always looking to see how the law has developed as part of a litigation strategy. A very good draftsman for pleadings or letters, timely at producing them to reflect what the instructing solicitor is looking to achieve, and he works well as part of a counsel team."

Chambers High Net Worth 2026

"Thomas is a walking encyclopedia, but he's also an incredibly normal person, who is easy to deal with. He is incredibly intelligent and great at dealing with knotty trust problems."

Chambers & Partners

"Thomas Fletcher is one of the best trust juniors there is out there. He is so versatile, incredibly knowledgeable and emotionally intelligent."

Chambers & Partners 2026

"Thomas Fletcher has to be the strongest chancery junior draughtsman at the bar. He writes beautifully and is familiar with trust laws of all offshore jurisdictions."

Chambers & Partners 2026

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"Thomas is probably the most academically gifted junior I have ever worked with. He is a walking encyclopedia, but also an incredibly normal bloke and easy to deal with."

Chambers & Partners 2026

"Thomas Fletcher is very, very good technically. He also has a good manner with clients. He is responsive and he is aware of all the twists and turns in a case."

Chambers & Partners 2026

"He definitely knows his way around this area and is great to work with. If I have issues with probate and succession, he is definitely someone I would go to."

Chambers & Partners High Net Worth 2025

"Thomas is concise, precise, deliberate, and very analytical. He has a good commercial sense alongside his undoubted legal expertise and experience. He is also easy to work with and responsive. His drafting is clear and focused."

Legal 500 2026

"Tom has excellent analytical skills and is very knowledgeable/authoritative on trust and will principles."

Legal 500 2026

"Thomas Fletcher's drafting is reliable and sensible, and everyone is pleased working with him."

Chambers & Partners 2025

"Thomas Fletcher is very, very good technically. He also has a good manner with clients, is responsive and aware of all twists and turns in a case."

Chambers & Partners 2025

"Thomas is an excellent junior with good insight and commercial acumen. He's also a strong draftsperson."

Chambers & Partners 2025

"Thomas offers calm, pragmatic advice, even in the midst of extreme pressure. He is incredibly hard-working, and constantly makes our lives easier through his provision of very high-quality advice."

Chambers & Partners 2025

"Thomas is incredibly diligent, thorough and a joy to deal with. He is extremely knowledgeable, commercial and pragmatic and can see the wood for the trees."

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Legal 500 2025

Appointments

- Deputy District Judge (Civil), South Eastern Circuit

Recommendations

- Trusts (Band 1), Offshore (Band 2), Chancery: Traditional (Band 2) (Chambers UK)
- Offshore (Trusts and Private Wealth (Band 1) (Legal 500 English Bar)
- Private Wealth: Trusts (Band 1), Offshore (Band 2) (Chambers & Partners Global)
- Chancery: Traditional (Band 2) (Chambers High Net Worth)
- Private Wealth & Probate (Band 2) (Legal 500 UK Bar)

Publications

- Lewin on Trusts (20th Edition) (plus First Supplement) (2020 and 2023)
- Theobald on Wills (20th Edition) (2025)
- Williams, Mortimer & Sunnucks (21st Edition) (2018)
- Trusts & Trustees

Memberships

- Chancery Bar Association
- COMBAR

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Education & Qualifications

- MA (Cantab) First Class
- LLM (Queen Mary, University of London) Distinction

BSB Registration

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