

Angus Burden

Inheritance, Wills, Trusts
and Estates



Year of Call: 1994

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Having obtained a first-class degree from Exeter University in 1992, Angus undertook pupillage in specialist Chancery Chambers in Lincoln's Inn, London (7 Stone Buildings, now Maitland Chambers, and 24 Old Buildings).

Angus is one of very few barristers practising outside London who specialises almost exclusively in contentious trusts and probate work. For many years he has been ranked as a leader in this field, and in the most recent edition of Chambers and Partners, published in November 2017, he was ranked in Band 1 with the following comments made about him:

"A pure traditional chancery barrister whose practice focuses on contentious trusts and probate. He has an excellent reputation for his technical skill and advocacy, as well as approachability and client care"

"Really persuasive and highly regarded by the judiciary. Utterly brilliant. For difficult contentious probate, he is the only barrister I'd use. He lives and breathes this. He is extremely responsive and knows the law better than anybody else I deal with"

Very many cases now settle at mediation and Angus has wide experience of acting as the advocate in upwards of 100 mediations often in claims under the Inheritance (Provision for Family and Dependents) Act 1975. He is also a fully qualified mediator and accepts instructions in that capacity.

The types of cases in which Angus is regularly instructed in the High Court and the Court of Appeal include:

- Claims for financial provision pursuant to the Inheritance (Provision for Family and Dependents) Act 1975
- Disputes as to the substantial and procedural validity of wills
- Applications for the removal of executors and trustees
- Applications for the rectification of wills
- Breach of trust/breach of fiduciary duty claims
- Administration actions in particular disputes as to the construction of wills or directions from the court
- Proprietary estoppel, undue influence and constructive trust claims
- Disputes concerning charitable trusts
- Professional negligence actions relating to wills and trusts work

A highly contentious application for the removal of professional executors ending in a three-day hearing on written evidence in the High Court involving allegations of undue influence and conflicts of interest, A proprietary estoppel trial relating to promises made to leave by will land with a potential value of 13m, A claim concerning the due execution of a will.

A substantial claim under the Inheritance (Provision for Family and Dependents) Act 1975 in relation to a farmland also involving allegations of proprietary estoppel, A trial concerning the disputed dissolution of a charitable trust, A claim concerning constructive trusts and secret trusts, Angus's most well-known case is *Perrins v Holland* [2011] 2 Ch. 270 CA a contentious probate trial in which the Court of Appeal reviewed the law concerning the requirement of knowledge and approval and the application of the rule in *Parker v Felgate*.

Angus also undertakes general non-contentious estates work, including construction questions and inheritance tax issues. He passed the STEP Diploma in the Taxation of Trusts and Estates in 2012 and has sat on the STEP technical committee.

In addition, Angus has postgraduate qualifications from Bristol University in Insolvency Law, Restitution and Company Law, and enjoys lecturing. His recent lectures include one to the Association of Contentious Trusts and Probate Specialists on Trustees' powers and duties, and an in-house seminar on valuing Inheritance Act claims for a national law firm.

In terms of Angus's approach, he believes a detailed knowledge of the transactional aspects of private client work is an essential feature of being an effective contentious practitioner. No less importantly, he recognizes the importance of being sensitive to the underlying family and factual context in disputes of this nature as an essential part of providing an effective service.

Angus is married with three children. In his spare time, he likes to indulge a love of tennis and an ambition (unfulfilled) to hit a half-decent backhand which he in turn inflicts on his children at every opportunity.

Recommendations

"Angus is a skilled advocate who is able to advance a case in an understated way to great effect. He is also technically brilliant and able to understand the most complex of problems."

Legal 500 2024

Angus is extremely detailed and thinks of every possible angle. He is always so organised and his attention to detail is incredible. He is also great with clients and judges.

Chambers UK 2024

"He has a really strong brain, careful analysis of the case and a nice, careful way about him at trial. He really gets his point across well." "He is extremely technically strong and very collaborative. He also has a very nice manner in dealing with clients and gains their trust quickly."

Chambers UK 2023

"Angus is a superb intellect, very strong on detail and technical issues and a skilled advocate. He is able to explain complex issues to clients in a very straightforward manner. He is undoubtedly one of the best contentious trust and probate barristers in the regions."

Legal 500 2023

"He is an exceptionally gifted barrister; he's very easy to deal with, has real attention to detail and is a tremendous advocate too."

Chambers UK 2022

Angus Burden of No5 Barristers' Chambers focuses on private client disputes involving wills, trusts and probate. "He does a lot of contentious probate work, he is extremely able," observes a fellow barrister, who also says that he is "really subtle" and "lends perspective and balance" to matters. "He is my favourite," says a solicitor, adding: "He is just excellent - a proper brain and really good with clients, and he wins the judge over."

Chambers UK High Net Worth Guide 2022

"Angus is extremely skilled in analysing and advising on complex matters while also excelling in his advocacy. He is that rare breed of barrister who delivers great advice and is superb on his feet."

Legal 500 2022

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Chambers UK High Net Worth Guide 2021

"He really is the leading light in his field in the West Midlands." "He has an almost encyclopedic knowledge of probate law; he is in these parts a towering figure in the discipline." "He's technically really good but he is also practical and good at using the resources around him."

Chambers UK 2021

"Very calm and practical, he is excellent in mediation and at trial"

Legal 500 2021

"His knowledge of the area is first-rate and he is quite methodical and measured in terms of the way he deals with things." "He is very detailed and considered and leaves no stone unturned, and he's a scary barrister in court."

Chambers UK 2020

“An outstanding and tenacious advocate.”

Legal 500 2020

Notable Cases

Hill v Haines [2008] Ch. 412 CA

An insolvency case which considered the relationship between insolvency law and matrimonial property adjustment order

Perrins v Holland [2010] WTLR 95 and [2011] 2 Ch. 270 CA

A leading case on the validity of wills in particular the requirement for knowledge and approval

Hope v Knight [2011] WTLR 583

An Inheritance (Provision for Family and Dependents) Act 1975 claim

Breslin v Bromley [2016] WTLR 219

A claim concerning the procedural requirements for execution of a will

McGuinness v Preece [2016] EWHC 1518 (Ch) McGuinness v Preece [2016] EWHC 1518 (Ch)

A substantial proprietary estoppel claim