

# NEW SQUARE CHAMBERS

12 New Square Lincoln's Inn London WC2A 3SW

T +44 (0) 20 7419 8000 F +44 (0) 20 7419 8050

DX 1056 London www.newsquarechambers.co.uk

E clerks@newsquarechambers.co.uk



## Leigh Sagar

Call: 1983

Leigh Sagar was called to the Bar in 1983. His practice involves trusts and estate and commercial advice and litigation, including personal taxation; and Court of Protection work. His recent experience includes advising trustees in relation to difficult beneficiaries; advising and appearing in probate disputes; advising trustees and beneficiaries of an estate in applications under the Inheritance (Provision for Family and Dependants) Act 1975; and acting for a trustee against whom breach of trust is being alleged and for beneficiaries of another trust seeking to make claims against their trustee.

Leigh has also been called to the Bar of the British Virgin Islands. He has recently appeared in the new Commercial Court of the British Virgin Islands on behalf of a trustee in a *Public Trustee v Cooper* application, for the approval of proposed appointments by the trustee. He has advised trustees and beneficiaries in connection with trusts in the Cayman Islands, Jersey and the British Virgin Islands. He is advising on the liability of investment advisers in connection with losses suffered after the 2008 crash.

Leigh also publishes a web blog on the subject of trusts, estates and taxes in England and Wales and other areas. Please click [here](#) to visit his site.

### Areas of practice

Commercial Chancery

Trusts and Estates

Tax

Offshore work & other areas

### Appointments

Admitted as an attorney in the State of New York, 1997

Admitted as a barrister in the British Virgin Islands, 2009

### Education and Qualifications

BA (Hons) Law, 1982

### Memberships

Society of Trust and Estate Practitioners (STEP)

Association of Contentious Trusts and Probate Specialists

## Public Access

Yes

## Cases

### Trusts and Estates

Name: Blowes v Dunkley

Comment: Leigh advised on several contentious probate claims, including this one, in which the beneficiaries of an earlier will were challenging the validity of a later will on the grounds of fraud, undue influence and want of knowledge and approval. The case went to trial, during which it settled on terms that the later will was declared invalid and the earlier will accepted as the last will of the deceased.

Name: Duggan v Governor of Full Sutton Prison

Reference: [2004] EWCA Civ 78, [2004] 1 WLR 1010, [2004] 2 All ER 966, [2004] All ER (D) 149 (Feb), Times Law Reports, 13 February 2004

Comment: Court of Appeal - whether prisoners' cash held on trust for prisoners.

Court: Court of Appeal

Name: Inland Revenue Commissioners v Eurocopy plc

Reference: [1991] STC 707, Times Law Reports, 22 November 1991, 64 TC 370

Comment: The Crown's refusal to approve an amendment in a share option scheme, reducing the amount of time which must expire before the option became exercisable, was justified.

Court: High Court

## Recent Work

### Trusts and Estates

- Leigh is advising in investigation of possible breaches of trust by trustees holding a majority shareholding in a large group of companies whose value fell substantially during their trusteeship. The trusts arose under the will of a testator who had created a large manufacturing group of companies during his lifetime. The allegations against the trustees include a failure to sell their holding in the group when they had an opportunity to do so and then to diversify the investment of the trust fund (involving aspects of sections 4 and 5 of the Trustee Act 2000). They also involve complaints about the trustees' supervision of the directors, having regard to the anti-Bartlett clause contained in the will. There are also complaints about the trustees' remuneration.
- Leigh worked with Jersey lawyers in connection with an application by the trustee of large trust for approval (*Public Trustee v Cooper*) of decisions that the trustee wished to take. This was significant because it affected the financial affairs of present and future beneficiaries.
- Leigh worked with other British Virgin Island and English lawyers in connection with an application by the trustee of large trust for approval (*Public Trustee v Cooper*) of decisions that the trustee wished to take. It included a successful application effectively to seal documents in the court file from public view.
- Leigh advised on the revocation of a grant of probate in circumstances where the testator was alleged to have been subject to fraudulent calumny when making his will.
- Leigh is advising a trustee in relation to his administration of a trust fund involving loans taken by the trustee over trust property and the subsequent claim by beneficiaries that the

trustee acted in fraudulent breach of trust.

- Leigh advised on a beneficiary's application to trustees for distribution of trust assets in his favour in circumstances where the trustees might in the past have acted in breach of trust and caused substantial loss to the trust fund.
- Leigh advised and appeared in several family provision applications, both for applicants and executors. They include an application by a long-estranged widow for financial provision on the death of her husband; an application by a person who had lived for many years with the deceased as his wife and dependant; and an application where the will created a discretionary trust over the residuary estate for the benefit of the testator's children.
- Leigh is advising clients who suffered losses from investments after the crash in October 2008. They were advised by a large investment bank.

## Articles and Publications

Date	Title	Contributors
8 December 2007	Money Laundering Regulations 2007 Registration <i>Taxation Web</i>	Leigh Sagar
1 December 2007	Permanent establishments and trustee residence <i>Taxation Web</i>	Leigh Sagar
June 2007	A sharp carving knife rather than a salami slicer <i>New Square Chambers Newsletter - Issue 6</i>	Leigh Sagar
2005	A Shepherd's Pie: a Case Note <i>Trust Quarterly Review</i>	Leigh Sagar
2004	STEP Directory and Yearbook <i>Society of Trust and Estate Practitioners</i>	Leigh Sagar
April 2001	Opinion, Advice or Direction of the Court <i>Trusts and Trustees</i>	Leigh Sagar
2001	Lowly Power of Revocation: An Examination <i>Tax Notes International</i>	Leigh Sagar

## Publications

Date	Title	Contributors
July 2006	Taxation of Trusts	Leigh Sagar
2002	Disclosure to objects of powers	Leigh Sagar