

Fay Collinson

Year of call 2011

✉	jmason@kingschambers.com
☎	0345 034 3444



Fay is a specialist **court of protection and chancery barrister**. She has a broad practice that encompasses contentious probate, trusts, property disputes and all sides of Court of Protection work.

Expertise

Court of Protection: Property and Affairs

Fay is a property and affairs specialist; she does not dabble. Her court of protection practice is almost exclusively property and affairs.

Fay is also a member of the Business & Property team in Chambers. She has a thriving wills, trusts, probate (contentious and non-contentious), charity and property practice meaning she is ideally placed to advise and act in the most complex court of protection property and affairs cases. Fay is frequently instructed to advise in statutory will, trustee and gifting applications often involving succession planning where extensive knowledge of chancery principles is required.

In her chancery practice, Fay routinely advises in claims against trustees and fiduciaries. She is, therefore, often called upon to advise on applications seeking the removal of attorneys and deputies, misappropriation of P's estate and the methods of civil recovery and calling in the security bond.

Owing to her expertise, deputies will often look to Fay to advise on a range of matters concerning P's estate. In particular, because of her unique specialism in the court of protection and civil jurisdiction, she is frequently instructed to advise on matters with a cross jurisdictional element especially where it involves consideration of P's beneficial interest in property, P's interest in a probate estate and P's liability to pay the cost of their care.

Fay is passionate about the property and affairs jurisdiction of the court of protection. She is eager to help carve the way for further regionalisation of this work. With this in mind, along with a number of equally passionate solicitors, she established the Northern Property & Affairs Association of which she is Chairperson.

Notable Court of Protection: Property and Affairs cases

Advising a Deputy on an application for retrospective approval of settling P's estate into a charitable trust. The matter was ultimately transferred to the High Court for declarations on whether the charitable trust was void or voidable. Fay advised the Deputy on all aspects of the application, including, the approach to settling a further charitable trust.

Advising a Deputy in a claim for unjust enrichment against a local authority in circumstances where it charged P incorrectly for their care for a number of years. Fay also advised on the professional negligence claim against the former deputies.

Advising attorneys on a gifting application where P's estate was in excess of £3M. The prevailing reason for the application was succession planning.

Advising a Deputy on a statutory will application in circumstances where P, who received a substantial personal injury award, would die intestate. The primary purpose of the application was inheritance tax planning.

Advising a Deputy on a statutory will application where there was serious concerns that P's existing will was procured by the undue influence of convicted fraudsters. The application involved complicated issues of dispensing with service.

Advising a Deputy on P's entitlement under a will trust and whether an application to remove the trustees should be considered.

Advising a Deputy on P's beneficial interest in commercial property and whether litigation ought to be pursued.

Acting for P in a claim for reasonable financial provision pursuant to the Inheritance (Financial Provision for Family and Dependents) Act 1975 and subsequent applications made to the court of protection for a statutory will and pursuant to section 36(9) of the Trustee Act 1925.

Acting for the administrator of P's estate in an application to call in the security bond following misappropriation by P's former deputy. The application involved a complicated dispute about the interpretation of The Lasting Powers of Attorney, Enduring Powers of Attorney and Public Guardian Regulations 2007 (as amended).

Advising and acting for a family member in a statutory will application in circumstances where there was real concern that P lacked testamentary capacity when they executed their Will and the main beneficiaries under that Will had misappropriated P's funds whilst acting as their attorney.

Providing written advice to P's litigation friend in accordance with the guidance set out in *OH v Craven* [2016] EWHC 3146 (QB).

Representing the Office of the Public Guardian in a multi-day contested hearing to revoke a lasting power of attorney on the basis that the donor lacked the capacity execute it.

Private Clients, Trusts and Probate

Fay's chancery practice encompasses both contentious and non-contentious work with a particular emphasis on probate, inheritance claims and trusts matters. She is routinely instructed in the following types of cases:

- Contested probate claims, including the validity of wills.
- Applications to court under the 1975 Act.
- Applications to court for the removal of personal representatives and trustees.
- Trust disputes.
- Applications to court for directions in relation to questions or disputes involving trusts and estates.
- Claims arising from breach of trust or fiduciary duty
- Proprietary estoppel, constructive trust and mutual will claims.
- Applications to court for rectification of wills and rectification or setting aside of deeds
- Applications to vary trusts.
- Related professional negligence claims.

Real Estate Litigation

Property advice and litigation accounts for a growing part of Fay's practice. She deals routinely with the following matters

- Proprietary estoppel claims
- Co-ownership disputes and applications under TOLATA.
- Adverse possession and boundary disputes.
- Easements and freehold covenants.
- Residential and business tenancies and claims for possession.
- Mortgages and accounts

ADR Mediation

Fay is a specialist practitioner in property disputes, wills, trusts and probate disputes and property and affairs court of protection. She is regarded as a 'first choice' practitioner in these complex areas and, despite being the most junior ranked counsel in the Chambers & Partners Chancery section on the Northern Circuit, she is ranked in Band 1.

Fay is a perfect choice for mediations in these areas. She has extensive litigation experience but is well known for putting clients at ease with her personable and empathic nature. Fay is particularly experienced in difficult mediations. She is braver than most mediators and will use her commercial nous, charm and no nonsense approach to navigate choppy waters.

Fay truly believes that mediation is hugely valuable in property, COP and estate and trust disputes. She understands that, at the heart of the case, there is often a family or vulnerable individual who cannot afford the risks inherent in litigation. Fay stands back considering the case holistically. She takes her time to find out what is important to the parties and what they hope to achieve after or outside the litigation.

In health and welfare COP mediations, Fay is willing to consider acting on legal aid rates.

Memberships

- Court Of Protection Practitioners Association (COPPA)
- North Eastern Circuit
- Chancery Bar Association

Qualifications

- Classics and Ancient History BA (Hons) First Class – University of Manchester
- Graduate Diploma in Law, Distinction – BPP
- Bar Professional Training Course, Very Competent – Manchester Metropolitan University
- Sir Joseph Cantley Award, Middle Temple
- Sarah Marsland Prize for academic excellence, University of Manchester

Recommendations

Legal 500 2023

'Fay is concise in her advocacy and delivers good, commercial advice to clients. She knows which fights to pick and she is well liked by her clients. She is good on her feet.'

'A concise advocate who knows which fights to pick. Her encyclopaedic knowledge of the law and procedure in the specialist sphere of financial Court of Protection work is second to none.'

Chambers UK 2022

"She is very, very capable as an advocate. She knows her subject very well and she is good with clients."

Legal 500 2022

"Fay's attention to detail is excellent and she is very impressive in Court, particularly in cross-examination."

"Fay is extremely capable."

Chambers UK 2021

"Her ability to empathise and engage with the client is outstanding"

"She has good attention to detail – she doesn't miss a thing"

Legal 500 2021

"Extremely knowledgeable and provides timely practical advice"

"Fay is excellent at explaining matters clearly to clients and putting them at ease, particularly in a courtroom setting. One of the reasons I repeatedly instruct Fay is that I trust her to give her no-nonsense opinion on a matter and to offer practical advice."

"First choice for trusts and probate work"

Legal 500 2020

"Very good with difficult or argumentative clients."

Accreditations

