

The Rt Hon Michael Tomlinson

Year of Call: 2002

Email Address: michael.tomlinson@3pb.co.uk

Telephone: 020 7583 8055/01202 292102



Property and Estates

Michael Tomlinson KC is a barrister specialising in range of chancery disputes including probate and property matters. The former MP and Solicitor General returned to private practice in September 2024, having practised from 3PB from 2003 until 2015.

Michael has an established probate practice and has experience and expertise in all areas of contentious and non-contentious probate, estoppel, Inheritance Act and private client matters. Michael is often instructed where there is an international dimension and questions arising as to Wills in different jurisdictions, covering both moveable and immovable assets. His cases frequently encounter issues of fraud or deception as well as questions as to the validity of a Will. He is instructed by beneficiaries, executors and trustees, as well as other interested parties. He is happy to advise at all stages of a case and is particularly keen in assisting in settlement meetings (including ADR) as well as representing at court.

Michael has significant experience dealing with matters of Bona Vacantia (when a person dies without a valid will and has no known relatives). When he was Solicitor General he worked closely with the Bona Vacantia division of the Government Legal Department – as explained by a Parliamentary answer he gave when he was Solicitor General:

"The Treasury Solicitor acts for the Crown to administer the estates of people who die intestate (without a Will) and without known kin (entitled blood relatives) and collect the assets of dissolved companies and other various ownerless goods in England and Wales. The Bona Vacantia Division (BVD) of the Government Legal Department (GLD) deals with these matters on behalf of the Treasury Solicitor. BVD is responsible for determining whether an empty property is bona vacantia where they have been notified of the asset in relation to a dissolved company or a deceased person's estate."

Michael also covers the broad range of property and land work carried out in Chambers; including rights of way; boundary disputes; covenants; and breaches of planning.

Given his background, Michael has a particular interest in statutory interpretation, and many of his cases involve niche or "interesting" points of law. He was recently instructed to advise and draft in a Privy Council chancery case.

Michael is a member of the Chancery Bar Association and believes that many chancery disputes are ripe for mediation. As a qualified mediator he is able to undertake work as a mediator for chancery disputes as well as wider commercial and civil matters. He also appears as an advocate at mediation.

His recent and ongoing cases include a High Court cases involving allegations of fraud and Wills both in the United Kingdom and abroad, where there is a detailed history and complex evidential and legal issues to resolve.

Charities

Michael has a particular interest in charity law, partly developed during his time as Solicitor General. Working alongside the Attorney General, he was responsible for ensuring parens patriae on behalf of the Crown. This has been described by constitutional expert Dr Conor Casey as "the responsibility to protect people's lawful rights and interests; with special

responsibility for those who cannot vindicate their own entitlements. This is the foundation of the Attorney General's duties in respect of charities where, simply put, their role is to ensure the sound and proper administration of charitable bequests and help the public to have trust and confidence in charities and charitable endeavours." (Conor Casey: The Attorney's Bridle: The Constitutional Convention Disciplining the Attorney General's Discretionary Powers – UK Constitutional Law Association)

Michael advises charities on a variety of issues, including Cy Pres, trusts and endowments. He is happy to advise on regulatory and disciplinary matters facing charities, the conduct of trustees, the interpretation of trust deeds and other governing documents and civil and property matters. He was in Government when the Charities Act 2022 was introduced, and is happy to advise on its impact for charities.

Recent cases include

- advising a local charity about powers to use a bequest for specific purposes, Charity Commission regulation, permanent endowment and interpretation of a legacy.
- advising an internationally renowned million dollar charity on proprietary and governance issues, as well as the appropriate interplay with the Charity Commission.

There is an inevitable overlap with numerous areas of law covered in Michael's core practice, in particular his chancery work. In addition, charity law often raises public policy considerations.

In addition to his charity work, Michael volunteers every year for a Christian youth organisation, which is proud recently to have obtained charitable status.

Recommendations

"I have had the privilege of instructing Mike since 2005 in a wide range of matters, including commercial and contract law, property and chancery cases and I can say without hesitation that he is one of the most outstanding counsel I have worked with in my career." **Instructing Solicitor**

"What sets Mike apart is his exceptional care of both the lay client and solicitor. Clients routinely comment on how approachable and reassuring he is, even when dealing with difficult or emotionally charged issues. He has a rare ability to strike the perfect balance between professionalism and warmth, instilling confidence while remaining sensitive to the client's concerns. I recall one particularly anxious client who did not have English as a first language and who was reluctant to proceed with a final hearing considering opting for an very unfavourable settlement; Mike took the time to meet with them in advance, explain the process in a calm and respectful manner, and left them feeling heard, supported, and ready to proceed. He guided this matter through a complex five day trial with very difficult multilingual cross examination and obtained a very favourable judgement." **Instructing Solicitor**

"He is also a pleasure to work with as part of a legal team. Mike is refreshingly ego-free, responsive, and open to dialogue, always willing to pick up the phone to talk things. It is very easy to say to Mike that you don't understand something and he will take the time to explain it." **In-house Lawyer**

"Working with Michael Tomlinson is a blessing. He is tireless and hard working inside and outside the court. His advise is solid and based on the case strengths. He has assisted me in matters and question before and after the hearing. His performance in court is impeccable. I would consider that Michael Tomlinson is a Rolls Royce vehicle in the court racing." **Instructing Solicitor**

Academic qualifications

- BA (Hons) Classics, Kings' College London, 2i
- Postgraduate Diploma in Law and BVC, College of Law, graduated third top in his year

Scholarships

- The Malcolm Memorial Prize for Advocacy, College of Law, 2002
- The Sachs Prize, Middle Temple, 2002
- Rosamund Smith Mooting Cup, Middle Temple, 2002
- Queen Mother Scholarship, Middle Temple, 2001

Professional qualifications & appointments

- Member of His Majesty's Most Honourable Privy Council, 2024
- Appointed King's Counsel, 2022
- HM Solicitor General (SG), 2022-2023
- Called to the Bar of Northern Ireland, 2023
- Attorney-General's Junior Counsel to the Crown (Regional Panel), 2007-2012

Professional bodies

- Honourable Society of the Middle Temple
- Registered Mediator, Civil Mediation Council
- Society of Mediators
- Chancery Bar Association
- Agricultural Law Association