



Lydia Pemberton

Year of Call: 2006

Email Address: lydia.pemberton@3pb.co.uk

Telephone: 01865 793 736 / 0121 289 4333

Probate and other chancery

Lydia has a traditional chancery practice and has developed an extensive understanding and considerable experience of contentious probate matters. She acts for clients in respect of a range of estates, from those of a modest value through to those involving substantial sums and including estates with an international aspect. Her practice covers all areas regarding the validity of wills and testamentary dispositions, both as regards the necessary formalities and in respect of the substantive validity, and she also advises on the interpretation and construction of wills and other instruments.

Lydia has undertaken a large number of Inheritance Act cases and has a firm understanding and extensive experience of TOLATA claims. Lydia regularly appears in trials and ADR in respect of claims for declaratory relief and consequential orders. She has also acted on behalf of interpleaders in matrimonial proceedings.

She is Deputy Head of 3PB's Property and Estates group.

Lydia's recent work has included:

- Representing the president and other committee members of a Sikh temple in the High Court (Birmingham District Registry) at trial in a claim brought against them by the majority members of the committee – *Bal & Ors v Singh & Ors (Costs)* [2018] EWHC 119 (Ch) (29 January 2018)
- Defending the aforesaid president of the temple in committal proceedings for breach of an interim order
- Representing the Official Receiver in the Court of Appeal in response to the defendant's appeal in Part 81.15 committal proceedings where Lydia had represented the OR – *Official Receiver v Brown* [2017] EWHC 2728 (Ch) (1 November 2017); *Official Receiver v Brown* [2017] EWHC 2762 (Ch) (7 November 2017)
- Advising and acting for the defendant executor/trustee at an interim hearing in an IHA claim in respect of a potentially insolvent estate due to threatened civil suits and POCA proceedings arising from alleged dealings between the deceased and one of the beneficiaries
- Representing a defendant beneficiary to a will-construction claim at mediation in respect of a \$13 million Bahamian estate
- Advising and drafting Part 64 proceedings for a grant of will in solemn form to beneficiaries of a later will where the beneficiaries of an earlier will challenged the grant on the basis that the testatrix did not have a sufficient understanding of English to execute the later will
- Advising and drafting a defence and third party claim on behalf of an executor who was accused of deliberate misconduct through the retention of estate assets
- Appearing in the Probate Registry on several occasions on NCPR 1987 applications
- Advising on rectification proceedings in respect of a clause in a will which, if taken at face value, denied the surviving spouse a life interest in half the matrimonial property

- Representing an elderly claimant at mediation in respect of her TOLATA/IHA claim against a husband from whom she had separated 30 years earlier
- Representing a cohabitee at mediation in a TOLATA claim in respect of three residential properties and various chattels

Lydia regularly writes and presents seminars both in chambers and in-house direct to solicitors and other professional clients. In 2017 this included regular updates on IHA cases and a detailed digest of the Supreme Court decision in *Ilott v Mitson* and decisions which have followed.

Direct Access

Lydia is qualified to accept instructions directly from members of the public and professional clients.

Academic qualifications

- LLB Durham (hons), 2002-2005
- Bar Vocational Course, Nottingham Law School, 2005-2006
- TSol Junior Counsel (Regional Panel) 2012-2018

Professional bodies

- Chancery Bar Association
- Midland Chancery and Commercial Bar Association
- Commercial Bar Association