

An introduction to pupillage

A close-up photograph of a stone building facade. The image shows several courses of large, rectangular stone blocks with a textured surface. A white rectangular sign is mounted on the stone, featuring the words "STONE BUILDINGS" in a black, serif, all-caps font. The sign is slightly angled. The background is a solid purple color, which is part of the overall design of the document.

STONE BUILDINGS

Find out more at www.5sblaw.com/recruitment

ABOUT US

5 Stone Buildings is a leading modern set of barristers' chambers.

Although broadly characterised as 'Chancery' our work covers a wide field of civil law, from property and trusts work through to large scale professional negligence and pensions litigation.

Members have special expertise in the law of trusts and estates and associated taxation, Court of Protection, partnership and pensions. A large part of our work involves legal issues confronting individuals and families, offering real human interest.

Junior members develop their practices from a base of litigation and advisory work. There are also opportunities to act as a junior to senior members of chambers. The work of members in their first years of practice provides a varied mixture of all the subjects covered by chambers. The practices of senior members tend to be more specialised.

We pride ourselves on being an exceptionally friendly set of chambers. Members of chambers are always willing to assist each other and senior members, no matter how eminent, are always ready to share their experience and provide advice and guidance.

“ CHAMBERS UK

5 Stone Buildings is a go-to traditional chancery set.



Trusts

Penelope Reed QC and Luke Harris were successful in the Court of Appeal in *Kahrmann v Harrison-Morgan* [2019] EWCA Civ 2094, having been instructed by the Appellant to appeal a first instance decision about a claim by an Administrator of the Deceased's estate to recover monies paid to the Respondent (the Deceased's former partner) by a third party following the Deceased's death.

The payments arose in relation to an agreement to enfranchise the leases in respect of two Belgravia properties and then sell the freehold properties.

The payment to the Respondent represented part of the proceeds of sale arising from that agreement. In the Court of Appeal, the Appellant alleged, *inter alia*, that the proceeds of sale of the properties were held on constructive trust for the Deceased's estate.

The Court of Appeal unanimously allowed the appeal, concluding that the Appellant had established that an express common intention constructive trust had arisen.

Tax

Hugh Cumber and David Rees QC acted for the successful Appellants in the Supreme Court in *HMRC v Parry and Ors* [2020] UKSC 35. This decision examined the role of gratuitous intent, associated operations and omissions in the context of inheritance tax and pensions.

The case turned on whether the transfer of a pension scheme policy was a "transfer of value" under the Inheritance Tax Act 1984

('IHTA 1984'). The Supreme Court's decision is now the leading case on section 10 and section 3(3) of the IHTA 1984.

The Supreme Court's rejection of HMRC's narrow and technical approach towards the application of section 10 will have wide importance, beyond the scope of the taxation of pension schemes, to inheritance tax law in general.



Pensions

Andrew Simmonds QC acted for the successful appellants in the Supreme Court in *Barnado's v Buckinghamshire and others* [2018] UKSC 55, an appeal by the sponsor of an occupational pension scheme on the question whether the trustees have power to switch the index by reference to which pensions are uprated from the RPI to the CPI.

The Court held that, in context, the trustees' power to switch to a "replacement" index was not engaged when the RPI remained an officially published index. The court also gave guidance as to how the modern principles of interpretation of documents should be applied to pension scheme rules, highlighting several factors unique to the construction of pension deeds.

Inheritance

In late 2016, Penelope Reed QC and Hugh Cumber represented the successful charities in *Ilott v Mitson* [2017] UKSC 17, the first Inheritance (Provision for Family and Dependants) Act 1975 ('1975 Act') case to reach the Supreme Court.

Members of 5 Stone Buildings have continued to appear in numerous leading 1975 Act cases. Recently, [Penelope Reed QC](#), [Eliza Eagling](#) and [Tracey Angus QC](#) appeared for various parties in *Cowan v Foreman* [2019] EWCA (Civ) 1336.

The Appellant in *Cowan* brought a 1975 Act claim against the estate of her deceased husband, to whom she had been married for more than two decades. The estate was worth just under £16m. The Appellant made a 1975 Act application 17 months after the deadline to do so had expired.

Following a review of the legal principles regarding permission to bring a 1975 Act claim out of time, the Court of Appeal overturned the first instance decision and gave the Appellant permission to commence proceedings out of time.

Court of Protection

***Re DA & Ors* [2018] EWCOP 26 was a decision in a series of test cases concerning Lasting Powers of Attorney. Tom Entwistle acted for the Applicant, the Public Guardian. David Rees QC acted for the Official Solicitor, who acted as an advocate to the court in relation to the applications.**

The applications raised two distinct but related issues in relation to the validity of words in Lasting Powers of Attorney (LPAs). The first issue was the effect of words in LPAs directing or expressing a preference for suicide or assisted dying. When making an LPA, the donor can express "instructions" to their Attorney as well as "preferences" they wish their attorney to take into account.

In a number of instances, donors of LPAs relating to health and welfare have given instructions or preferences relating to assisted dying or suicide.

This is distinct from the question of withdrawing life-sustaining treatment, where it is clear that such directions or instructions may be given as an 'advance decision'.

The Court of Protection held that, whether expressed as a preference or an instruction, words directing or encouraging assisted dying were invalid as, if complied with, they would lead the attorney to act unlawfully and commit a criminal offence. Such words must be severed from an LPA, so that they did not form part of the registered LPA.



HOW TO APPLY

We offer up to two twelve month pupillages each year. Each pupillage carries an award of £60,000 some of which can be drawn down during the BPTC year.

We welcome applications from law and non-law graduates alike. Our policy is only to offer pupillage to candidates whom we believe to be potential tenants. For this reason we have an excellent record of offering our pupils tenancy.

Pupillage at 5 Stone Buildings is both challenging and enjoyable. Pupils will share the professional life of their pupil supervisors, attending court, conferences and mediations, and working on papers.

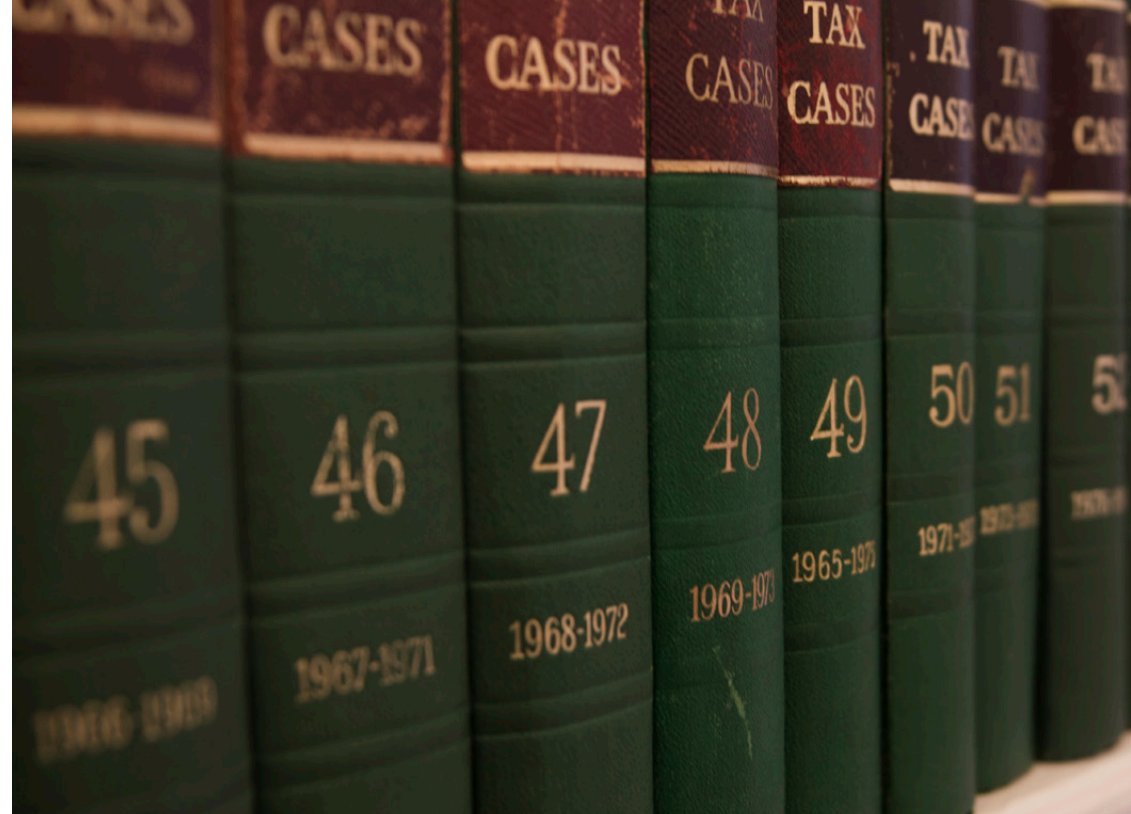
Chambers is a member of the Pupillage Gateway and welcomes pupillage applications from candidates of all backgrounds. Chambers adopts a system of contextual recruitment analysis in reviewing pupillage applications and we are proud to be partners with **Rare Recruitment in their Vantage scheme.**

For pupillage in 2022, 5 Stone Buildings will be using the Pupillage Gateway to process applications. The site can be accessed at www.pupillagegateway.com.

The details for the next pupillage cycle will be available from November 2020 and the timetable will be set out on the website along with details of how to register, application forms and technical contact details.

Please refer to the Pupillage Qualities and Abilities Guidance which can be found on our website at www.5sblaw.com/pupillage before completing your application.

There will be two rounds of interviews which will include some written work.



Mini-Pupillage

We offer a limited number of two day mini-pupillages each year. Up to 10 of these will carry an award of £150.

The closing date for applications for July mini-pupillages is 15 May and for December mini-pupillages is 15 October.

The application form and further details can be found on our website:

www.5sblaw.com/recruitment/mini-pupillage

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