

# TANFIELD

PROPERTY & REAL ESTATE BARRISTERS



## Gwyn Evans

Year of call

2007

Gwyn Evans has a modern chancery practice specialising in Private Client and Property law.

He is praised by clients and peers for his strong client-care skills and his expertise across a broad range of property and private client matters, including trusts of land (TLATA), inheritance disputes, contentious probate, financial remedies (on divorce), and presumption of death claims. The first decade of his career has been heavily court-based; Gwyn is confident and relaxed at trial, and very experienced at cross-examination.

Gwyn is continuing to develop a busy practice in a wide range of property disputes, accepting instructions involving aspects of landlord and tenant and real property law. He acts for claimants as well as personal representatives / trustees in his contentious chancery work.

Gwyn's background in IT (particularly database design and programming) enables him to present complex financial matters in a simple way using modern technology. He has a pedantic eye for detail, and an ability to present complicated arguments about e.g. pension sharing or the structuring of Schedule 1 / TLATA claims, in an orderly simple fashion.

Gwyn is down-to-earth and approachable with clients, whilst being precise, thorough and tenacious with opponents. Gwyn has a knack for achieving excellent results whilst maintaining a good humour at trial, and finding creative solutions, where appropriate, in negotiated outcomes.

Prior to coming to the Bar, Gwyn juggled a career as a professional actor / singer with database design and coding.

Gwyn is Direct Public Access qualified.

Gwyn has been published on many occasions in the hard-copy journals Solicitors Journal / Family Law, as

well as online for Family Law Week, and Gwyn won the LexisNexis (Jordan Publishing) Family Law Commentator of the Year award in November 2016 for his writing.

## Real Property

Gwyn accepts instructions for:

- Contentious Probate (capacity, undue influence, want of knowledge and approval);
- Claims under the Inheritance (Provision for Family and Dependents) Act 1975;
- Trusts of land (ToLATA claims);
- Orders for sale;
- Land registration and title disputes;
- Commercial and residential possession proceedings;
- Mortgages and repossessions;
- Nuisance, trespass and interference with land;
- Party walls, rights of way, easements, and other neighbouring land issues;
- Boundary disputes;
- Restrictive covenants;
- Proprietary estoppel.

## Landlord & Tenant

Gwyn accepts instructions for:

- Service charge disputes;
- Forfeiture;
- Disrepair;
- 1954 Act and other commercial landlord and tenant matters.

## Private Client

In addition to his expertise in trusts of land / probate / Inheritance (Provision for Family and Dependents) Act 1975 set out above, Gwyn specialises in:

- Presumption of Death Act 2013 claims (Gwyn successfully acted in the first such claim, which was before Pauffley J);
- Powers of attorney – Property and Financial Affairs / Personal Welfare, and other Mental Capacity Act 2005 matters;
- Protection from Harassment Act 1997 claims;
- Financial remedies (matrimonial finance / financial orders / ancillary relief) including cases involving inherited / 'non-matrimonial' property, trusts, non-disclosure and delay;
- Same-sex relationship (LGBT) disputes (civil partnership and cohabitee disputes);
- Schedule 1 claims (financial provision for children);
- Financial disputes over child maintenance (CMS / CSA) (Gwyn has litigated these in the First-Tier Tribunal);
- Intervener (third party) disputes in financial remedy cases.

In May 2020, Gwyn lectured for Simon Gore Conferences on Formalities. Also in 2020, during Lockdown 1.0, Gwyn delivered four online lectures with colleagues at Tanfield on Contested Probate and Disputes arising in the Administration of Estates.

In 2019 Gwyn lectured on Vulnerable Gifts from Vulnerable people at the STEP Guernsey conference in St Peter Port in Guernsey on June 2019. He also lectured on spousal maintenance (specifically the Court of Appeal decision in *Waggott v Waggott* [2018] EWCA Civ 2017) for the White Paper conference in June 2019.

For several years Gwyn, with Gerald Wilson, delivered a Masterclass in Unmarried Couples, Separation and TLATA Claims for CLT.

In December 2020 Gwyn attained a merit in the STEP Advanced Certificate in Will Preparation exam.

## Notable Cases

### *M v J* (High Court, Sep 2016, before Mrs Justice Parker)

Gwyn obtained permission under Part III MFPA 1984 for a husband to bring a financial remedy application in England following a divorce decided in Dubai.

### *S v S* (*S* intervening) (Central Family Court, Jul 2016, before HHJ O'Dwyer)

Successfully secured a settlement for a wife in a financial remedy dispute involving two third parties and significant allegations of non-disclosure, together with arguments as to whether beneficial interests in two properties followed the legal title. Following nearly three days of evidence from the wife and the husband, the intervener sought discharge on terms, paying the wife's costs incurred by the intervention on the indemnity basis. Ultimate settlement achieved by consent on Day 4, on terms in excess of the wife's initial

open position.

FZ v MZ & CZ (Children: Leave to Remove), Central Family Court (HHJ Wright)

## Recommendations

"Gwyn is details-orientated and able to distil complex information in a clear and concise way. A barrister who inspires confidence easily."

*Legal 500 2022 (Family)*

"Gwyn approaches every case as though it were the most important of his career. This leads to utter confidence and reassurance which always impresses clients. Gwyn maintains this approach in negotiations with opponents which regularly leads to successful settlement."

*Legal 500 2021 (Family)*

## Awards

- Family Law Commentator of the Year, Jordan Publishing / LexisNexis (2016)
- Shakespeare Memorial Scholar, Gray's Inn (2006)

## Appointments

- Barristers Committee, Gray's Inn (2016-date)

## Publications

- Heartache, Hart-break and equal shares – March 2018 Fam Law 304 – 310
- You're no son (or daughter) or mine! The Inheritance Act – a charter for 'spendthrifts and wastrels'? Dec 2017 – Fam Law 1346 – 1352
- Duel and Duality: 'Miller-lite' and Sharp – August 2017 Fam Law 863 – 868

- Our House in the Middle of Ambridge: Rogers v Burns
- Compromise in Family Law (Book Review) – April 2017 Fam Law 466 – 467
- Oral agreements and interests in land: A Walk in the Park! Part II – January 2017 Fam Law 73 – 79
- Oral agreements and interests in land: A Walk in the Park! Part I – December 2016 Fam Law 1383 (Jordan Publishing)
- A Day in the Life of ... Gwyn Evans (Jordan Publishing, 21 Sep 2016)
- Needs Must! Family Justice Council provides guidance for financial orders in 'needs' cases (Family Law online – and August 2016 Fam Law (Family Law – Jordan Publishing))
- Is there something I should know? Disclosure and non-disclosure in the Family Court: Part 2 – August 2016 Fam Law (Family Law – Jordan Publishing)
- Is there something I should know? Disclosure and non-disclosure in the Family Court: Part 1 – July 2016 Fam Law (Family Law – Jordan Publishing)
- Pensions Seminar 2016 (Review) – April 2016 Fam Law 525 – 528 (Family Law, April)
- Pension offsetting: a question for the Family Court, or for an actuary? – Jordan Publishing (Family Law)
- NR v AB [2016] EWHC 277 (Fam): A licence made sense – Jordan Publishing (Family Law)
- Burns v Burns – elderly testators, mental impairment and the 'golden rule' – Jordan Publishing
- Who Needs a Lawyer, Anyway? – Jordan Publishing (Family Law)
- Barnes v Phillips [2015] EWCA Civ 1056: Imputation! Imputation! Imputation! – Jordan Publishing (Family Law)
- Solicitors Journal – Omnipotence of the Presumption of Death Act 2013 (February 2015)
- Contributor, Jowitt's Dictionary of English Law (2010)
- Contributor, Tanfield Chambers Private Client Newsletter
- Contributor, Tanfield Chambers Family Newsletter

## Qualifications

- Qualified as a family mediator (through ADR group) in 2011
- BVC, BPP Law School (2007)
- CPE (Commendation), City University (2006)
- Diploma in Acting (Distinction), Bristol Old Vic Theatre School (2000)
- BA (Hons) Social & Political Sciences Tripos (First Class Honours), Emmanuel College, Cambridge (1996)
- MA (Cantab) (1999)

## Memberships

- Family Law Bar Association
- Elected member of Gray's Inn Barristers' Committee and a trustee of the LGBTQI charity Diverse Church.

## Languages

- English
- French (conversational)
- German (conversational)