



**WAGNERBERG**  
CHAMBERS



## Wayne Stones

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Wayne's expertise in this area developed from his early years at the Bar. As a company law specialist, he soon ventured into the neighboring field of partnership law and indeed, in his early years of lecturing at Holborn Law Tutors, the course which he lectured was a combined Company Law and Partnership course.

### PRIVATE CLIENT

Wayne has extensive experience of working with private clients and their advisors to resolve complex disputes.

Wayne is highly regarded for wills and estates work. He represents both claimants and defendants in contested probate claims and claims for family provision under the Inheritance (Provision for Family and Dependents) Act 1975. He regularly acts for personal representatives and beneficiaries, including well-known charities, faced with challenges to wills said to be invalid by reason of want of capacity, want of knowledge and approval or undue influence.

He has considerable experience in the analysis of medical evidence concerning mental capacity of testators, donors and settlors – especially in cases concerning the capacity of elderly persons – and has acted in 'welfare' and 'property and affairs' applications, statutory wills and lifetime gifts, and with particular experience of actions for the removal of deputies and costs applications in the Court of Protection.

David also has expertise in disputes concerning the construction of wills, the conflict of laws in relation to testamentary succession, and the law relating to the administration of estates.

He has experience in litigation and advisory work in all aspects of the law relating to trusts including their construction, identification of the proper objects and beneficiaries of trusts, rectification, exercise by the trustees of

their powers and actions for breach of trust as well as recovery of trust property in the hands of fiduciaries and third parties.

He has also advised upon, and represented parties to, applications for the variation of trusts under the Variation of Trusts Act 1958.

Wayne has particular expertise in trusts of land, common intention constructive trusts as well as constructive and resulting trusts in a commercial context.

## REAL ESTATE

Wayne is experienced in both commercial and residential property: ownership and rights over property, conveyancing, leases, easements, adverse possession, boundaries, restrictive covenants, mortgages, wrongful interference with land, distraint and dilapidations claims.

Wayne also has particular expertise in actions concerning co-ownership of land held on constructive trusts and actions in proprietary estoppel.

Examples of recent work in this area includes:

- the rectification of conveyances of land which erroneously included parcels not intended for sale
- the construction of leases and service charge provisions
- the extent and enforceability of easements
- disputes over ownership of unregistered land
- the extent of land acquired and subdivided by developers.

## CHARITIES

Wayne has expertise in advising trustees as to the identification of charitable trusts, their purposes, public benefit, construction and the exercise of powers under them.

Wayne has particular experience in advising trustees of trusts of land with a public or charitable element, especially sports and recreational venues, civic buildings and open spaces. In doing so David advises upon matters including the exercise of powers to sell or lease, the application of the doctrine of cy-près, the duties of trustees and the role of the Charity Commission.

Wayne frequently acts for charities as beneficiaries under wills and trusts in all matters arising in respect of their beneficial interests and any challenges to them.

Examples of recent work in this area include:

- Advising local authorities on trusts governing civic buildings and land including pleasure gardens, clinics and community care institutions, concert halls and libraries
- Advising a local authority on the use of land left on trust for recreational purposes, comprising in part a well-known sports stadium used by a high-profile national sports club, on issues such as the right of the club to charge admission to the public
- Advising a nationwide benevolent institution on its funding of residential care homes for its members and the application of means-tested rules to the provision of financial support
- Advising charity trustees on the potential development of a city-centre cricket ground held upon charitable trusts.

## RECOGNITION

Wayne is recommended for Commercial Litigation, Professional Negligence and Property Litigation by *The Legal 500 UK Bar* and Traditional Chancery and Real Estate Litigation expertise by *Chambers UK Bar*. Recent editorial includes:

- *"A very impressive operator – he's incredibly experienced and astute, and has an ability to cut through complex stuff and get to the point." "He has a very sharp mind. He's excellent with clients and easy to engage with."* (Chancery: Traditional, *Chambers UK Bar 2021*)
- *"Gives thoughtful and considered advice, with boundless commitment to the cause. He will always go the extra mile." "He is extremely bright, very personable and prompt with his responses."* (Real Estate Litigation, *Chambers UK Bar 2021*)
- *"He is incredibly bright and a good strategist who always goes the extra mile for clients. He is an absolute pleasure to deal with and makes litigation more enjoyable as a result. He is one to have on your side."* (Private Client: Trusts and Probate, *Legal 500 UK Bar 2021*)
- *"Very thorough legal analysis, and also very alive to the commercial aspects of the dispute – a pleasure to work with."* (Commercial Litigation, *Legal 500 UK Bar 2021*)
- *"Very good technically and fantastic with clients – the perfect balance. A very safe pair of hands."* (Professional Negligence, *Legal 500 UK Bar 2021*)
- *"He is personable, very bright, responsive, commercially minded."* (Property Litigation, *Legal 500 UK Bar 2021*)

- *"He is a very impressive operator – incredibly experienced and astute, and has an ability to cut through complex stuff and get to the point."* (Chancery: Traditional, Chambers HNW London Bar 2020)
- *"He's a very good advocate; his style is very calm, unruffled under pressure, and he's very persuasive."* *"He distils complex legal questions into understandable language."* (Chancery: Traditional, Chambers UK Bar 2020)
- *"He is excellent – very good with clients, knows his stuff and a pleasure to work with."* *"He is personable, down to earth and just gets things that are complex to even try to explain."* (Real Estate Litigation, Chambers UK Bar 2020)
- *"He has a very sharp mind. He's excellent with clients and easy to engage with."*
- *"Personable, proactive, very bright, efficient, and excellent with clients."* (Commercial Litigations, The Legal 500 UK Bar 2020)
- *"Is both a fantastic advocate and very adept on paper."* (Private Client: Trusts and Probate, The Legal 500 UK Bar 2020)
- *"Extremely thorough and reliable; he is always persuasive with judges and excellent with clients."* (Professional Negligence, The Legal 500 UK Bar 2020)
- *"Proactive, very bright, efficient and excellent with clients."* (Property Litigation, The Legal 500 UK Bar 2020)
- *"Very smooth barrister, who is very smart; he is very good with clients and comes across very well. "* *"He always jumps in with good points. His written advice is always very comprehensive whilst at the same time being very clear and understandable for the client."* (Chancery: Traditional, Chambers UK Bar 2019)
- *"Combines thoughtful and considered advice with boundless commitment to the cause."* *"Really top drawer – he has a very sharp brain and always thinks practically and pragmatically. He's excellent with clients."* (Real Estate Litigation, Chambers UK Bar 2019)
- *"Reliable and considered, with a flair to go with it."* (Property litigation, The Legal 500 UK Bar 2019)
- *"Great client rapport and empathy; he is good on paper and able on his feet."* (Professional negligence, The Legal 500 UK Bar 2019)
- *"He has outstanding drafting skills."* (Private Client: Trusts, The Legal 500 UK Bar 2019)
- *"A formidable advocate who has the ability to make incisive points at key moments."* (Commercial Litigation, The Legal 500 UK Bar 2019)
- *"He has great technical ability and he is excellent at putting clients at ease."* (Real Estate Litigation, Chambers UK Bar 2018)
- *"Very approachable and an excellent advocate, he comes across very well in court and he always gives well thought-out and easy-to-understand advice to clients."* *"David takes a very considered*

*approach to the law and his written opinions are very cogent. He is very logical in his thinking and he has extremely sound and detailed technical knowledge.” (Chancery: Traditional, Chambers UK Bar 2018)*

- *“He has proven himself to be a tenacious advocate, who will work diligently and tirelessly for the cause. Nothing fazes him.” (Professional Negligence, The Legal 500 UK Bar 2017)*
- *“He takes a very precise and considered approach to complex litigation.” (Commercial Litigation, The Legal 500 UK Bar 2017)*
- *“Very knowledgeable and extremely helpful. He goes above and beyond when handling his cases and always expresses himself in easy-to-understand language.” (Real Estate Litigation, Chambers UK Bar 2017)*
- *“Shows very good attention to detail.” (Real Estate Litigation, Chambers UK Bar 2017)*
- *“He’s a very good all-rounder. His drafting’s very good and in mediation he is great at winning the confidence of the mediator and pressing home an advantage.” (Chancery: Traditional, Chambers UK Bar 2017)*
- *“Amiable and personable yet with a fierce determination to win on behalf of his client.” (Professional negligence, The Legal 500 UK Bar 2016)*
- *“He gives thoughtful and considered advice, with boundless commitment to the cause, always going the extra mile.” (Property litigation, The Legal 500 UK Bar 2016)*

#### QUALIFICATIONS

Wayne was called to the Bar in 2000, having gained top awards from Gray’s Inn in consecutive years and before that a double first from Cambridge University.

#### MEMBERSHIPS

David is a member of the Chancery Bar Association.