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Lord Peter John OBE



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PROFILE

Peter John is an experienced civil law barrister at Five Paper specialising in all aspects of Wills, Probate, Trusts & Property Litigation in high profile cases in the High Court and County Courts.

Peter advises in all areas of contentious and non-contentious probate practice and the preparation of wills; the rectification of wills and advises on potential claims of professional negligence arising from poorly drafted wills. He advises and acts in cases concerning the trusts affecting and the beneficial ownership of property, and in claims under the Inheritance (Provision for Family and Dependants) Act 1975, and has experience in all forms of real property disputes. Peter also frequently and successfully represents clients in mediations and other forms of alternative dispute resolution.

Peter was an elected Councillor in the London Borough of Southwark from 2002 until 2022 and was the Leader of the Council between 2010 and 2020. He was the Chair of London Councils from 2018 to 2020.

He was appointed to the House of Lords in January 2026 and sits as Lord John of Southwark OBE.

He is a member of the Board of the Old Vic Theatre and is a member of the President’s Circle at the Central School of Ballet.

Peter is a member of The Contentious Trusts Association (ConTrA).

EXPERTISE

Wills and Probate

Peter has a great deal of experience as a Wills and Probate practitioner specialising in and advising professional and lay clients on:

- Disputes over the validity of Wills – including compliance with the provisions of the Wills Act 1837.
- Testamentary Capacity – especially claims concerning the wills and estates of elderly and vulnerable testators suffering from vascular dementia and Alzheimer's Disease;
    - *(1) Bernard Hinton (2) Patricia Hayes v (1) Susanna Leigh (2) Simon Reeve – In the Estate of Victor Reeve, Deceased [2009] EWHC 2658 (Ch) 27.10.09 LTL.* A testator did not have capacity to execute a Deed of Revocation as he was suffering from a mental illness which caused insane delusions which poisoned his affections. A previously executed Will was upheld and probate granted;
    - *Re Edwin John Watson Deceased – Carr & Others v Beaven & Others* [2008] EWCH 2582 (Ch) LTL 5/11/2008; Testamentary capacity and the validity of Wills. Deceased did have testamentary capacity at date of execution of Will despite suffering mild to moderate dementia.
- Want of knowledge and approval – reviewing all of the circumstances in which wills have come to be executed and challenges arising from the involvement of potential beneficiaries;
    - *In the Estate of Michael John Chantrey Inchbald, Deceased – Inchbald v Inchbald & Others*[2016] EWHC 3215 (Ch); A claim of want of knowledge and approval failed and a will was admitted to proof where the court was satisfied that the deceased was fully aware of the nature and effect of what he was doing when he executed it. The deceased had been told in a letter from his solicitor what the will would contain, then taken through the will in detail on the date of its execution, and then told in a second letter what the terms were of the document that he had executed.
- Undue influence – both in respect of presumed undue influence of lifetime gifts and actual undue influence for wills;
    - *Alan Glanville & Michael Glanville (Executors of the estate of Horace Winston Glanville, Deceased) v Jean Mabel Glanville*[2002] EWCH 1271 (Ch) LTL 1/7/2002. Lifetime gifts; undue influence. A deed of gift by the deceased, whereby he transferred his house into the joint names of himself and his wife as beneficial joint tenants, was not vitiated by undue influence.
- The forgery of wills;
    - *Shah v Joshi*[2008] All ER (D) 156 (Aug). Validity of Wills – Forgery. Court declared against the validity of a Will on the basis that insufficient evidence of due execution.
- Deeds of variation and rectification – where a will has not achieved its' intended objective or the beneficiaries agree to amending the distribution;
    - *Vivian v Koningsveid*Ch D (John Randall QC) 29/10/2010. Rectification of a deed of variation of a will to allow for severance of a joint tenancy was ordered where there was a common intention concerning how fiscal benefits were to be achieved which involved using the nil-rate band for inheritance tax purposes to increase funds in the estate;
    - *Shantaben Durgashanker Bhatt v Hasmita Durgashanker Bhatt & & Others (2009)*LTL 3/4/2009.Application to set aside Deed of Variation and other post-death variation documents on the ground of mistake.
- The liability of Estates, Executors and Personal Representatives and proceedings under Part 64 of the Civil Procedure Rules.
- *Beddoe*applications to protect executors and personal representatives from any personal liability for costs
- The construction and meaning of clauses within Wills;
    - See, *In the Estate of Briggs, Deceased*[2018]. Complex mediation concerning the will and estate of a deceased farmer, the interpretation of the meaning of 'vacant possession' within the will and the rights to succession of an agricultural tenancy;
    - *Clark v Clark & Others*[2007] All ER (D) 186 (Dec). Construction of Wills. Construction of a Will and the meaning of a disputed clause concerning the Testatrix's farm.

- Claims under the Inheritance (Provision for Family & Dependants) Act 1975 and the suitability of settlements for children and protected parties;
- *Re: H (A Minor) – [2021]* –The balance of financial provision for a minor, her mother and half-siblings in large estate, where the minor was the primary beneficiary. Multiple competing claims under the Inheritance (Provision for Family & Dependants) Act 1975. Advising and negotiating settlement for ultimate approval by the court.
- The validity of lifetime gifts
- Distributions and the priority of payment from insolvent estates;
    - *In the Matter of the Estate of Bertha Hemming (Deceased) sub nom Raymond Saul & Co (A Firm) v (1) Jolyon Holden (as personal representative of Bernard Leslie, Deceased) (2) Louise Mary Britten (as trustee in bankruptcy of the estate of Bernard Leslie Hemming)*[2008] EWCH 2731 (Ch) LTL 12/11/2008 [2009] Ch 313. Rights of a trustee in bankruptcy to the residue of an estate bequeathed to a bankrupt but not ascertained before his bankruptcy had been discharged.
- All areas of Non-contentious probate practice including advising on caveats, warnings and appearances.
- Proceedings before the Court of Protection.
- Pre-Action disclosure and requests made pursuant to *Larke v Nugus;*
    - *Re- Stimpson, Deceased [2020]* –The limits of pre-action disclosure under CPR 31.16 in a claim seeking the payment of a legacy from a deceased parent's estate, in circumstances where a will is subject to a challenge for validity.

Trusts and Real Property

- *Jacqueline Aldine Leslie Baroness Killearn v (1) Victor Miles George Aldous Lampson Baron Killearn (2) Sydney Michael Kalinsky (3) Philip Anthony Sapsford (4) Miles Henry Morgan Lampson* [2011] EWHC 3775 (Ch); In the circumstances, the court did not approve a life tenant's proposed sale of trust property at a particular price to a particular purchaser. The evidence in relation to the property's value and condition did not support that approach, and it would be inconsistent with the trustees' duty to the beneficiaries to sell without a proper marketing campaign to maximise the price.
- Trusts and disputes concerning the beneficial ownership of property both during life and arising on death;
- The rights of property owners concerning property subject to a trust;
- Real property and boundary disputes.

FURTHER INFO

Qualifications

LLB Hons Queen Mary College, University of London

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