

Sidney Ross

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Sidney Ross was called to the Bar in 1983 at the age of 51, after a career of 24 years lecturing in Chemistry in the University of London. As well as higher degrees in Chemistry (1958) and Physics (1966), he has degrees in Law (1982) and in Humanities and Classical Studies (2010). He is a member of the Society of Trust and Estate Practitioners (2002) and a Fellow of the Chartered Institute of Arbitrators (2000). He has had training in mediation and has both conducted and represented clients in mediations in his specialist practice area. He carries out Pro Bono work of a non-contentious nature.

A specialist in chancery drafting and advisory work, he deals with trusts, wills and probate matters and administration of estates, matters concerning older clients, applications to the Court of Protection and estate planning. In particular he is very experienced in claims under the Inheritance Act, including cases which also involve claims to beneficial interests in the subject-matter of the deceased's estate or challenges to the validity of the deceased's will. Given that the costs of litigating disputes of this nature will often consume a substantial proportion of the estate, his general approach when dealing with such cases is to explore all possible routes to settlement before resorting to litigation.

Reported cases include *Gold v Hill* [1999] 1 FLR 42 (secret trusts); *Singer v Isaac* [2001] WTLR 1045 (Inheritance Act claim by surviving spouse).

Estate planning, trusts & trustees

He is experienced in drafting settlements, wills, deeds of variation and disclaimers; advising on their capital gains tax and inheritance tax implications; advising on the construction of trust documentation; litigating and advising on disputes between trustees and beneficiaries.

Probate

His experience includes drafting probate documents and wills; advising on the construction of wills; litigation concerning the validity of wills and the failure of personal representatives to administer the estates of deceased persons according to law.

Inheritance act claims

Sidney has extensive experience in advising on and litigating claims under the Inheritance Act, including cases which also involve claims to beneficial interests in the subject-matter of the deceased's estate or challenges to the validity of the deceased's will. He is the author of *Inheritance Act Claims – Law and Practice* (Sweet & Maxwell), the 3rd hardback edition was published in the Trusts, Wills and Probate Library series in November 2011. He is also a regular contributor to legal journals on family provision matters and questions of will construction.

Court of protection

He deals with applications to the Court of Protection for statutory wills to be made for patients and for gifts to be made out of their estates, and related areas, including disputes arising out of the exercise of powers of attorney and the affairs of elderly clients, particularly those who are in, or may shortly go into, residential care.

Publications

Sidney Ross is the author of *Inheritance Act Claims - Law and Practice* by Sweet and Maxwell. The recent 3rd edition was published in November 2011 in hardback. Due to his very considerable knowledge and experience in this field, he writes articles for specialist publications such as *Family Law Journal* and *Trust Quarterly Review* on a regular basis (see examples below). He also writes the 11 SB Bulletins on this very topic.

Books

- *Inheritance Act Claims-Law and Practice*; 1st edition (1993), 2nd edition (2000); Practitioner Series edition (2005), 3rd edition (2011) - Sweet & Maxwell.

Articles

- *Inheritance Act Claims by Dependants*, (2010) *Family Law* vol. 40, pp. 490-99
- *Life after death* *Family Law Journal* (2009) issue 91, pp.17-21
- *Terms of endearment*, *Family Law Journal* (2009) issue 90, p.22-24
- *Capitalisation of income needs in Inheritance Act claims: Duxbury or Ogden.*, *Family Law Week*, 12th March 2009
- *Inheritance Act Claims-security for costs and interim debt orders*, *Resolution* (2009) issue 137, p.62
- *Inheritance Act claims-the courts' approach*, *Family Law Journal* (2008), issue 80, p.21
- *1975 Act claims by surviving spouses-the impact of Miller and Charman*; *Trust Quarterly Review* (2007), vol. 5, issue 4, p.35
- *I(PFD)A 1975-playing by the rules*; *Family Law Journal* (2007), issue 70, p.7
- *Forfeiture-a hard Act to follow*: *Family Law Journal* (2007), issue 69, p.8
- *Challenging a will-the implications of illegal residence*; *Family Law Journal* (2007) issue 68, p.5
- *Claims by surviving spouses*; *Family Law Journal* (2006), issue 60, p.22
- *Surviving partners*; *Family Law Journal* (2006), issue 55, p.10
- *Parnall v Hurst-a cautionary tale*; *Elderly Client Adviser* (2004), vol.9, issue 3, p.22
- *Variation or resettlement? The case of Dixit v Dixit*; *Trusts and Estates Law Journal* (2003), No.45, p.18
- *Forfeiture clauses in wills*; *Journal of the Society of Trust and Estate Practitioners (incorporating the Trust Quarterly Review)* (2003) vol.1., issue 1, p.7
- *The assessment of quantum in Inheritance Act Claims; Part 1, income needs and capitalisation*, *Elderly Client Adviser* (2002) vol 7, issue 5; p.15; *Part 2, the position of the surviving spouse*, *Elderly Client Adviser* (2002) vol 7, issue 6, p.18
- *Personal representatives and claims under the Inheritance (Provision for Family and Dependants) Act 1975; TACT review (Quarterly Review of the Association of Corporate Trustees)* (2002), issue 20, p.8
- *Claims by surviving spouses under the Inheritance (Provision for Family and Dependants) Act 1975; Anyone thinking of a White Christmas?* *Elderly Client Adviser* (2001) vol 7 issue 1, p.28.
- *The implications of White v White for Inheritance Act claims, Part I* [2001] *Family Law* 547; *Part II*, [2001] *Family Law* 619
- *Will drafting and potential claims under the Inheritance (Provision for Family and Dependants) Act 1975*; *Elderly Client Adviser* (2001) vol 6 issue 5, p.10
- *Claims under the Inheritance (Provision for Family and Dependants) Act 1975-Barrass v Harding and Newman-sympathy for the former spouse is not enough*; *Elderly Client Adviser* (2001) vol 6 issue 3, p.23.

Bulletins

- *Family Provision*, Spring 2010
- *Family Provision*, Summer 2007
- *Family Provision*, Autumn 2004
- *Invalidity of Wills*, Winter 2003
- *Family Provision and Invalidity of Wills*, Spring 2002
- *Solicitors' Negligence: Trustee Act 2000 (with Charles Holbech)*, May 2001