



Ashley Tucker

Year of call 1990



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+44 (0)113 243 3277

Ashley Tucker is a civil practitioner with a particular preference for Wills, Probate and Property but still retains an interest in Commercial Law, the Court of Protection and Coronal Law.

From time to time though, just to freshen things up he takes on something a little different, such as a criminal prosecution of a landlord in respect of an HMO.

Expertise

Wills, Trusts & Probate

Ashley has a particular interest in the construction, effect and validity of Wills, including mental competence, fraud and undue influence, advising and litigating on the conduct of the administration of estates by personal representatives, including challenging grants of probate, challenging the conduct of the administration by the personal representative, applications under the Inheritance (Provision for Family and Dependents) Act 1975 and Donatio Mortis Causa. He has been called upon to advise on trusts, in particular in relation to the negligent conveyancing of property interests, constructive trusts and proprietary estoppel.

Notable Wills, Trusts & Probate cases

Major v White

The witnesses to a Will who had both at first agreed that they had witnessed the Will subsequently retracted that agreement. Both were found on the evidence to have witnessed the Will.

Leeds

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Landlord & Tenant

Ashley has particular experience relating to commercial premises, advising on a variety of aspects in relation to leases, licences and tenancy matters. He has also undertaken the drafting of commercial leases and notices and litigation.

Chancery & Commercial

Ashley undertakes advisory and advocacy in all types of property matters, including boundary disputes, rights of way, adverse possession, trespass, nuisance and claims relating to land and commons registration.

Able to bring an acquired knowledge of commercial practices into consideration when instructed in commercial and company matters, Ashley acts for Claimants and Defendants in litigation in a typical range of commercial claims.

In addition, he has drafted memoranda and articles of association and amendments to memoranda and articles of association for company agents as well as for companies, and has drafted and advised on commercial contracts.

He has also appeared on behalf of erring director's disqualification proceedings by the DTI.

Professional Liability

Ashley's experience in professional liability is particularly geared towards claims made against Solicitors, Accountants and Surveyors in respect of conveyancing transactions, will drafting, estate planning, insolvency and conveyancing.

Court of Protection

Recent Court appearances before the Court of Protection include *Re SM 2021* a challenge to a deprivation of liberty order, *Re OB 2023* a determination as to best interests as to residence and *Re APZ 2023* a determination as to best interests as to residence.

Regulatory & Coronal Law

Ashley has, also, from time to time taken on advocacy at Inquests and, more exceptionally, has taken on criminal matters with a regulatory theme.

Notable Regulatory & Coronal Law cases

In the matter of Jenny Bryant

Acting on behalf of a care home manager in respect of the death of a care home resident as a result of an assault by another resident.

In the matter of Garry Baird

Acting on behalf of a member of nursing staff in respect of a death by suicide by someone who had previously been taken to

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hospital by the Police due to concerns for the person's health.

Scarborough Borough Council v Fixter

Prosecuting a landlord for multiple breaches of provisions of the Housing Act 2004 regulation of property in multiple residential occupation.

In the matter of Christopher Arthur Wale

Acting in an inquest surrounding the death of a serving prisoner following a scuffle with a fellow inmate.

R (HSE) v North Yorkshire Council

Junior Counsel for the Defendant Council in relation to a prosecution by the Health and Safety Executive in respect of sections 2 and 3 of the Health and Safety at Work etc. Act 1974 arising out of an incident where a schoolboy was drowned whilst caving.

In the matter of Joe Lister

Acting on behalf of the supervising Council in an inquest into the death of a schoolboy who drowned on a school trip to a cave.

In the matter of Alex Foulkes

Acting on behalf of a local authority with responsibility for an organised trip overseas of several schoolchildren in an inquest into the drowning of one of the pupils.

In the matter of Kirk Davis

Acting on behalf of the deceased's son (acting by his mother) in an inquest into a death occasioned by shooting by a West Yorkshire Police Tactical Firearms Unit.

In the matter of Gemma Carter

Acting on behalf of a local authority whose teachers were in supervisory control of several pupils on an overseas trip in an inquest into the drowning of one of the pupils.

Speaking

Ashley is a regular speaker at conferences, seminars and courses arranged by professional conference organisers, professional associations and in-house. Recent examples include:

- Mental Capacity: Testamentary Capacity.
- Appeals to the Employment Appeal Tribunal (with Simon Anderson).

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- Costs in the Employment Tribunal and Employment Appeal Tribunal (with Simon Anderson).
- Boundary Disputes.
- Contentious Probate.

Directory Quotes

“Experienced in cases regarding the construction, effect and validity of wills.”

Legal 500 2017

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