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- Call:** 1993 (Middle Temple)
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- Qualifications:** BA (Juris.) & Bachelor of Civil Law, Oxford University
- Professional Bodies:** The Association of Pensions Lawyers
(member of education & seminars sub-committee)
The Chancery Bar Association
The Professional Negligence Bar Association
The Commercial Bar Association
The Financial Services Lawyers Association
- Practice:** Pensions (particularly re: occupational pension schemes)
Professional negligence (particularly re: solicitors, financial advisers & actuaries)
General chancery (wills, trusts & commercial work)
- Directories:** Chambers & Partners (2001-2009) – ‘leading junior’
Legal 500 (2002-2009) – ‘leading junior’
Legal Experts (2003-2009) – featured expert
- Speaking:** APL Annual Conference 2008 – “*Smithson v Hamilton*”
Pensions Lawyers Support Group (July 2007): “*Financial Support Directions*”
Pensions Management Institute (January 2007): “*Transition from Defined Benefit to Defined Contribution*”
APL Summer Conference 2006 – Case Law Update
APL Introduction to Pensions Litigation Course: ‘*Litigating Effectively*’ (2000-2004)
Bond Pearce, Wragge & Co, Mills & Reeve, Norton Rose, Addleshaw Booth & Co, Burges Salmon (October 2002): ‘*Beckmann v Dynamco Whicheloe Mcfarlane Ltd*’
Outer Temple Chambers’ Pensions Seminars: ‘*Statutory Debt Certificates*’ (April 2005)
Numerous talks for individual firms of solicitors

Notable cases

Case name	Solicitors	Summary
<i>Capital Cranfield Trustees Limited v Beck & Tabor, Re: the A.C. Skelton Pension & Life Assurance Scheme</i> [2008] EWHC 3181	Dickinson Dees	For trustee seeking directions as to whether a definition of Normal Retirement Date (“NRD”) under the Rules including the words “ <i>such day as the Employers shall determine in any particular case and notify in writing to the Member concerned</i> ” afforded a power by which NRD could be equalized for ongoing accrual by existing members simply by an announcement.
<i>Foster Wheeler Ltd v Hanley & others</i> [2008] EWHC 2926 – appeal pending	Wragge & Co	For successful representative beneficiary in decision revisiting <i>Hodgson v Toray Textiles</i> and the operation of European & domestic law where a pension scheme has been amended to equalize NRD for men and women, but without making express provision for the retained rights of members with pension accrued by reference to an NRD at age 60.
<i>Hearn & others v Dobson & another</i> [2008] EWHC 1620	Lovells	For representative beneficiary in what is understood to be the first decision relating to the multi-employer modifications of the Scheme Specific Funding Regime
<i>Bridge Trustees Ltd v Yates & others</i> [2008] EWHC 964 – appeal pending	Rowley Ashworth (at first instance); (on appeal) Lee & Priestley LLP	For representative beneficiary in what is understood to be the first decision relating to the operation of s.73 of the Pensions Act 1995 in relation to hybrid schemes: in particular relating to the definition of ‘underpin benefits’ within Reg. 13 of the Winding Up Regulations 1996 and the meaning of the phrase “ <i>benefits derived from the payment by any member of voluntary contributions</i> ”
<i>Smithson & Others v Hamilton, Re: the Siemens Fire Safety & Security (PFP) Pension Scheme</i> [2007] EWHC 2900 & [2008] EWCA Civ 996	Field Fisher Waterhouse	For representative beneficiary; successfully resisting claim that early retirement provisions for deferred members are invalid under the principles in <i>Re Hastings-Bass</i> and/or <i>Gibbon v Mitchell</i> ; landmark decision restricting the application of those principles
<i>Sims & Campion v Kemp</i> , Pensions Ombudsman, P00598 & P00730 (2008)	Pinsent Masons	for trustees successfully recovering £86,818 diverted by a former trustee to the company of which he was principal shareholder & managing director
<i>Alexander Forbes Trustee Services Ltd v Clarke & Others</i> [2008] EWHC 153	Wragge & Co	For representative beneficiary, in a test case investigating the boundaries of the decision in <i>Trustee Solutions Ltd</i> (below)

<i>Re: the Sea Containers 1983 Pension Scheme</i> , the Determinations Panel of the Pensions Regulator, 2007	Sackers	For trustees (with Brian Green QC) in oral hearing before Pensions Regulator's Determination Panel leading to first ever Financial Support Direction
<i>Trustee Solutions Ltd v Dubery & Cripps</i> [2007] EWCA Civ 771	Nabarro Nathanson	For Trustees in an application determining the meaning of a requirement for " <i>writing under hand</i> " under an amendment rule; and the operation of s.73 of the Pensions Act 1995 in fixing a priority order where members have periods of accrual to which different NRDs apply.
<i>Jacobs & another v Low & others, In re: the Tonka Pension Schemes</i> (2007) 8 th June, ChD, The Chancellor, unrep.	CMS Cameron McKenna	For representative beneficiary in approved compromise resolving complex inter-related uncertainties re: the administration of 4 pension schemes in substantial surplus
<i>Griffiths v PPF</i> , 2007, first ever complaint to the PPF Ombudsman	PPF	Acting for the PPF (with Nigel Giffin QC) in the first ever complaint against the PPF before the PPF Ombudsman
<i>Re: MG Rover Group Pension Scheme</i> , 2007	Wragge & Co	Advising Independent Trustee Services re: issues arising in connection with the entry of the MG Rover Pension Scheme into the PPF
<i>Dalgety Pension Trust Ltd v PIC Fyfield Ltd</i> (2006) 16 th November, ChD, The Chancellor, unrep. as in Chambers	Hammonds	For representative beneficiary in approved compromise resolving uncertainties as to the indexation applicable in respect of various different categories of beneficiaries; scheme in substantial surplus
<i>Harland & Wolff Pension Trustees Ltd v Aon Consulting Financial Services Ltd</i> [2006] EWHC 1778 (Ch)	CMS Cameron McKenna	For Defendant consultancy in professional negligence action re: equalization; parties agreed that domestic law permitted retrospective increase in NRD w.e.f. 17 May 1990 to prevent ' <i>Barber window</i> ' ever opening; preliminary issue as to whether European law precluded such a step. Held: <i>Smith v Avdel</i> meant that European law did preclude such a step, but decision in <i>Smith "unprincipled"</i> & inconsistent with <i>Fischer v Voorhuis Hengelo</i> , so permission to appeal granted
<i>Steria Ltd & Others v Hutchison & Others</i> [2006] EWCA Civ 1551; [2005] EWHC 2993 (Ch)	Levi & Co	For scheme member; at first instance successfully defended appeal from the Pensions Ombudsman in the first High Court decision upholding a booklet estoppel since <i>Icarus (Hertford) Ltd v Driscoll</i> [1990] PLR 1; and the first ever decision expressly upholding a booklet estoppel despite a disclaimer within the booklet stating that the scheme's deed & rules prevail in the event of inconsistency. Overturned on appeal.

<i>Stuckey v Tristham & Others, 9 January 2006, HHJ Wyn Williams QC, unreported (ChD Swansea District Registry).</i>	Herbert Smith	for trustees; successfully defending refusal of incapacity pension worth £1 million
<i>Leadenhall Independent Trustees Ltd v Porter Chadburn Plc & Others (2005) ChD, settled</i>	Field Fisher Waterhouse	for employer, defending claim by trustee that certificate under s.75 of the Pensions Act 1995 invalid so as to entitle actuary to issue fresh certificate for higher debt
<i>Austin v Albert Fisher Group Pension Scheme, Pensions Ombudsman, NO1121 (2005)</i>	Aon	for administrator successfully resisting complaint; PO suggesting that, while administrator under no duty to answer a member's question, it was maladministration not to answer it
<i>Capital Cranfield Trustees Ltd v Pinsent Curtis [2005] EWCA Civ 860</i>	Sackers	for trustee suing former solicitors for c.£18 million for negligently failing to advise that trustee was entitled under the pension scheme's rules to claim a 'buy out' contribution from the employer prior to the employer terminating its liability to contribute; preliminary issue as to whether 'buy out' contributions were claimable as a matter of construction of the contribution rule; first UK authority on the construction of such a standard contribution rule
<i>Capital Cranfield Trustees Ltd v Walsh & Setchim [2004] EWHC 2874 (Ch)</i>	Sackers	insolvency proceedings related to above case (CCTL v Pinsent Curtis); for trustee contending that, on the particular & unusual provisions of the trust deed & rules, a right to demand contributions revived during winding up (having been suspended while the scheme was run as a closed fund)
<i>Re: Dartington Crystal Pension Scheme (2004)</i>	Bond Pearce	advising trustee re: issues concerning previous 'Bradstock' compromise of employers' debts under s.75 of the Pensions Act 1995
<i>Re: United Engineering Forgings Ltd Pension Scheme (2004)</i>	Hammonds	With Robin Dicker QC, advising trustee re: issues concerning debt under s.75 Pensions Act 1995 arising in context of Creditors Voluntary Arrangement
<i>Flaherty & Another v Bank One & Others (2004) Pensions Ombudsman</i>	Hammonds	for defendant bank & trustees successfully resisting complaints re: conversion of defined benefit entitlements to defined contribution entitlements
<i>McDermott International Inc v Alexander Clay & Others (2004) ChD, settled at mediation</i>	Simmons & Simmons	for 2 defendant actuarial consultancies; re: allegations of professional negligence in connection with equalization & certificates under s.67 of the Pensions Act 1995

<i>Capital Trustees Ltd v Whurr</i> (2004) 31 st August, ChD, Mann J, in Chambers	CMS Cameron McKenna	for Trustees; re: 'Bradstock' compromise of employers' debts under s.75 of the Pensions Act 1995
<i>Sugden v Dye</i> (2004) ChD settled	AXA	For AXA, defending test case by trustee in bankruptcy re: efficacy of forfeiture provisions in a personal pension scheme
<i>Howard v Berry Birch & Noble and AXA</i> (2004) ChD – settled	Hammonds	for AXA, defending claim by member that AXA owed him a direct duty of care to ensure Inland Revenue approval for a Scheme which failed to get approval due to failure of employer to execute documentation
<i>Langer & Others v Royal Society of Chemistry & Others</i> (2004) 27 th February, ChD, unrep. as in Chambers	Nabarro Nathanson	for employer; re: operation of amendment powers (retrospectivity, notification & severance of excessive from permissible execution of power), rectification and equalization; Court approved compromise
<i>Oakes v Minister for the Civil Service</i> Lawtel 12 th December 2003, ChD,	Mustoe Shorter	for Mr. Oakes, the Respondent to an appeal from the Pensions Ombudsman; Mr. Oakes did not contest the principal point of construction in issue in the proceedings but obtained an order for his costs against the Appellant Minister
<i>Re: the McDermott (UK) Pension Plan</i> (2003) 17 th October, ChD, unreported as in Chambers	Rowley Ashworth	for representative beneficiaries (via Amicus-AEEU); re: preservation issues & challenge to past amendments transferring power to distribute surplus from trustee to employer; Court approved compromise securing c.£5.7 million in increased benefits for members
<i>Wilde v BBC</i> [2003] EWHC 1436 (Ch)	BBC (inhouse)	for employer; successfully defending appeal from the Pensions Ombudsman re: refusal of incapacity pension
<i>Greenwood v Redland Plc</i> (2002) Winchester CC, settled at court	Sackers	for employer; re: beneficiary's allegation that mistakes on benefit statements created contractual entitlements outside a scheme
<i>Darling & Others v Montague, re: the Brian Colquhoun Staff Pension Scheme</i> (2002) ChD	Nabarro Nathanson	for representative beneficiary; <i>Beddoe</i> proceedings re: whether to defend claim by former trustees for costs incurred in defending prior complaints against them of maladministration
<i>Bradstock Group Pension Scheme Trustees Ltd v Bradstock Group Plc</i> [2002] EWHC 651 (Ch)	Nabarro Nathanson	for representative beneficiaries; re: compromise of employers' debts under section 75 of the Pensions Act 1995
<i>Bennetts v Dartington Crystal Group Ltd</i> (2002) Pensions Ombudsman	Bond Pearce	for employer; successfully resisting Ombudsman's jurisdiction

<i>Hogg Robinson Trustees Ltd v Shaw & Houseman</i> (2002) ChD	CMS Cameron McKenna	for representative beneficiary; <i>Beddoe</i> proceedings re: professional negligence claim against scheme's former investment managers
<i>Hoover Ltd v Hetherington & Others</i> [2002] EWHC 1052 (Ch)	Nabarro Nathanson	for trustees; re: construction of the early retirement provisions of the Hoover (1987) Pension Scheme
<i>Stevens v Bell & Others</i> [2002] EWCA Civ 672 (the British Airways litigation)	Nabarro Nathanson	for representative beneficiaries; re: construction of the Airways Pension Scheme's provisions governing the use of surplus
<i>Pitmans Trustees Ltd & Others v Lomax & Others</i> (2001) ChD	Davies Arnold Cooper	for representative beneficiaries; re: distribution of surplus on winding up of scheme
<i>National Grid Co Plc v Laws</i> [2001] 1 WLR 864, HL (instructed to do research, not briefed)	Finers Stephens Innocent	for representative beneficiaries; re: construction of Electricity Supply Pension Scheme's provisions governing the use of surplus
<i>The Trustee Corporation v Asil Nadir & others</i> (2001) ChD	Krivinskas & Co	for the sons of Asil Nadir; re: vesting of pension entitlements in his trustee in bankruptcy
<i>Stevens v Bell & Others</i> [2001] PLR 99, ChD (the British Airways litigation)	Nabarro Nathanson	for representative beneficiaries; initially re: threatened merger of the New Airways Pension Scheme into the Airways Pension Scheme ("APS"); then re: construction of APS' provisions governing the use of surplus
<i>Re: Alan Charles Wrigley, a bankrupt</i> (2000) ChD	Sackers	for trustees in insolvency proceedings re: vesting of pension entitlements in trustee in bankruptcy
<i>Re: the Woodhouse Pension Scheme</i> (2000) OPRA	Nabarro Nathanson	for former trustee; successfully persuading OPRA not to impose proposed fines under section 10 of the Pensions Act 1995
<i>Southernhay Pension Trustees Ltd v Orris & Neep</i> (2000) ChD	Prettys	for beneficiaries resisting hostile <i>Beddoe</i> application re: proceedings in which they were to be the defendants
<i>Abbey National Independent Trustee Ltd v Woodhead & Lewis</i> (2000) oral hearing before Pensions Ombudsman	Taylor Joynson Garrett	for Independent Trustee & complainant members; re: wilful default by previous trustees
<i>Re: the Thomas Christy Ltd Pension Fund</i> (1999) ChD	Nabarro Nathanson	for representative beneficiaries; re: distribution of surplus on winding up of scheme
<i>Ripley v the Pensions Ombudsman & Others</i> (1998) ChD	Sackers	for former trustees resisting appeal from Pensions Ombudsman re: apportionment of liability between trustees

Other cases have concerned:

- the validity of scheme amendments, e.g. in connection with equalization
- complex compromises & schemes of arrangement to resolve uncertainties about how pension schemes should be administered
- equitable remedies for rectification, mistake and under the principles in *Re Hastings-Bass*
- the interpretation of scheme contribution rules and statutory funding requirements
- the Occupational Pension Schemes (Employer Debt) Regulations 2005
- the Pension Protection Fund
- Financial Services Directions
- maladministration and breaches of trust/fiduciary duty by trustees
- tracing/restitution of trust property
- the distribution of surpluses
- compromises of statutory debts under section 75 of the Pensions Act 1995
- applications for *Beddoe* relief
- pensions mis-selling
- pensions & insolvency
- applications to & oral hearings before the Pensions Regulator
- appeals from & complaints to the Pensions Ombudsman and the PPF Ombudsman
- submissions to OPRA re: proceedings against former trustees
- submissions to the PIA Ombudsman re: pensions mis-selling
- professional negligence by actuaries, administrators, solicitors & all other professionals involved with pension schemes

Advisory work: Extensive advisory work has covered a wide range of pensions issues for trustees, employers, insurers, and the PPF, including direct professional access work and advising ‘magic circle’ & top 40 solicitors firms re: their own pension schemes.

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