



Andrew Short QC

Year of call	Silk	Email
1990	2010	andrew.shortqc@outertemple.com

Andrew Short QC's practice centres on pensions, employment, and general commercial work.

His "*practical*" and "*realistic*" approach together with his "*great understanding of the commercial issues in a case*" makes his strategic advice and his advocacy highly sought after by his clients, whether they are national or international companies or organisations, public bodies, trustees, trade unions or individuals.

He is able to bring years of experience as a trial lawyer in hostile and contentious claims to bear whenever necessary. He has been recommended for Pensions and for Employment in both *Legal 500* and *Chambers & Partners* for many years.

Andrew has lectured on pensions, discrimination and employment issues and is on the Consultation Board of *Practical Law: Pensions*.

London

Outer Temple Chambers
The Outer Temple
222 Strand
London
WC2R 1BA

T: +44 (0)20 7353 6381
F: +44 (0)20 7583 1786
E Fax: +44 (0)870 220 3256
DX: LDE 351 (Chancery Lane)

Abu Dhabi

24th Floor, Al Sila Tower,
Abu Dhabi Global Market Square,
Al Maryah Island
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Dubai

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Employment & Discrimination

Andrew's employment practice covers everything from complex or sensitive dismissal and discrimination cases through TUPE to high value contract, restrictive covenant, fiduciary duty and equal pay claims. He has acted in many of the leading cases relating to discrimination in pay and pensions, including *Abdulla v Birmingham City Council*, *Brierley v Asda*, *McCloud v Lord Chancellor*, and *Sargeant v LFEPA*.

Recent work includes:

- acting on behalf of thousands of claimants in relation to vast private sector equal pay claims against Asda and Sainsbury's
- acting on behalf of 200 judges and 6,000 firefighters challenging the public sector pension reforms
- securing the release of a non-executive director from litigation arising out of the Weinstein / #metoo litigation
- securing many millions of pounds in settlements in various public sector equal pay claims
- advising major airlines in relation to restructuring and terms and conditions
- advising various employers in relation to working time issues
- acting for employers and others seeking to stave off Beckmann or similar claims relating to pension rights
- advising employers in relation to Share Incentive Plans.

Cases

McCloud v Lord Chancellor; Sargeant v LFEPA [2018] EWCA Civ 2844

Direct age discrimination and pensions; objective justification; equal pay.

Asda Stores v Brierley [2019] EWCA Civ 44

Comparability: use of comparators at different establishments under the same employment and single source tests.

Parker v MDU [2017] UKEAT/0113/17/DA

Equal pay, part-time workers, indirect discrimination, material factor and objective justification.

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Birmingham City Council v Abdulla [2012] UKSC 47

Landmark decision of Supreme Court as to the jurisdiction of High Court and County Court in relation to Equal Pay Claims.

British Airways v Williams [2012] UKSC 43

Construction of UK regulations in context of EC Directive. Referred to ECJ.

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Commercial & Chancery

Andrew has experience of large financial services and other commercial disputes. Recent matters include:

- upholding a stay of proceedings where the appropriate forum was Ethiopia despite an allegation that a previous judgment in Ethiopia had been obtained by fraud
- achieving his client's release from a series of thirty year Bermudan swaps
- fending off a breach of fiduciary duty claim in the music industry, involving one of the foremost international recording artists of recent years.

Cases

Mengiste v Endowment Fund for the Rehabilitation of Tigray [2017] EWCA Civ 1326

Conflict of laws, forum non conveniens, refusal to lift a stay, fraud.

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Pensions & Trusts

Andrew's pensions work encompasses both private and public sector schemes and includes issues of construction, funding issues, preservation and revaluation, Beckmann claims and various regulatory issues including contribution notices and financial support directions. He is particularly sought after in cases that require a knowledge of both pensions and employment or discrimination law, including some of the most significant equalisation cases of recent years. In addition to his advisory work, recent contentious work includes cases involving:

- GMP equalisation, in the landmark case of *Lloyds Banking Group Pension Trustee v Lloyds Bank*
- the effect of the statutory requirements for altering terms of contracted-out schemes in section 37 of the Pension Schemes Act 1993
- whether scheme closed to future accrual but with a final salary link is 'open' or 'frozen' for the purposes of the Employer Debt Regulations
- the effect of retrospective alterations to scheme provisions, under EU and domestic law
- equitable recoupment, limitation, the Pensions Ombudsman and the need for a court order
- acting on behalf of 200 judges and 6,000 firefighters challenging the public sector pension reforms
- acting on behalf of a company facing an application for a FSD by the Pensions Regulator arising out of a very high-profile company failure
- acting on behalf of both claimants and defendants in cases involving claims of negligence made against advisers to schemes (including solicitors, actuaries and consultants)
- acting on behalf of various companies successfully fending off Beckmann type claims.

Cases

McCloud v Lord Chancellor; Sargeant v LFEPa [2018] EWCA Civ 2844

Direct age discrimination and pensions; objective justification; equal pay.

Lloyds Banking Group Pensions Trustees v Lloyds Bank [2018] EWHC 2839 (Ch)

GMP equalisation, forfeiture clauses, limitation.

G4S Plc v G4S Trustees Ltd [2018] EWHC 1749 (Ch)

Closure to accrual, the final salary link, when is a scheme frozen for the purposes of the Employer Debt

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Regulations.

Burgess & Ors v BIC UK Ltd [2018] EWHC 785 (Ch)

Retrospectivity: the effectiveness of a retrospective effective date in a definitive deed; equitable recoupment, limitation, the need for a Court order and the status of the Pensions Ombudsman.

Safeway v Newton [2017] EWCA Civ 1482

Retrospectivity: levelling down and EU law.

IBM v Dalgleish [2015] EWHC 389 (Ch)

Remedies hearing covering many issues, including interplay between redundancy and retirement.

Vaitkus v Dresser-Rand UK [2014] EWHC 170 (Ch)

In the [2014] 021 PBLR (018). Construction of the governing provisions of a pension scheme; equalisation.

Pell Frischmann v Prabhu & Lamb [2013] EWHC 2203 (Ch)

Access to Pensions Ombudsman; prospective costs.

ICM Computer Group v Stribley [2013] EWHC 2995 (Ch)

Construction of the governing provisions of a pension scheme; corrective construction and omissions.

Urenco UK Ltd v Urenco UK Pension Trustee Co Ltd & Mossop [2012] EWHC 1495 (Ch)

Statutory pension protection following a transfer in the nuclear industry.

Woodcock v Cumbria Primary Care Trust [2012] EWCA Civ 330

Age discrimination, entitlement to early retirement benefits, justification: avoidance of wind-fall and cost.

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Professional Negligence

Andrew undertakes professional negligence work, often though not always related to employment or occupational pension schemes.

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Appointments & Memberships

- Association of Pension Lawyers
- Commercial Bar Association
- Employment Lawyers Association
- Employment Law Bar Association
- Financial Services Lawyers Association
- Industrial Law Society

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Recommendations



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Testimonials

“He’s fantastic at pensions and equal pay, extremely knowledgeable, strategic and a real pleasure to work with.” **Employment, Chamber & Partners 2021**

“A super heavyweight in equal pay cases, he’s authoritative and client-friendly.” **Employment, Chamber & Partners 2021**

“He is very clear in his advice, commercial and pragmatic.” **Pensions, Chamber & Partners 2021**

“He produces very clear, concise advice and he can make very complex matters sound very straightforward.” **Pensions, Chamber & Partners 2021**

“A really modern barrister who understands what clients want to receive in service.” **Pensions, Chamber & Partners 2021**

“A brilliant legal analyst and highly skilled and clever advocate. Working with him is delightful and being against him is a tremendous challenge, as he is so effective on all fronts. Total integrity and excellent with clients and judges.” **Employment, Legal 500 2021**

“Articulate, considered and very good at cutting through the detail to the crux of the matter. Andrew is very personable and a pleasure to work with.” **Pensions, Legal 500 2021**

“Excellent in his advocacy, completely on top of his subject and very sharp-witted, impressive and thorough.” **Employment, Chambers and Partners 2020**

“He offers strong strategic insight and advocacy and has vast technical knowledge of the area.” **Employment, Chambers and Partners 2020**

“Highly sought after for his specialism in matters where pensions intersects with employment law issues.” **Pensions, Chambers and Partners 2020**

“A commercial and approachable barrister with a deep intellect who gives clear, unequivocal and practical advice.” **Pensions, Chambers and Partners 2020**

“He has a unique ability to condense and summarise complex legal arguments into coherent and easily understandable advice.” **Pensions, Chambers and Partners 2020**

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"An excellent tactician, who fully understands the psychological dimension of the job and exploits his gift of wit to the full." **Employment, Legal 500 2020**

"The pre-eminent QC for pensions work where there is an employment element and a pleasure to work with." **Pensions, Legal 500 2020**

"He combines incisive technical expertise with pragmatic, clear-minded confidence. His strategic input is invaluable." **Employment, Chambers & Partners 2019**

"An effective and clear advocate." **Employment, Chambers & Partners 2019**

"Provides superb advocacy. He is a very bright individual." **Pensions, Chambers & Partners 2018**

"Very user-friendly and very clever." **Pensions, Chambers & Partners 2018**

"A winning combination of sparkling intellect and sound commercial instincts." **Pensions, Chambers & Partners 2018**

"He is measured, determined and unafraid to give decisive guidance." **Pensions, Legal 500 2018**

"A brilliant silk who is unafraid to take a stance." **Employment, Legal 500 2019**

"A technically astute but extremely down-to-earth QC who breaks down the most complex of legal issues into client-friendly language." **Employment, Chambers & Partners 2018**

"Excellent with clients and very approachable. He gives very clear and commercial advice." **Employment, Chambers & Partners 2018**

"He provides clear, pragmatic advice and excellent advocacy." **Pensions, Chambers & Partners 2018**

"He is very user-friendly, notably calm and has a measured advocacy style." **Pensions, Chambers & Partners 2018**

"Client friendly and technically brilliant." **Pensions, Legal 500 2017**

"Highly experienced in pensions and employment crossover cases." **Legal 500 2017**

"He has that pension-employment crossover expertise which is very valuable." **Pensions, Chambers & Partners 2017**

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“Very down-to-earth, straight-talking and good at finding solutions.” **Pensions, Chambers & Partners 2017**

“Andrew is a technically astute, but extremely down-to-earth QC, who breaks down the most complex of legal issues into client-friendly language.” **Employment, Chambers & Partners 2017**

“Invaluable for his pragmatic, practical approach and his willingness to give clear and confident advice on difficult subjects.” **Employment, Chambers & Partners 2017**

“A winning combination of exceptional intellect married to a robust pragmatic approach.” **Pensions, Legal 500 2016**

“A very user-friendly QC, who is completely down to earth and incredibly flexible.” **Employment, Legal 500 2016**

“He is pragmatic and user-friendly.” **Pensions, Chambers & Partners 2016**

“Extremely bright and diligent, he has a sense of humour to match his intellect.” **Pensions, Chambers & Partners 2016**

“His cross-examinations are a work of art.” **Employment, Chambers & Partners 2016**

“Highly intelligent and willing to go the extra mile.” **Employment, Chambers & Partners 2016**

“Extremely incisive, he provides clear, focused advice on difficult issues.” **Employment, Chambers & Partners 2016**

“Excellent and approachable; he makes his clients feel well served.” **Pensions, Legal 500 2015**

“Fantastically clever and incisive, and excellent to have onside.” **Employment, Legal 500 2015**

“He gives very clear advice, understands the commercial merits of the case and is able to put things across efficiently.” “Always excellent, he is bright, perceptive and commercial.” **Pensions, Chambers & Partners 2015**

“Nice to work with, he will roll his sleeves up and work with you.” “He’s just so incisive, so clever and great with clients. He’s also confident that he’s right.” **Employment, Chambers & Partners 2015**

“He has a superb manner and is extremely intellectual and very hard-working. I’m always happy to instruct him on complex matters.” “He brings an element of practicality to cases and doesn’t

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overcomplicate things.” **Employment, Chambers & Partners 2014**

“A real star in the making. He’s very down-to-earth and clients loved him.” **Pensions, Chambers & Partners 2014**

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