

Keith Bryant KC

Year of Call: 1991
Year of Silk: 2013
Direct Access: Yes

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Keith Bryant KC's wide experience includes advising and acting for commercial and public sector organisations, trustees, government departments and agencies, individuals and unions.

His practice is focused on **pensions law** and **employment law** and the areas of overlap between the two. He is also increasingly involved in cases with a **financial services** aspect.

Keith has been recommended by *Chambers & Partners* and *Legal 500* for pensions and employment law for many years with *Legal 500* stating that he "*brings a very wide range of expertise and experience to his advice, and his ability to deal with both complex employment and pensions matters is invaluable.*"

Keith is regularly instructed in the High Court (Chancery and King's Bench Divisions, including Commercial Court and Administrative Court), the Employment Appeal Tribunal and the Appellate Courts, both in England and Wales and also in Northern Ireland. He has been involved in a number of matters before the Determinations Panel of the Pensions Regulator, the Security Vetting Appeals Panel, the Pensions Ombudsman and other specialist tribunals.

Keith has extensive experience of mediation and arbitration proceedings, both as advocate and as mediator. He also undertakes internal disciplinary and grievance investigations for a number of clients. He is able to accept instructions on a direct access basis.

Keith writes and lectures regularly on pension, employment and other commercial topics. He is co-author of *National Security, Law, Practice and Procedure (OUP, 2021)*.

Keith sits as a fee-paid employment judge. He also has security vetting to Developed Vetting level.

Keith is a Head of Chambers (Head of the Business Team).

Areas of Expertise

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Pensions

Keith's pensions practice covers both contentious and non-contentious work. He acts for and advises a wide range of clients including trustees, employers, scheme advisers, government departments and agencies, and trade unions. He has also acted for representative beneficiaries in a number of recent cases in the High Court and Court of Appeal. Keith has particular expertise in statutory pension schemes and regularly advises in relation to the police, firefighters', teachers', NHS and local government pension schemes. He also has extensive recent experience of equalisation, rectification and age discrimination claims.

Recent / current work includes a number of construction / rectification claims, advising on various RPI/CPI and GMP equalisation issues, and a number of ongoing professional negligence claims.

Notable Pensions cases

[Britvic Pension Plan and Britvic PLC v Britvic Pensions Limited and Mr Simon Mohun \[2020\] EWHC 118 \(Ch\)](#)

[CMG Ltd v CMG Pension Trustees Ltd and another \[2021\] EWHC 1171 \(Ch\)](#)

Rectification of pension scheme rules.

[Legal & General Group PLC v Legal & General Pension Fund Trustee Ltd and others \(February 2021\)](#)

Acting for two representative beneficiaries in highly complex claim for rectification involving two separate pension schemes and 13 pension scheme instruments.

[SPS Technologies Ltd v Moitt and others \[2020\] EWHC 2 421 \(Ch\), \[2021\] PLR 6](#)

Rectification of successive versions of pension scheme rules involving unusual unilateral amendment power.

[Britvic PLC v Britvic Pensions Ltd and another \[2020\] EWHC 118 \(Ch\), \[2020\] PLR 11](#)

Complex case concerning pension increase provision in scheme rules, and involving corrective construction arguments and true meaning of section 51(3) of the Pensions Act 1995.

[Carter v Chief Constable of Essex and another \[2020\] EWHC 77 \(QB\)](#)

Successfully resisted human rights and age discrimination challenge to exclusion of widows of post-retirement marriages from widow's benefits under the police pension scheme for pre-1978 pensionable service.

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Waterford Foods (UK) Group Pension Scheme (December 2019)

Compromise approval hearing in contested High Court rectification claim.

Re ColArt Pension Scheme [2019] EWHC 3081 (Ch), [2020] PLR 3

Rectification of pension increase provisions of pension scheme rules.

R (Carter) v Chelmsford Crown Court and another [2019] EWHC 1484 (Admin), [2019] ICR 1470

Appeal in police pension case challenging denial of widow's benefits on basis that the wife married the police officer after his retirement from police service in 1977. Divisional Court held that the Crown Court had no jurisdiction to hear an appeal concerning contingent benefits.

Williams v Swansea University Pension & Assurance Scheme Trustees [2018] UKSC 65, [2019] 1 WLR 93, [2019] 2 All ER 1031, [2019] ICR 230, [2019] IRLR 306, [2019] PLR 11

Successfully resisted appeal to Supreme Court in first ever appellate case on meaning of section 15 of the Equality Act 2010 in claim of disability discrimination concerning the calculation of ill health retirement benefits.

Williams v Swansea University Pension & Assurance Scheme Trustees [2017] EWCA Civ 1008, [2018] ICR 233, [2017] PLR 19

Continuing to act for, and successfully resisting appeal on behalf of, employer and trustees in claim of disability discrimination concerning the calculation of ill health retirement benefits.

Rockwool Ltd v Rockwool Trustees Ltd & Another (No. 2) (September 2017)

Acting for representative beneficiary in the compromise of a further Part 8 claim as to whether Courage-type fetter on amendment power prevented severance of final salary link and/or created underpin.

Dalriada Trustees Limited v Goldsmith (June 2017)

Acting for representative beneficiary in novel and complex Beddoe application concerning pension liberation case.

Rockwool Ltd v Rockwool Trustees Ltd & Another (November 2015)

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Acting for representative beneficiary in compromise of a claim concerning attempts since the 1980s to equalise a scheme's normal retirement ages and to close the scheme to future accrual.

[Swansea University Pension & Assurance Scheme Trustees v Williams \[2015\] ICR 1197, \[2015\] IRLR 885, \[2015\] PLR 489](#)

Acting jointly for employer and trustees resisting a claim of disability discrimination concerning the calculation of ill health retirement benefits.

[United Dairy Farmers Ltd v Department of Agriculture & Rural Development \[2014\] NICH 22](#)

Acting for the administrators of the Northern Irish local government pension scheme in a case concerning funding of pension benefits following the abolition of the NI Milk Marketing Board.

[Archer v Travis Perkins Plc \[2014\] EWHC 1362 \(Ch\), \[2014\] PLR 311](#)

Acting for representative beneficiary in a large and complex Part 8 claim concerning the equalisation of a pension scheme.

[MAN Truck & Bus UK Ltd v Whitaker & Others \(2013\) Chancery Division](#)

Acting for the representative beneficiary in a claim for rectification of pension scheme documentation.

[R \(London Fire & Emergency Planning Authority\) v Board of Medical Referees & Others \[2012\] EWHC 3828 \(Admin\)](#)

Judicial review by LFEPA in relation to medical retirement under the Firefighters' Pension Scheme.

[Industrial Acoustics Co Ltd v Crowhurst \[2012\] EWHC 1614 \(Ch\), \[2012\] PLR 371](#)

Acting for the representative beneficiary in a claim for rectification of pension scheme rules.

[Pioneer GB Ltd v Webb & Others \[2011\] EWHC 2683 \(Ch\), \[2011\] PLR 425](#)

Acting for the trustees in a claim for rectification of pension scheme documentation.

[Foster Wheeler v Hanley & Others \[2009\] EWCA Civ 651, \[2010\] ICR 374](#)

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Acting for a representative beneficiary in a claim relating to impact of European equal pay law on a UK pension scheme.

[Marrion & Others v London Fire & Emergency Planning Authority & Others \[2009\] EWCA Civ 450](#)

Employment

Keith's practice in employment law includes both advisory work and litigation and he appears regularly in the EAT and the High Court and Appellate Courts. His clients range from individuals to large private and public sector employers, including government departments and agencies. His expertise covers all aspects of employment law, including restrictive covenants, equal pay, discrimination of all types, TUPE and a particular niche specialisation in national security and vetting cases.

Recent / current work includes acting in a number of public sector pension reform challenges (including those involving police and doctors), a number of equal pay claims (including the mass claimant case against Tesco), advising and acting for and against various financial institutions in London and Hong Kong, and appearing in a number of ongoing national security cases.

Notable Employment cases

[Aarons and others v Home Secretary and others / Scottish Ministers and others](#)

Acting for 15,000 police officers in England, Wales and Scotland in a challenge to the transitional protection given to some officers when the 2015 Police Pension Scheme was introduced. The claims being pursued are for direct age discrimination, indirect race and sex discrimination and equal pay.

[Element and others v Tesco Stores Limited](#)

Acting for 5,000 Tesco retail employees in their claims for equal pay in which they compare themselves with their distribution colleagues who receive a significantly higher rate of pay.

[Ibrahim v HCA International Ltd \[2019\] EWCA Civ 2007](#)

Appeal concerning correct test for subjective / objective elements of belief required under whistleblowing provisions of Employment Rights Act 1996.

[Williams v Swansea University Pension & Assurance Scheme Trustees \[2018\] UKSC 65, \[2019\] 1 WLR 93, \[2019\] 2 All ER 1031, \[2019\] ICR 230, \[2019\] IRLR 306, \[2019\] PLR 11](#)

Successfully resisted appeal to Supreme Court in first ever appellate case on meaning of section 15 of the Equality Act

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2010 in claim of disability discrimination concerning the calculation of ill health retirement benefits.

Ibrahim v HCA International Ltd [2019] IRLR 690

The EAT held that the whistleblowing provisions of the Employment Rights Act 1996 were broad enough to include a disclosure of information that there had been a breach of tortious duties, including defamation.

Gunny v Great Ormond Street Hospital for Children NHS Foundation and ors [2018] UKEAT/0241/17/DA

Novel appeal concerning employment status of a group of radiologists providing services to a private healthcare company. Claimant not employed within extended sense under the Equality Act 2010 since group as whole contracted to provide services but no obligation on any individual member of the group.

Swansea University Pension & Assurance Scheme Trustees v Williams [2017] EWCA Civ 1008, [2018] ICR 233, [2017] IRLR 882

Continuing to act for, and successfully resisting appeal on behalf of, employer and trustees in claim of disability discrimination concerning the calculation of ill health retirement benefits.

Asda Stores Ltd v Brierley [2016] EWCA Civ 566, [2016] ICR 945, [2016] IRLR 709

Successfully resisting appeal by employer from ET and EAT findings that ET had no power to stay equal pay proceedings and effectively compel claimants to proceed in High Court.

Sullivan-Tigue v Kent County Council (March 2016)

Acting for defendant employer resisting injunction application from suspended headteacher seeking to prevent continuance of disciplinary proceedings.

Swansea University Pension & Assurance Scheme Trustees v Williams [2015] ICR 1197, [2015] IRLR 885

Acting for employer and trustees resisting a claim of disability discrimination concerning the calculation of ill health retirement benefits.

CD v HMRC [2014] ICR D1

National Security procedures.

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Deakin & Others v Kuehne & Nagel Drinks Logistics Ltd [2012] EWCA Civ 22, [2012] IRLR 513

Construction of nationwide collective agreement.

Key2Law (Surrey) LLP v De'Antiquis [2011] EWCA Civ 1567, [2012] ICR 881, [2012] IRLR 212

Regulation 8(7) of TUPE

Whether UK administration can ever fall within regulation 8(7) insolvency exception – this was the further appeal in the OTG v Barke case reported at [2011] ICR 781, [2011] IRLR 272, EAT.

Spaceright Europe Ltd v Baillavoine [2011] EWCA Civ 1565, [2012] ICR 520, [2012] IRLR 111

Meaning of 'reason connected with the transfer' in regulation 7(1) of TUPE and ambit of ETOR defence when dismissal by administrators to make business more attractive to potential purchasers.

Vickers v London Fire & Emergency Planning Authority [2011] EWCA Civ 494, [2011] ICR D24

Construction of fire authority collective agreement.

Memberships

- Association of Pension Lawyers
- Commercial Bar Association
- Employment Lawyers Association
- Employment Law Bar Association
- Financial Services Lawyers Association
- European Circuit
- Industrial Law Society
- Registered Member of the Courts of the **Dubai International Financial Centre**

Awards

- Recommended in Legal 500 for Employment and Pensions
- Recommended in Chambers & Partners for Employment and Pensions

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Recommendations



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Privacy Policy

Read Keith's [Privacy Policy](#).

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