



## Keith Bryant QC

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Year of call	Silk	Email
1991	2013	<a href="mailto:keith.bryantqc@outertemple.com">keith.bryantqc@outertemple.com</a>

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Keith Bryant QC'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.

Keith is regularly instructed in the High Court (Chancery and Queen'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.

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### London

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## Pensions & Trusts

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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.

## Cases

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**Britvic Pension Plan and Britvic PLC v Britvic Pensions Limited and Mr Simon Mohun [2021] EWCA Civ 867**

**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-

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retirement marriages from widow's benefits under the police pension scheme for pre-1978 pensionable service.

**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.

**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.

**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.

**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)**

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.

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**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**

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**

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## Employment & Discrimination

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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.

## Cases

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### **Tesco Stores Ltd v K and others** (C-624/19) [2021] WLR(D) 316

The first CJEU judgment on the question of whether Article 157 (the right to equal pay) has direct effect in equal value claims.

### **Tesco Stores Ltd v Element and others** (January 2021)

Successfully resisting appeal to the Employment Appeal Tribunal concerning disclosure obligations in mass claimant equal pay claim.

### **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 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,

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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.

**R (London Fire and 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.

**Rahman v Commissioner of Police of the Metropolis & Secretary of State for the Home Office [2012] UKEATPA/0076/09/RN, UKEAT/0125/10/RN**

National Security procedures.

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

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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.

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## Appointments & Memberships

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- 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

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## Recommendations



Outer Temple Chambers



Leading Set



LEADING SET



2017



LEADING SET



2016



Keith Bryant  
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2015

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## Testimonials

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“He is really knowledgeable and gives clear advice.” **Pensions, Chambers and Partners 2021**

“Keith is entirely reliable, dependable, pragmatic and provides strong technical advice.” **Pensions, Chambers and Partners 2021**

“He’s hands-on, responsive, calm and measured, with good technical knowledge.” **Employment, Chambers and Partners 2021**

“Good on pension-related matters, and his beautiful deep voice and softly spoken manner only serve to make his arguments even more plausible. He’s a calming influence for clients because he gives a strong impression that he knows what he’s doing and will sort out their problems.” **Employment, Chambers and Partners 2021**

“Very calm under pressure, really helps to get the tone and content right with the documents, and provides great strategic guidance in very sensitive claims.” **Employment, Legal 500 2021**

“He has a friendly, approachable manner which makes him very easy to work with. He is known to provide clear, pragmatic advice understanding the commercial approach taken by clients.” **Pensions, Legal 500 2021**

“Fantastically capable, formidably bright and very practical in his advice.” “His attention to detail is impeccable and you feel as though you are in very safe hands.” **Employment, Chambers and Partners 2020**

“Highly rated by respondents for his skill in high-value, complex matters.” **Pensions, Chambers and Partners 2020**

“He provides excellent knowledge and practical advice in relation to the employment and pension law crossover area.” **Pensions, Chambers and Partners 2020**

“He provides very clear and concise opinions on complex areas of pensions law, delivered in tight timescales.” **Pensions, Chambers and Partners 2020**

“An exceptional employment law barrister, very knowledgeable about the law, eminently sensible in his

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advice and decision-making." **Employment, Legal 500 2020**

"Exceptional legal analysis combined with an accessible and client-friendly approach." **Pensions, Legal 500 2020**

"Very knowledgeable on employment law and very intelligent." **Employment, Chambers & Partners 2019**

"Very personable and very good with clients." **Pensions, Chambers & Partners 2019**

"Very client-friendly and good at taking a sensible and proportionate approach." **Pensions, Chambers & Partners 2019**

"He has exceptional legal analysis paired with a client-friendly approach." **Pensions, Legal 500 2019**

"He is thorough, very likeable and approachable and he makes himself available at all times." **Pensions, Chambers & Partners 2018**

"He is very client-friendly and good at taking a sensible and proportionate approach." **Pensions, Chambers & Partners 2018**

"Very technical and presents advice in a format that clients can easily understand." **Employment, Chambers & Partners 2018**

"Strong in cases involving statutory and multi-employer schemes." **Pensions, Legal 500 2017**

"He writes fabulous opinions and can really dissect difficult things and put them into simple language." **Pensions, Chambers & Partners 2017**

"He's not only a good technical expert, but he presents his thoughts in a way clients can understand." **Pensions, Chambers & Partners 2017**

"His responsiveness to client queries is very impressive, as is his range and depth of knowledge." **Employment, Chambers & Partners 2017**

"Calm, persuasive and mindful of his audience." **Pensions, Legal 500 2016**

"Very knowledgeable and approachable, he's an excellent advocate." **Employment, Chambers & Partners 2016**

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“He has a very confident and reassuring way of presenting his case.” **Pensions, Chambers & Partners 2016**

“He has a calm manner which plays well especially with trustee and member clients.” **Pensions, Chambers & Partners 2016**

“He is thoughtful and measured and has great experience in both pensions and employment law.” **Employment, Chambers & Partners 2015**

“He delivers when he says he will, and manages to condense very complex issues into client-friendly language.” “He thinks outside the box and comes up with pragmatic solutions.” **Pensions, Chambers & Partners 2015**

“A good man to have on your side.” **Pensions, Legal 500 2015**

“He’s marked by a certain unflappability.” “Calm and considered, his pragmatism is a major strength and he’s very user-friendly.” **Employment, Chambers & Partners 2014**

“Keith impresses us with the speed with which he is able to turn round papers, manage our expectations, and explain complex issues to the lay client in an understandable and clear way.” **Pensions, Chambers & Partners 2014**

Keith Bryant QC “explains complex issues to lay clients in an understandable and clear way.” **Pensions, Legal 500 2014**

“Incredibly practical and user-friendly” Keith Bryant is “calm and collected” and “effective both orally and in writing.” **Employment, Chambers & Partners 2013**

Keith Bryant QC is “able to explain complex issues to the lay client in an understandable way.” **Pensions, Legal 500 2013**

“Technically excellent and very responsive,” he is considered to be a “real unsung star of the Employment Bar with a successful career ahead of him.” **Employment, Chambers & Partners 2012**

“Maintains a strong pensions practice alongside his highly regarded employment expertise. Combining his in-depth knowledge of these two fields, he regularly advises local government, NHS employers, police forces and fire authorities in relation to their statutory schemes. He attracts particular praise for his straightforward advice, with one interviewee asserting: “He gave us a firm opinion where others may have tried to sit on the fence.” **Pensions, Chambers & Partners 2012**

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Keith Bryant is “commercial and extremely pragmatic.” **Employment, Legal 500 2012**

Keith Bryant is “approachable and thorough.” **Pension, Legal 500 2012**

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