

# Lydia Seymour

**Year of Call:** 1997

**Direct Access:** Yes

|   |                               |
|---|-------------------------------|
|  | lydia.seymour@outertemple.com |
|  | 020 7353 6381                 |



Lydia Seymour has a specialist **pensions** and **employment** law practice, including **professional negligence** claims in both areas. She has been recognised by the legal directories as a leading junior since 2005 and is listed for employment, pensions and professional negligence.

Her practice includes all aspects of 'black letter' pensions law, including: de-risking, rectification, issues arising in multi-employer schemes and trustee duties. Her clients include the Pensions Regulator, employers, trustees, trade unions and individuals.

She also acts in claims of professional negligence arising from actuarial and legal advice to pension schemes, including cases in which allegations of breach of duty have also been made in respect of professional or lay trustees.

Given the dual nature of her practice, Lydia has developed a particularly strong reputation in the areas of crossover between pensions and employment law, and she is instructed in many of the leading cases in this area, particularly those which raise issues of age or sex discrimination in relation to pension provision, TUPE and breach of trust and confidence.

She also has substantial experience of statutory schemes and advises regularly on issues relating to the Local Government Pension Scheme, the Teachers' Pension Scheme, University Superannuation Scheme and the NHS Pension Scheme.

Lydia has wide experience of employment and discrimination cases at all levels, appearing regularly in complex and high-profile discrimination and whistleblowing matters. She is also regularly instructed in claims arising out of the termination of employment, particularly those raising bonus or restrictive covenant issues.

Lydia sat as a fee paid Employment Judge in various London regions for 12 years.

Lydia has a first-class degree in Politics, Philosophy and Economics from Oxford University and a distinction in the CPE Diploma in Law.

Clients and the legal directories have recognised her excellence in analysis and advocacy, ability to explain complex issues in plain English and strong commitment to her cases.

## London (Main Office)

The Outer Temple, 222 Strand  
London WC2R 1BA

T: +44 (0)20 7353 6381  
F: +44 (0)20 7583 1786  
E: [clarks@outertemple.com](mailto:clarks@outertemple.com)  
DX: LDE 351 (Chancery Lane)

## Abu Dhabi

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

T: +971 2694 8596  
E: [OTC-UAE@outertemple.com](mailto:OTC-UAE@outertemple.com)

## Dubai

Level 15, The Gate Building  
Dubai International Financial Centre  
Dubai, UAE

T: +971 4401 9584  
F: +971 4401 9578  
E: [OTC-UAE@outertemple.com](mailto:OTC-UAE@outertemple.com)

## Areas of Expertise

### Pensions

Lydia acts and advises in a wide range of contentious and non-contentious pensions work including 'black letter' pensions law; issues relating to statutory schemes and claims at the interface of pensions and employment law.

She has acted and advised in numerous High Court claims raising issues of scheme amendment (including estoppel and misrepresentation); de-risking (including Courage fetter issues and the pensions / employment crossover implications); equalisation and rectification. She has advised the Pensions Regulator on issues including scheme closures, section 75 debts, clearance statements and auto-enrolment.

She also has substantial experience of professional negligence actions relating to pensions, including advising and acting in claims involving allegations against actuaries and legal advisors, limitation problems and complex issues relating to loss. In addition to acting for companies and corporate trustees in pensions professional negligence claims she has also acted for a former lay trustee of a large defined benefit scheme accused of breach of trust in connection with losses to a pension scheme following the collapse of the principal employer.

Lydia is a leading practitioner in cases which raise issues of both pensions and employment law, and she is instructed in many of the leading cases in this area. These include age discrimination claims arising from scheme amendments and redundancy situations; TUPE – related pension issues, particularly those relating to the implications of the Proctor and Gamble decision; claims for breach of the implied term of trust and confidence arising from non-pensionability agreements and de-risking exercises, and sex discrimination and equal pay claims including calculation of the pension entitlements of part time workers.

In relation to statutory schemes, Lydia advises regularly on applications and responses in proceedings before the Pensions Ombudsman and has wide experience of the Local Government Pensions Scheme (LGPS), Teachers' Pension Scheme (TPS), University Superannuation Scheme (USS) and the Principal Civil Services Pension Scheme (PCSPS). She has also advised trade unions on issues arising from the NHS Pension Scheme and Firefighters' pensions.

### Notable Pensions cases

---

#### BNP Paribas Leasing Solutions Ltd v Winslett [2022] PE-000005 (Chancery Division)

---

Lydia acted for the representative beneficiary in this rectification claim which raised various scheme amendment issues including retrospectivity and evidence in circumstances in which decisions were taken by one entity in a group of companies whilst a different entity was the signatory to the pension deed. The claim was the subject of a court approved compromise.

---

#### Ceredigion Recycling and Furniture Team v Pope & Ors [2022] EWCA Civ 22

---

Lydia acted for the company in this Chancery Division remedy hearing in which the company obtained an order for the return of its business premises and damages from former Directors who were found to have taken them in breach of duty

#### London (Main Office)

The Outer Temple, 222 Strand  
London WC2R 1BA

T: +44 (0)20 7353 6381  
F: +44 (0)20 7583 1786  
E: [clarks@outertemple.com](mailto:clarks@outertemple.com)  
DX: LDE 351 (Chancery Lane)

#### Abu Dhabi

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

T: +971 2694 8596  
E: [OTC-UAE@outertemple.com](mailto:OTC-UAE@outertemple.com)

#### Dubai

Level 15, The Gate Building  
Dubai International Financial Centre  
Dubai, UAE

T: +971 4401 9584  
F: +971 4401 9578  
E: [OTC-UAE@outertemple.com](mailto:OTC-UAE@outertemple.com)

and contract and placed them into Self-Invested Personal Pensions ('SIPPs')

---

Motor Industry Pension Plan (Chancery Division)

---

Lydia acts for the Trustee in this matter (led by Richard Hitchcock KC) which concerns a multi-sector pension scheme for the motor industry.

---

**The Local Government Pension Scheme and provision of a Sharia law compliant alternative**

---

Lydia was asked to provide policy advice to the Local Government Association on whether authorities are obliged to offer a sharia-law compliant pension scheme in circumstances in which employees were refusing membership of the Local Government Pension Scheme on religious grounds. Lydia's advice addressed the question of whether failure to provide a sharia-compliant pension scheme could be actionable discrimination as well as the potential implications for councils if they did provide such an alternative and were then asked to provide schemes which were compliant with other religious or philosophical beliefs. The Advice was published and provided to all local authorities in England and Wales and can be read here:

<https://lgpsboard.org/images/PDF/BoardMar2022/Sharia07032022.pdf>

---

Sargeant & others v London Fire & Emergency Planning Auth & Others [2021] Pens L.R. 12

---

Lydia (led by Andrew Short KC) acted for over 6000 firefighters in their successful age discrimination challenges following changes to their pension entitlements. The claims were upheld by the Court of Appeal in 2018 and in 2022 settlements were secured in respect of each claimants injury to feelings.

Lydia also acted (led by Keith Bryant KC) for over 1000 Ministry of Defence police officers who brought similar claims which were also settled during 2022.

---

Carr v Thales Pension Trustees Ltd [2020] EWHC 949 (Ch)

---

Acted for the company (led by Nicolas Stallworthy KC) in this High Court appeal against a decision of the Pensions Ombudsman relating to whether a pension scheme had 'hard-wired' RPI increase provisions.

---

Sergeant & Others v Department for Constitutional Affairs & Others [2018] 3 All E.R. 245

---

Lydia (led by Andrew Short QC) acted in the Court of Appeal for the successful Claimants in this claim brought by over 6,000 firefighters claiming age discrimination, equal pay and sex and race discrimination in relation to the transitional provisions of the new firefighters' pension scheme

---

FBU v Fordham [2018] EWHC 1978 (Ch); [2018] 7 WLUK 661

**London (Main Office)**

The Outer Temple, 222 Strand  
London WC2R 1BA

T: +44 (0)20 7353 6381  
F: +44 (0)20 7583 1786  
E: [clarks@outertemple.com](mailto:clarks@outertemple.com)  
DX: LDE 351 (Chancery Lane)

**Abu Dhabi**

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

T: +971 2694 8596  
E: [OTC-UAE@outertemple.com](mailto:OTC-UAE@outertemple.com)

**Dubai**

Level 15, The Gate Building  
Dubai International Financial Centre  
Dubai, UAE

T: +971 4401 9584  
F: +971 4401 9578  
E: [OTC-UAE@outertemple.com](mailto:OTC-UAE@outertemple.com)

---

Acted for the employer in this Chancery Division appeal against the finding of the Pensions Ombudsman concerning the interpretation of scheme rules, their interacting with contractual provisions and limitation.

---

Europe Arab Bank & others v Everest (Chancery Division 2018)

---

Lydia acted for the Representative Beneficiary in this complex claim for rectification of three separate pension deeds which was the subject of a court-approved compromise.

---

IBM United Kingdom Holdings Ltd v Dagleish [2015] Pens L.R. 99

---

Lydia was part of the team acting for the Representative Beneficiary in the remedy proceedings in the long-running IBM pension litigation.

---

## Employment

Lydia has over twenty years' experience of all aspects of employment and discrimination law. Latterly she has specialised in complex discrimination claims (including claims at the interface of pensions and employment law), whistleblowing and High Court bonus and restrictive covenant issues.

Comments in the legal directories include: "Razor-sharp, with encyclopaedic knowledge of the constantly shifting field of employment law"; "flexible, unfussy and totally on the ball" and "calm, thoughtful and a great advocate".

Recently, Lydia has been instructed by both employers and employees on a number of claims raising issues of age discrimination and pension entitlement (including claims relating to transitional provisions in scheme amendments and redundancy), as well as acting in a number high profile claims brought by senior women working in the city alleging structural sex discrimination in relation to bonus payments and promotion.

She acts for companies, individuals and trade unions, and advised the Commission for Equality and Human Rights on aspects of the Equality Act 2010.

Lydia sat a fee paid Employment Judge in various London regions for 12 years. She co-edits the Employment sections of Butterworths' Civil Court Practice (The Green Book) and is a co-editor of Tottels' Discrimination Law.

## Notable Employment cases

---

Brooks v Pletini [2022] EAT 88; [2022] 1 WLUK 567

---

Lydia acted for the successful appellant in this EAT hearing in which the ET had gone ahead with a hearing despite the Respondent contending that she had not received notice of proceedings as a result of the closure of her workplace during the covid pandemic. She acted for the same client in High Court proceedings staying a Notice of Enforcement of the

### London (Main Office)

The Outer Temple, 222 Strand  
London WC2R 1BA

T: +44 (0)20 7353 6381  
F: +44 (0)20 7583 1786  
E: [clarks@outertemple.com](mailto:clarks@outertemple.com)  
DX: LDE 351 (Chancery Lane)

### Abu Dhabi

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

T: +971 2694 8596  
E: [OTC-UAE@outertemple.com](mailto:OTC-UAE@outertemple.com)

### Dubai

Level 15, The Gate Building  
Dubai International Financial Centre  
Dubai, UAE

T: +971 4401 9584  
F: +971 4401 9578  
E: [OTC-UAE@outertemple.com](mailto:OTC-UAE@outertemple.com)

original Judgment of the Employment Tribunal. The decision is one of a relatively small number on the role of the civil courts in the enforcement of ET Judgments, and the power of the High Court to stay execution pending an appeal to the EAT.

---

**London Fire Commissioner v Sargeant [2021] ICR 1057**

---

Lydia was led by Andrew Short in this EAT hearing which followed the firefighters' successful claims of age discrimination in relation to changes to their pension. In this Judgment, the EAT set out how the non-discrimination rule in pension schemes works and found that the firefighters' employers were responsible for the discrimination which had occurred even though they believed that they were acting in accordance with the terms of a statutory instrument.

---

**London Underground Limited v Mighton [2020] EWHC 3099; [2020] 11 WLUK 242**

---

Acted for Transport for London (leading Elizabeth Grace) in this successful application in the Queen's Bench Division for a general civil restraint order against a former employee

---

**London Underground Limited v Amissah – [2019] EWCA Civ 125; [2019] ICR 1155**

---

Acted for the Respondent in a this high-profile group claim under the Agency Workers Regulations concerning the liability of the end user of agency workers in a situation in which money is withheld by an employment agency which subsequently goes into liquidation.

---

**Sargeant & Others v Department for Constitutional Affairs & Others – [2018] EWCA Civ 2844; [2020] 1 All E.R. 304**

---

Acted for the successful Claimants (led by Andrew Short QC) in this claim brought by over 6,000 firefighters claiming age discrimination, equal pay and sex and race discrimination in relation to the transitional provisions of the new firefighters' pension scheme.

---

**Parker v Medical Defence Union & Another – EAT [2017] 11 WLUK 123**

---

Lydia acted for the Claimant in this EAT claim raising novel issues relating to the appropriate basis of calculation of pension benefits for members of final salary schemes who worked both part time and full time during their working life.

---

**O'Sullivan v London Underground Limited – EAT [2016] 1 WLUK 626**

---

Appeal to the EAT on the award of death in service and pension benefits to the dependants of an employee who died during the course of Employment Tribunal proceedings.

**London (Main Office)**

The Outer Temple, 222 Strand  
London WC2R 1BA

T: +44 (0)20 7353 6381  
F: +44 (0)20 7583 1786  
E: [clarks@outertemple.com](mailto:clarks@outertemple.com)  
DX: LDE 351 (Chancery Lane)

**Abu Dhabi**

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

T: +971 2694 8596  
E: [OTC-UAE@outertemple.com](mailto:OTC-UAE@outertemple.com)

**Dubai**

Level 15, The Gate Building  
Dubai International Financial Centre  
Dubai, UAE

T: +971 4401 9584  
F: +971 4401 9578  
E: [OTC-UAE@outertemple.com](mailto:OTC-UAE@outertemple.com)

---

Lees v Imperial College of Science Technology and Medicine - EAT [2016] 1 WLUK 155

---

Appeal to the EAT on an age discrimination claim relating to an employer's refusal to declare an employee redundant in circumstances in which an enhanced pension would be due.

---

Weerasinghe v Basildon & Thurrock NHS Trust - EAT [2016] ICR 305

---

Two appeals to the EAT – one on the meaning of the term 'cross appeal' in the context of EAT procedure, and the second on the correct approach to be taken by an Employment Tribunal in deciding whether there has been discrimination arising from disability.

---

## Memberships

- Sat as a fee-paid Employment Judge in various London regions for 12 years.
- [APL](#)
- [ELBA](#)

## Languages

- Conversational French

## Publications

- Co-editor of the Employment section of Butterworths' Civil Court Practice (The Green Book)
- Co-editor of Tottels' 'Discrimination Law'.
- Pensions: Law, Policy and Practice (2020, Hart Publishing) Chapter on 'The Courts, Non-Discrimination and Systemic Change in UK Public Sector Pension Schemes'

## Recommendations

### London (Main Office)

The Outer Temple, 222 Strand  
London WC2R 1BA

T: +44 (0)20 7353 6381  
F: +44 (0)20 7583 1786  
E: [clarks@outertemple.com](mailto:clarks@outertemple.com)  
DX: LDE 351 (Chancery Lane)

### Abu Dhabi

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

T: +971 2694 8596  
E: [OTC-UAE@outertemple.com](mailto:OTC-UAE@outertemple.com)

### Dubai

Level 15, The Gate Building  
Dubai International Financial Centre  
Dubai, UAE

T: +971 4401 9584  
F: +971 4401 9578  
E: [OTC-UAE@outertemple.com](mailto:OTC-UAE@outertemple.com)



## Outer Temple Chambers



### London (Main Office)

The Outer Temple, 222 Strand  
London WC2R 1BA

T: +44 (0)20 7353 6381  
F: +44 (0)20 7583 1786  
E: [clarks@outertemple.com](mailto:clarks@outertemple.com)  
DX: LDE 351 (Chancery Lane)

### Abu Dhabi

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

T: +971 2694 8596  
E: [OTC-UAE@outertemple.com](mailto:OTC-UAE@outertemple.com)

### Dubai

Level 15, The Gate Building  
Dubai International Financial Centre  
Dubai, UAE

T: +971 4401 9584  
F: +971 4401 9578  
E: [OTC-UAE@outertemple.com](mailto:OTC-UAE@outertemple.com)