



James Ayliffe QC

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Clerks' Details

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Qualifications and Appointments

- First in Philosophy Politics & Economics
New College, Oxford
- Distinction in Diploma of Law.
City University, London

“Superb at anything”

Chambers & Partners 2014

Practice Overview

James is a highly experienced and respected silk with a broad commercial and financial practice.

The width of his expertise is often an invaluable asset in itself as many cases straddle, or benefit from familiarity with, more than one field of law.

To such expertise, he also brings sound judgement, a creative approach to problem-solving and a willingness to go that extra mile for his clients.

Ultimately, what most distinguishes his practice is persistence and mental agility in dealing with difficult, and often seemingly intractable, disputes and issues.

He appears both in court proceedings, arbitrations and other forms of dispute resolution, and also acts as an arbitrator and mediator himself.

He also provides advisory services in relation to non-contentious matters within the areas of his expertise.

Much of his practice has an international flavour, with recent cases involving jurisdictions as diverse as the BVI, Cayman Islands, Channel Islands, Cyprus, South Africa, Isle of Man, Gibraltar, New York and Ukraine.

Memberships

- Chancery Bar Association
- COMBAR
- Commercial Fraud Lawyers Association
- Insolvency Lawyers Association
- Professional Negligence Bar Association
- Property Bar Association
- Member of the Bar of the British Virgin Islands



Pensions

James acts on a wide range of pensions matters, both personal and occupational. He is particularly suited to commercial cases arising out of the establishment, operation or winding up of pension schemes e.g.

- Cases involving allegations of breach of duty by scheme trustees (in commenting on his professional negligence expertise, this year's *Chambers & Partners* described James as "**superb at anything with a trusts angle**").
- Professional negligence claims against pensions professionals (*Chambers & Partners* also specifically commented that James was "**good for technical pension cases**").
- Claims to recover improperly applied scheme assets (including pension 'liberation' cases)
- Claims to recover losses incurred as a result of poor investment advice or 'misselling' of investment products.
- Employer/trustee disputes.

Some representative cases include:

- Acting for solicitors facing a complex claim by the scheme trustees arising out failure to take steps to achieve effective equalisation of retirement ages.
- Advising the Pensions Regulator in relation to issues arising in relation to a 'failure to agree' between trustees and employer under Part 3 of Pensions Act 2004.
- Advising beneficiaries under SIPP's arrangements regarding claims against trustees and managers for mismanagement of trust investments.
- Successfully representing the Pension Protection Fund in its first court case involving pursuit of a winding up order against an employer based on a contingent S 75 debt (**Board of PPF v Famco** (2012)).
- Acting for scheme administrators facing a claim for substantial losses arising out of failure to take effective steps to achieve Barber equalisation.
- Advising trustees of a large occupational pension scheme regarding issues relevant to assessment of employers' ability to satisfy its potential S 75 liability.
- Advising trustees of pension scheme of FTSE 100 company regarding 'employer related investments'.
- Advising one of 'big four' accountancy firms regarding issues relating to its pension scheme.
- Acting for occupational pension fund trustees on multi-million pound claim against a major life office for mismanagement of with profits investment.
- Acting for City solicitors facing a multi-million pound claim by trustees of an occupational fund in respect of allegedly negligent advice/drafting.
- Advising major pension provider in relation to potential claims in excess of £300m regarding advice in respect of changes to pension arrangements.
- Acting for claimants on a claim against pension advisers arising out of the re-structuring of pension scheme on sale of business.
- Acting for pension advisers facing a negligence claim in relation to calculation of transfer values.
- Acting for pension advisers facing a claim in relation to advice regarding 'liberation' of pension. fund.



Pensions continued

- Acting for a Policyholder Advocate representing the interests of pension and other policyholders of Commercial Union and Norwich Union (both now part of Aviva) in relation to the re-attribution of a £5bn inherited estate (Re *Commercial Union Life Assurance Co Ltd* [2009] EWHC 2521).
- Advising the consumer association Which?, regarding aspects of with profits pension arrangements.

James has a particular expertise in with profits pension arrangements, having acted for Equitable Life in the well-known proceedings regarding 'guaranteed annuity rates' which went to the House of Lords in 2002.

He has since advised a number of major life offices on wide-ranging reviews of their with profits businesses, acted for and against with profits insurers on a variety of disputes, and been heavily involved in the reattribution of Aviva's inherited estate.