



Thomas Seymour

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Clerks' Details

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Qualifications and Appointments

- First Class degree in Law – Cambridge

Practice Overview

Thomas is a highly experienced barrister with a broad commercial chancery practice, pensions, trusts/private client, property and professional negligence related to those practice areas.

His pensions practice covers occupational and personal pension schemes (including regulatory matters, pensions mis-selling and pensions liberation).

Thomas has an extensive trusts/private client practice, specialising in contentious trust litigation both in the United Kingdom and overseas (including recent cases in Gibraltar and the Cayman Islands). His private client practice also embraces wills, contentious probate, estates and charities.

His property work focuses on real property disputes: enforcing contracts for sale or lease, title and boundaries, restrictive covenants, easements, mortgages, commercial landlord and tenant, and conveyancing.

Thomas acts and advises on partnership and company law matters and has recently advised the Financial Reporting Review Council on International Accounting Standards and compliance issues relating to public companies.

He is also an accredited mediator.

Memberships

- Chancery Bar Association
- Association of Pension Lawyers
- Society of Trust and Estate Practitioners
- Association of Contentious Trust and Probate

Publications

- **Trustee exculpation – the law, the quirks and the business sense** (2014) *Trusts & Trustees* 20 (9): 933–942
- Seminar address to Association of Pension Lawyers on group estoppel in occupational pension schemes. Published in *Pension Lawyer* Issue 101 (November 2004).



Pensions

Thomas has a specialist pensions practice based on over 20 years' experience of acting and advising in pensions matters, including litigation in the High Court, Pensions Ombudsman references and regulatory matters. He also commonly represents scheme trustees or representative members on Beddoe and other court applications.

Notable matters include:

- Acting for the trustees of the British Airways New Airways Pension Scheme in defending a claim by the employer concerning RPI/CPI and the alleged invalidity of the scheme amendments and subsequent exercise of powers to grant discretionary increases and pension benefits.
- Acting for the trustees of the Hewlett Packard pension plan in a claim by the employer for construction/rectification of scheme rules concerning the application of limited price indexation to additional voluntary contributions (recently compromised on terms approved by the court).
- Acting for the defendant to a current multi-million pound claim by The Pensions Regulator in respect of alleged pensions liberation and alleged misuse of assets: this and other pending cases raise issues recently considered in *Pi Consulting (Trustee Services) Ltd v The Pensions Regulator* [2013] EWHC 3181 as to the nature and requirements of an occupational pension scheme.
- Acting for the representative beneficiary to an application for Beddoe directions by the trustee appointed by The Pensions Regulator to occupational pension schemes on grounds of alleged breach of trust and improper investment *Dalriada Trustees Ltd v Guilliam* (unreported) and *Dalriada Trustees Ltd v Woodward and Others*.
- Acting for the employer in a claim concerning construction of early retirement provisions (*Akester & Ors v Kingston Communications plc & Others*).
- Acting for an employer resisting an employee's claim for revaluation of pension benefit notwithstanding its augmentation by reference to his normal retirement age under a compromise agreement (*Davidson v Arla Foods UK Ltd and Trustees of Express Pension Scheme*).
- Advising former employers in relation to liability for contributions under the Merchant Navy Pension Scheme (*Merchant Navy Officers Pension Fund v FT Everard & Sons Ltd and Others*).
- Advising employers in a multi-employer scheme concerning a regulated apportionment arrangement and negotiations with the PPF and The Pensions Regulator.
- Acting for the representative member in an employer's claim for construction/rectification of scheme rules to pensionable remuneration; *Redrow & Others v Pedley & Ors*: a leading case on estoppel. Thomas advises trustees and employers frequently on scheme amendment and estoppel issues.
- Acting for the trustee in the leading case concerning preservation rights and unfunded occupational pension schemes (*Royal Masonic Hospital v Pensions Ombudsman*).
- Acting in a leading case concerning the validity and effect of scheme forfeiture provisions (*Re Scientific Investment Corporation*).
- Acting for the trustee in a case establishing that the trustee had no duty to disclose reasons for adopting a particular method of allocation surplus on a bulk transfer (*Wilson v Law Debenture Trust Corporation plc*).
- Acting for the independent trustee in a case concerning the meaning and application of regulations concerning independent trustees (*Denny v Yeldon*).