



Andrew Mold

Call: 2003

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“Excellent in terms of his work product and his attitude, he’s an absolute pleasure to work with”

Chambers and Partners 2019

Clerks’ Details

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Qualifications and Appointments

- First Class honours degree in Law, St John’s College, Cambridge
- Clifford Chance David Gottlieb Prize for obtaining the highest law examination results in the year at the University of Cambridge
- Jacovides Prize for international law
- College and university awards for gaining a first in each year of undergraduate degree
- LLM from Harvard Law School
- Hardwicke and Mansfield Scholarships from Lincoln’s Inn
- Registered advocate before DIFC Courts

Memberships

- Chancery Bar Association
- COMBAR
- Association of Pension Lawyers
- ACTAPS
- Bar Pro Bono Panel

Publications

- [How to side-step valid trust and corporate structures](#) (2014) *Trusts & Trustees* 20 (9):891-929
- Author of the negligence section of *Cordery on Solicitors*

Practice Overview

Andrew’s practice covers commercial and traditional chancery work. Within these fields, he has particularly strong interests in trusts, pensions, fraud and breach of fiduciary duties, professional liability, company and partnership disputes. He is also often brought into to assist with cases involving other areas of the law most notably family, insolvency and regulatory proceedings.

Andrew enjoys both the advisory and advocacy sides of his practice and is experienced in the main forms of alternative dispute resolution. He frequently appears on his own against QCs. He is also regularly instructed as part of a team either alongside a QC or leading more junior barristers.

In recent times, Andrew has gained significant experience of working on so-called ‘big money’ divorce cases involving the treatment of trust assets. He has also been instructed in many of the recent leading pension cases especially those considering the use of The Pensions Regulator’s powers.

Many of Andrew’s cases involve an international element, particularly in the context of trust disputes or fraud cases, and he has been admitted to the Bar of the Cayman Islands where he has appeared as an advocate. In the past few years, Andrew has been engaged on matters concerning proceedings in Jersey, the Isle of Man, Cyprus, Switzerland, Singapore, Bermuda, Nevis, the British Virgin Islands, several states of the USA and the Cayman Islands.

The recent Chambers & Partners 2019 describes him as *“an absolutely urbane, sophisticated and interesting, client-facing guy”* who is *“a very reliable and personable barrister and a safe pair of hands”* A well-liked junior who is effective in fraud and breach of fiduciary duty cases. He is admired for the quality of his advice and advocacy and often appears unled in significant cases.

Andrew adroitly handles a diverse range of traditional and commercial chancery matters, demonstrating considerable strength in cases concerning trusts, professional liability and company law. *“He’s excellent with clients, excellent to work with and a talented guy.”* He is also known for his expertise with regard to the treatment of trust assets in high-value divorce cases.

Meanwhile the 2019 edition of The Legal 500 describes Andrew as *“rock solid on the law while remaining very commercial”* and says *“you can be confident that he will find the answer to the most complicated of cases.”*



Pensions

Andrew has extensive experience in pensions law covering all sizes of matters including proceedings before the Pensions Ombudsman, The Pensions Regulator, the High Court, Court of Appeal and Supreme Court. He regularly acts for trustees, members, sponsoring companies, professional advisors and the regulatory bodies.

Recent notable matters that Andrew has worked on include the following:

- *Lloyds Banking Group Pension Trustees Ltd v Lloyds Bank plc*. Andrew was instructed on behalf of Lloyds Bank in the ground-breaking GMP equalisation litigation.
- *Pollock v Reed*. Andrew was instructed for the PPF in litigation concerning the Halcrow Pension Scheme. This case involved an application to Court by the trustee of the scheme to determine whether members' benefits could be transferred to a new scheme without their consent.
- *IBM United Kingdom Holdings Ltd v Dalgleish*. Andrew was instructed on behalf of the trustee in this long-running litigation which concerned IBM's breaches of the 'Imperial' duty of good faith and the consequences which flowed from such breaches.
- *In the matter of Nortel GMBH and others & In the matter of Lehman Brothers International (Europe) and others*. Andrew appeared for the successful appellant administrators in the decision of the Supreme Court determining the status of FSDs and CNs in an administration and any subsequent liquidation. Andrew also appeared before Briggs J and the Court of Appeal.
- *Re the Nortel Networks UK Pension Plan*. Andrew was instructed in proceedings before the Upper Tribunal concerning a decision by the Determinations Panel of the Pensions Regulator to issue FSDs against a number of targets within the Nortel group of companies.
- *Re Honda Pension Scheme*. Andrew appeared in the Court of Appeal for the determination of a question of construction arising in the context of the Honda Pension Scheme.
- *Sea Containers Pension Schemes*. Andrew was instructed for defendant benefit consultants and actuaries in a professional negligence claim arising out of alleged failed equalisation in the Sea Containers Pension Schemes.
- *Bloxwich Pension Scheme*. Andrew was instructed for defendant benefit consultants facing professional negligence claims in the administration of the Bloxwich Pension Scheme.
- *EMI Pension Scheme*. Andrew was instructed on behalf of EMI in proceedings concerning the use of the Pensions Regulator's powers under Part 3 of the Pensions Act 2004 to determine a recovery plan and schedule of contributions.
- *The PNPf Trust Company Ltd (as Trustee of the Pilots' National Pension Fund) v Taylor and others*. Andrew acted for the Port of London Authority in proceedings brought by the trustee to determine several questions relating to the powers of amendment under the scheme, the trigger and calculation of s 75 debts, what bodies constitute an 'employer' under s 75 and the scheme specific funding regime.
- *Cemex UK Marine Ltd v MNOPF Trustees Ltd* [2009] EWHC 3258 (Ch). Andrew was instructed for Cemex in this decision which determined what constituted an 'employment cessation event' for the purposes of s 75.

Professional Liability

Andrew is regularly instructed on a wide range of professional liability cases across the commercial and chancery law spectrum. In particular, he frequently acts for or against lawyers, pensions professionals, trustees and other fiduciaries, accountants and auditors, directors and financial advisors.

Andrew also has experience of regulatory proceedings against solicitors and accountants. He has acted in proceedings before the Solicitors Disciplinary Tribunal and is also instructed by the FRC.



Professional Liability continued

Recent notable matters that Andrew has worked on include the following:

- *Sea Containers Pension Schemes*. Andrew is instructed for defendant benefit consultants and actuaries in a professional negligence claim arising out of alleged failed equalisation in the Sea Containers Pension Schemes.
- *Bloxwich Pension Scheme*. Andrew was instructed for defendant benefit consultants facing professional negligence claims in the administration of the Bloxwich Pension Scheme.
- *Re a Gibraltar Trust*. Andrew was instructed for claimant beneficiaries in proceedings alleging (amongst other things) professional negligence against a trustee company in relation to the administration and investment of a trust based in Gibraltar.
- *Hampton v Clifford Harris*. Claim by a beneficiary against her former solicitors in respect of delays in the distribution of an estate which caused increased inheritance tax liabilities.
- *Logue v Shaw & Turnbull*. A private prosecution against two solicitors which was brought by an individual who was the subject of a freezing injunction which had been wrongly granted.
- *FRC investigations*. Andrew has acted on several disciplinary cases brought by the FRC against accountants and auditors.
- Several claims against solicitors for negligent advice in the context of residential conveyancing.
- Defending an accountancy firm facing a £30m claim for alleged breaches of duty in relation to an invoice discounting facility.
- Acting for a tenant against its former solicitors for failing to give proper advice about its ability to serve a valid termination notice under an agreement for lease.
- Advising in relation to a massive property-related professional negligence claim arising out of the faulty construction of a multi-storey car park for a shopping centre.
- Acting for a Cayman Islands building firm against allegations of professional negligence in respect of hurricane-related remedial work.

Trusts, Tax, Probate and Estates

Andrew has significant experience of trust-related matters (both offshore and onshore). The majority of his work is contentious but he also regularly advises in non-contentious matters.

Over recent years, he has applied his knowledge of trust law and fiduciary obligations to differing contexts, in particular divorce proceedings, commercial disputes and corporate transactions.

Recent notable matters that Andrew has worked on include the following:

- *Re Longleat Estate*. Andrew acted for a professional trustee in litigation over the terms on which he should retire as a trustee.
- In the matter of an Application for Information about a Trust. Andrew was instructed in these Bermudian proceedings for a beneficiary seeking information about the administration of a trust which contains a provision restricting disclosure in the trust instrument. The case was due to be heard by the Privy Council but settled shortly before the hearing.
- *Charman v Charman*. Court of Appeal decision involving the largest-ever contested divorce award in England and Wales which considered the extent to which the assets of an offshore discretionary trust should be taken into account for ancillary relief purposes.



Trusts, Tax, Probate and Estates continued

- *Rybolouleva v Ryboloulev*. Acting for a husband in satellite litigation arising out of divorce proceedings in Geneva and involving trust and related issues. The divorce award made by the Swiss Court was in the sum of around 4 billion Swiss francs.
- Advising in respect of several other confidential divorce cases which involve trusts, conflicts of law, enforcement issues and interim relief.
- *In the matter of an Isle of Man Trust*. Andrew acted for the trustee of an Isle of Man trust in proceedings in the Isle of Man courts which sought various declarations and the 'blessing' or a momentous decision proposed by the trustee.
- *Al-Bassam v Al-Bassam*. Long-running dispute involving issues of probate, succession, domicile, conflict of laws and forgery of a will and marriage certificate.
- Advising in respect of an ongoing investigation by the SEC, IRS and New York District Attorney into a series of settlements administered in the Isle of Man.
- Advising on the appropriate drafting of an IPO prospectus which required the disclosure of various interests under settlements.
- Acting and advising in respect of cases under the Inheritance (Provision for Family and Dependents) Act 1975.

Property

Andrew is experienced in dealing with a range of property-related disputes, in particular those involving trust and co-ownership issues, professional negligence claims and shareholder and joint venture disputes.

Notable matters that Andrew has worked on include the following:

- *B v B*. Andrew acted for a third party in a dispute over the ownership of a villa in the South of France that arose in the course of divorce proceedings. The case involved consideration of conflict of laws, constructive and resulting trusts and various evidential presumptions.
- *Ackerman v Ackerman & Thornhill*. Substantial proceedings brought to set aside the provisional report of an expert who determined the division of a large property empire between two sides of a family. The challenge was made on the grounds of bias, collusion and material departure from instructions.
- Various co-ownership and trust disputes arising in the course of matrimonial proceedings.
- *One Hyde Park*. Acting in proceedings involving a substantial dispute arising out of the purchase of an apartment in the One Hyde Park development.
- *Ross River Ltd v Cambridge City Football Club Ltd*. Claim for the rescission of the sale of a football ground and an overage agreement on the grounds of bribery and fraudulent misrepresentation.
- *Re Brixton Prison*. Successful application for an order under the Access to Neighbouring Land Act 1992 so that extensive work could be carried out to HMP Brixton.
- Acting for the claimant in a three-day trial of a neighbour dispute over the existence of a right of way.
- Acting in a commercial property arbitration concerning the validity of a notice of termination under a long-term commercial lease.
- Appearing successfully for an appellant to the Lands Tribunal against a decision of a Leasehold Valuation Tribunal in respect of the reasonableness of a service charge.
- Acting in a dispute arising out of a joint venture for the redevelopment of a leisure and timeshare complex in the south of England.



Commercial

Andrew has extensive experience of business and commercial litigation before a wide variety of courts and tribunals. His cases often involve allegations of fraud or breach of fiduciary duties and asset tracing. He is also regularly instructed in relation to company and partnership disputes, claims against directors or amongst shareholders as well as claims relating to investment vehicles.

Recent notable matters that Andrew has worked on include the following:

- *Re Torchlight Fund*. Andrew was instructed by the general partner of a Cayman Islands investment fund to defend a petition to wind up the fund on the just and equitable basis. The litigation involved one of the longest trials in the Cayman Islands in recent times and McMillan J delivered a judgment running to almost 400 pages.
- *Rolle v Rolle*. This was a case before the Privy Council on appeal from the Bahamas which raised the tricky legal issues of the validity of pre-incorporation contracts and the doctrine of escrow.
- Acting in proceedings against a number of high-profile parties in relation to a wide-ranging dispute involving claims for breach of confidence, unlawful means conspiracy, breach of contract and abuse of process.
- *Ackerman v Ackerman & Thornhill*. Substantial proceedings brought to set aside the provisional report of an expert who determined the division of a large property empire between two sides of a family. The challenge was made on the grounds of bias, collusion and material departure from instructions.
- *Merchantbridge & Co v Safron General Partner 1*. This case concerned proceedings brought by an investment adviser against the fund manager of a Cayman Islands-based hedge fund for breach of an investment advisory agreement. A third-party costs order was also obtained against the shareholders of the fund manager who were financing its defence.
- *Harley Street Capital v Tchigirinski and others*. High Court litigation centring around an Anglo-Russian energy company involving claims of fraud, the rights of minority shareholders, derivative proceedings, service out, freezing injunctions and breach of fiduciary duties.
- *Hammonds v Danilunas and others*. Acting for a former partner in a dispute with the law firm Hammonds over the repayment of alleged over-drawings on account of partnership profits which did not materialise.
- *Sagicor (Cayman) Ltd v Hurlstone and others*. Proceedings before the Grand Court of the Cayman Islands in which claims of insurance fraud arising out of Hurricane Ivan were successfully defended. Further proceedings for an account of damages suffered as a result of a freezing injunction which had been in place for three years and for abuse of process followed the main action.
- *Reeves v Sprecher*. Acting for one partner in a dispute over the ownership of a successful hedge fund business. Parallel proceedings were launched in England and St Kitts & Nevis involving allegations of breach of fiduciary duty, fraudulent misrepresentation and the unfair redemption of shares.
- *Demco Investment and Commercial SA v S-E Banken Forsakring Holding Aktiebolag*. Large scale arbitration under the Stockholm Chamber of Commerce relating to pensions mis-selling, the conduct of the Pensions Review and indemnities under a sale and purchase agreement.
- Confidential proceedings in the Queen's Bench Division to obtain an urgent injunction preventing a licensor from repudiating a worldwide licence agreement for the manufacture of clothing. Simultaneous proceedings were ongoing in Delaware and Illinois.