



Andrew Mold

Call: 2003

amold@wilberforce.co.uk

Clerks' Details

Danny Smillie +44 (0)20 7306 0102
Robert Johnstone tcj@wilberforce.co.uk
Nancy Lee
Jack Barker

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

“Undoubtedly one of the best junior counsel of his level”

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
- [Taking a chance](#) (2011) *The Lawyer*
- 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 (both offshore and onshore), pensions, fraud and breach of fiduciary duties, professional liability, company and partnership disputes as well as property-related work. 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 or senior junior barristers. He is also regularly instructed as part of a team alongside a QC.

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, 2017 recognises him as *"a silk in waiting" who is "practical and won't get wrapped up in the law; he understands the underlying commercial requirements of the client."* A highly regarded junior who receives praise for his measured approach in court and his ability to simplify complex pension issues. He often appears unled in significant cases and specialises in professional negligence and regulatory aspects. *"He is outstandingly intelligent, incredibly easy to work with and flexible. He has a really fabulous manner and is supremely intelligent."*

Chambers & Partners, 2016 describe him as *"an intellectual powerhouse" who is "bright and energetic with an impressive recall and he is fully on top of his subject."* A versatile junior who maintains a strong presence in both the traditional and commercial chancery areas. His commercial work is characterised by regular appearances in cases concerning trusts, fiduciary duties, financial services and fraud. *"He is very patient and talks things through. He's also very good under pressure and user-friendly."*



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:

- *IBM United Kingdom Holdings Ltd v Dalgleish*. Andrew is instructed on behalf of the trustee in this long-running litigation which concerns IBM's breaches of the 'Imperial' duty of good faith and the consequences which flow 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 is 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 recently 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 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 is 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