



Brian Green QC

Call: 1980

QC: 1997

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Clerks' Details

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Qualifications and Appointments

- BA (Oxon) Jurisprudence (1977) 1st Class
- BCL (Oxon) (1978) 1st Class
- English Bar examinations (Michaelmas 1980) top in year
- Lecturer in Law LSE 1978-1985 (LLB (Property) and LLM (Restitution))

“The Rolls-Royce of the Chancery Bar.”

Chambers & Partners 2022

“Outstanding advocate, hugely clever, profound expertise, and incredibly supportive of his instructing solicitors.”

The Legal 500, 2022

Practice Overview

- One of the leading QCs at the Chancery Bar
- Chambers & Partners Chancery QC of the Year
- Society of Trust and Estate Practitioners Barrister of the Year
- Consistently star and top rated in Chambers & Partners and Legal 500 directories
- Equally recognised and recommended for contentious and non-contentious work, and UK and offshore work
- Featured as Lawyer of the Week in The Times and listed as one of the "Top 50 lawyers" in the UK by The Sunday Times

Highlighted in the directories and by clients generally for his:

- Approachability, and inter-personal and client skills
- Incisiveness, practicality, commercial judgment and business sense
- Ability to handle the largest and most complex matters
- Ability to grasp and make key points quickly and effectively
- As Chambers & Partners put it: *"the Rolls-Royce of chancery barristers," "fantastically impressive" on difficult questions. "Highly approachable" he is "a brilliant advocate, measured in his delivery", "whom top-flight solicitors turn to time and again." "He has complete mastery of his subject." "Masterful, definitely at the top of his form!"*

Wide-ranging experience in Chancery matters Brian specialises in all aspects of:

- Commercial trusts and other property holding structures
- Pension schemes – occupational and public sector
- Private trusts and estates



Pensions

Brian is consistently Star Rated in this practice area in the Chambers & Partners and Top Rated in The Legal 500.

As Legal 500 put in under the Pensions heading in 2022: "**An absolutely top flyer in this sphere. Outstanding advocate, hugely clever, profound expertise, and incredibly supportive of his instructing solicitors.**"

As Chambers & Partners put in under the Pensions heading in 2022: "**He combines a command of legal issues with incisive strategising and excellent client service.**" "**He is the super silk in the pensions area. There is nobody who comes near him in terms of sheer brilliance, spotting points, coming up with solutions and managing clients.**"

Brian advises and appears in cases in all the major areas in this practice area. Recent leading cases in which Brian has appeared are:

- *Granada UK Rental and Ors v Pensions Regulator ("BoxClever")* (CA) – brought in to act on behalf of the Targets in the Court of Appeal on the reasonableness of the imposition of an FSD founded exclusively on facts and matters that pre-dated the legislation.
- *Safeway v Newton* (CA) – secured a reference to the European Court (pending) on the question of whether *Smith v Audel* prevented retrospective equalisation otherwise valid in domestic law (challenge to correctness of *Harland Wolff v Aon*).
- *Barnardo's v Buckinghamshire* (UKSC) – whether conditions for replacement of RPI were satisfied.
- *BT v BT Pension Trustee* (CA) – whether conditions for replacement of RPI were satisfied.
- *Thales v Thales Pension Trustee* – whether RPI could be replaced by CPI on the facts of that case.

Examples of other leading cases in which Brian has appeared are:

- *AMP v Barker* – rectification.
- *Aon v KPMG* (CA) – definition of money purchase schemes.
- *British Vita* – relationship of express contributions' covenants and scheme specific funding.
- *Equitable Life v Hyman* (HL) – with profits funds.
- *Foster Wheeler v Hanley* (CA) – equalisation.
- *Lansing Linde v Alber* – rectification.
- *MNRPF Trustees v Stena & Ors* – scope of amendment powers and propriety of their exercise in industry-wide scheme, definition of employer for S75 and scheme specific funding purposes.
- *PNPF v Taylor* – definition of employer for S75 and scheme specific funding purposes.
- *Stena v P&O* (CA) – scope of amendment powers.
- *Steria v Hutchinson* (CA) – limits of estoppel in pension schemes.
- *Stevens v Bell* (CA) – seminal case on construction of pension schemes.
- *Sea Containers, Telent, Nortel* (Determinations Panel of the Regulator) – financial support directions.

Examples of prominent decided cases where Brian has been fully engaged as an adviser behind the scenes, or been briefed to appear where for settlement or other reasons he has not done so are:

- *Entrust v Prospect Hospice* (brief for CA).
- *IBM* – both rectification and good faith.
- *IMG v German*.
- *Procter & Gamble v Svenska* (brief for CA).
- *Nortel* – adviser to EMEA.

Brian has extensive experience of Determinations Panel matters and is currently representing the Targets in several moral hazard cases.



Trusts, Tax, Probate and Estates

Brian is consistently star rated in the Chambers & Partners and Top Rated in The Legal 500:

Chambers & Partners 2022 (Offshore): *"He is a leading trusts expert in the offshore world." "His ability to take command of very complex cases and lead a judge through it is second to none."*

Chambers & Partners 2022 (Trusts): *"He is extremely clever and he has a real worldly wisdom about him."*

The Legal 500 2022 (Private Client: Personal Tax) *"A genius and brilliant in all respects. Brian is incredibly generous with his time and attention, making time for even the most insignificant matters. He has the ability to cut through the seemingly most intractable issues with ease, grace and good humour. A joy to work with!"*

The Legal 500 2022 (Private Client: Trusts & Probate) *"Brian is phenomenal – both on legal excellence and personality. He is astute, wise and highly emotionally intelligent. Brian has an extraordinary ability to deliver difficult advice in a compassionate and persuasive manner."*

Private trusts work covers the full range of trusts, estates and revenue related planning and practice, including:

- The taxation of UK onshore and offshore trust structures, involving both out of court and in court arrangements
- Variation of Trusts Act applications
- Compromises and settlements
- Construction and rectification proceedings
- Trustee Act and Settled Land Act applications
- Like proceedings in offshore jurisdictions

Commercial trusts work is exceptionally varied. Examples include advising:

- Insurance company managers and custodian trustees on the governance and dispute resolution in the operation of real estate unit trust and related limited partnership structures faced with LTV and other related issues.
- International bondholders concerned to maintain their non-subordinated status under custodian and other trust documents subjected to offshore insolvency proceedings.

Offshore work includes:

- Ongoing advisory work in Australia, Bermuda, BVI, Cayman Islands, Guernsey, Jersey, and Hong Kong.
- Appearances in the Hong Kong Court of Final Appeal and Court of Appeal, Supreme Court of Bermuda, Grand Court of the Cayman Islands, and BVI Court.
- Recent advisory work has also involved trusts in the Bahamas, the Cook Islands, Gibraltar, Isle of Man, Mauritius and New Zealand.
- Expert opinion work.

Offshore work routinely involves working with professionals in other jurisdictions, including the domiciliary jurisdictions of settlors, US grantors and/or beneficiaries – and Brian's recent work has involved close association with Austrian, Canadian, Californian, New York and Swiss attorneys, often with a need to understand their relevant tax systems applicable to trust entities.