



## Edward Sawyer

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### Clerks' Details

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### Qualifications and Appointments

- First class degree in Modern History from Lincoln College, Oxford
- CPE Law Conversion Course, College of Law
- Bar Vocational Course, College of Law

*“An extremely gifted practitioner,  
with a Rolls-Royce mind”*

The Legal 500

## Memberships

- Chancery Bar Association
- Association of Pension Lawyers
- Civil Fraud Lawyers Association
- Commercial Bar Association
- Property Bar Association

## Practice Overview

Edward has a commercial and chancery practice, with particular experience in the fields of pensions, trusts, commercial disputes, professional negligence, international work, financial services and civil fraud. His practice encompasses litigation and advisory work across the broad range of commercial chancery cases.

Edward is regularly involved in large-scale litigation involving pension schemes, regulatory work, trust disputes, business disputes and professional liability, often with an international or offshore element. He has considerable experience of document-heavy long-running cases and working as part of multi-jurisdictional legal teams.

Edward is recommended in *Chambers & Partners* and *The Legal 500* for pensions, commercial: chancery, professional negligence and civil fraud. Recent comments from these directories include:

## Publications

- [Re Merchant Navy Ratings Pension Fund](#) - some things to think about. *Lexis Nexis*, 2015

*"He has a fantastic eye for detail and a Trojan work ethic." "He is an exceedingly good draftsman who is very thoughtful and has a keen eye for detail. He's brilliant at memorising facts which he can then pull out of a hat when he needs them." "He's one of the cleverest members of the junior Bar", "tremendous", "exceptionally intelligent, very hard-working and a pleasure to work with", "very clever and a very good advocate", "he can cross-examine effectively and cuts through things." "extremely hard-working and knowledgeable", "his attention to detail is hugely impressive", "unimpeachable work ethic", "an excellent draftsman with a good eye for detail", "he has the ability to grasp the complex detail of the case."*

Edward was a scholar of Lincoln College, Oxford, where he obtained one of the best first class degrees in his year in Modern History. He achieved the highest mark in his year on both the CPE law conversion course and the Bar Vocational Course. He is a Queen Mother Scholar of the Middle Temple and was awarded the Eldon Law Scholarship by Oxford University.



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## Pensions

Edward is recommended as a pensions junior in *Chambers & Partners* and *The Legal 500*.

He has extensive experience of pensions litigation and advisory work, having appeared in a number of high-profile recent cases such as *IBM* (both the rectification and good faith cases), *Nortel*, *Merchant Navy Ratings and Box Clever*. He regularly deals with issues as to scheme funding, S75 debts, equalisation, rectification, trustee and employer duties, construction, insolvency, regulatory powers, PPF entry and professional liability, amongst other matters.

Edward has been involved in a number of the leading cases on The Pensions Regulator proceedings such as the Bonas Group Pension Scheme. He has particular experience of cases concerning the regulator's "moral hazard" powers, including international cases involving claims or potential claims overseas arising under those powers.

His pensions practice also comprises pensions-related professional negligence claims.

### Recent cases of note include:

- *IBM v Dalgleish* – acting for the trustee in a claim to establish whether the employer had acted in good faith.
- *Bloom v Pensions Regulator* – acting for the trustee in an application to the Companies Court to determine the order of priority of a contribution notice upon insolvency.
- *Re Merchant Navy Ratings* (pending proceedings) – acting for the trustee in proceedings concerning the contribution rules of an industry-wide scheme.
- *Box Clever* – acting for the targets in a claim by The Pensions Regulator for an FSD.
- *IBM v IBM Pensions Trust* – acting for the claimant in a claim to rectify six deeds going back to 1983.
- *Stena v MNRPF* – acting for the trustee in proceedings to determine the scope of the power of amendment.
- *Bonas Group Pension Scheme* – proceedings concerning the first contribution notice issued by the Pensions Regulator.
- *Nortel* (Canadian/US/UK proceedings) – acting for the trustee and the PPF in proceedings for an FSD and other claims.
- *Hugh Mackay Retirement Benefits Scheme* – application by The Pensions Regulator for the appointment of an independent trustee.

## Professional Liability

Edward is recommended by *Chambers & Partners* in the field of "professional negligence".

Edward has considerable experience of professional negligence cases involving accountants, auditors, lawyers, actuaries and financial advisers. He has been particularly involved in cases regarding investment funds and pension funds, and in professional negligence claims arising out of fraud.

### Representative work includes:

- Defending a major international auditor in respect of claims arising from collapse of a corporate group.
- Acting for pension scheme actuaries in relation to failed benefit equalisation.
- Defending a leading firm of accountants against claims of mismanagement of a high net worth individual's investments.
- Proceedings involving claims of negligence and other misconduct against a City firm of solicitors in relation to advice on corporate governance and directors' powers.
- Acting for a claimant in a claim against an actuary for negligent work on a FRS17 disclosure note.



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## Professional Liability continued

- Defending an auditor in respect of claims arising from the failure of a film finance partnership.
- Proceedings involving claims of negligence against an accountant in respect of corporation tax advice on director's loan account.
- Defending solicitors sought to be made vicariously liable for the fraud of their partner.
- Acting for the claimant in a claim against a major investment bank for breaches of the FSMA regulatory regime in the conduct of investment business.

## Trusts, Tax, Probate and Estates

Edward has been involved in many contentious and non-contentious cases involving trusts, probate and succession, many of which have had an international element. He has been instructed on behalf of trustees, beneficiaries and professional advisers acting for the trust.

### Cases include:

- The long-running *Re Jahre* litigation in the Cayman Islands about beneficial ownership of a substantial trust fund.
- Advising the executors of a multi-million pound estate as to the application of the marshalling principle in the administration of assets and the appointment of replacement executors.
- Being involved in the drafting of the Charter for a Foundation under the Bahamian Foundations Act 2004 for a multi-billion dollar fund.
- Advising the trustees of a Gibraltar trust about potential claims against a former trustee.
- Advising the trustees of a discretionary trust about the scope of their powers to appoint new trusts.
- Advising pension trustees on their powers.

## Commercial

Edward has a wide experience of commercial disputes, often on a large scale or with an international element. He is recommended in *Chambers & Partners* for "**commercial: chancery**" and in *The Legal 500* for "**fraud: civil**".

His cases range from purely contractual disputes to complex disputes involving issues of asset tracing, equitable remedies, financial services, fraud and conflicts of laws. Edward has considerable experience of document-heavy and intensive litigation. Cases include:

- 2 BCLC 351 Defending one of the managers of an Italian investment fund against claims of conspiracy and breach of fiduciary duty: *Fortress Value Recovery Fund v Blue Skye* [2013].
- Acting for high profile businessman in joint venture dispute regarding ownership of international haute couture business.
- *Bloom v Pensions Regulator* – acting for the trustee in an application to Companies Court to determine order of priority of a contribution notice upon insolvency.
- Acting as junior counsel for the main defendants during the five month Chancery Division trial in *Langbar International v Rybak*, a case concerning allegedly forged certificates of deposit of over US \$600m.
- Acting as junior counsel for the banks involved in a dispute about £120m loans for the Isle of Man's new power station.
- Acting as junior counsel for the director of a PLC in a case involving allegations of financial assistance and breach of directors' duties.



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## Commercial continued

- Acting as counsel for the applicants in *DGT v Cubitt Building and Interiors* [2008] Bus LR 132. A case on the jurisdiction to stay court proceedings in favour of alternative dispute resolution.
- Appearing in the Court of Appeal for the respondent in *Vickbar v David Freud* [2006] All ER (D) 411 (Nov). A case on the interpretation of a contract arising out of an unfair prejudice petition in the Companies Court.
- Acting as junior counsel for a number of local authorities in commercial disputes with their contractors, including a claim against a London borough for rectification of a major advertising lease and two substantial claims by district councils against their waste contractors.
- Acting as junior counsel in a claim by one of the largest UK universities to terminate a contract to accredit the degree courses of an American university in the UK.