



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

“A fearless advocate. Highly intelligent with an impeccable memory and eye for detail.”

The Legal 500, 2022

Memberships

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

Publications

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

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:

“Considerable insight on procedural and tactical issues, adopting a thorough and “no stones unturned” approach.” “He has a fantastic eye for detail and a Trojan work ethic.” He is *“incredibly bright and hardworking, dedicated and diligent”*. *“Brilliant at getting to grips with incredibly complex cases.” “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”, “A good strategist who comes up with good ideas to drive things forward. He is very bright, accessible and user-friendly”, “So courteous, great judgement and an excellent advocate.”*

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.



Pensions

Edward is recommended as one of the leading pensions juniors in Chambers & Partners and The Legal 500. The Legal 500 2022 edition commented "**Edward is always my first choice in the pensions litigation space. Extremely bright and hard working, a great team player and someone who always over delivers.**"

He has extensive experience of pensions litigation and advisory work, having appeared in a number of high-profile recent cases such as *Mitchells & Butlers*, *Lloyds Bank Pension Scheme* (GMP equalisation), *Pensions Protection Fund v Dalriada*, *IBM*, *Nortel*, *Merchant Navy Ratings* and many others. He has often appeared as advocate against silks on the other side.

Edward regularly deals with issues as to scheme funding, s75 debts, equalisation, rectification, trustee and employer duties, interpretation, insolvency, regulatory powers, PPF entry and professional liability, amongst other matters.

Edward has been involved in a number of the leading cases on Pensions Regulator proceedings such as the *Bonas Group Pension Scheme* and *Box Clever*. He has particular experience of cases concerning the Regulator's "moral hazard" powers.

Edward has acted for many different types of client in pensions cases: trustees, employers, members / representative beneficiaries, public bodies and professional advisers / insurers. He aims to combine specialist technical knowledge with a practical and strategic approach.

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

Example cases:

- *Mitchells v Butlers* – acting for the successful claimant in a 3 week rectification trial.
- *Lloyds Bank Pension Scheme* – acting for trustee in two trials on GMP equalisation
- *Pension Protection Fund v Dalriada* – acting for the PPF in claim to resolve issues about the operation of the Fraud Compensation Fund
- *Box Clever* – acting for the targets in a claim by the Pensions Regulator for an FSD.
- *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* – acting for the trustee in proceedings concerning the contribution rules of an industry-wide scheme.
- *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.



Professional Liability continued

- 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.
- 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, both domestic and offshore. He has had particular experience in recent years of domestic trusts litigation and advisory work, while also working on heavy offshore trusts litigation. He has acted on behalf of trustees and beneficiaries and for and against professional advisers acting for the trust. Edward aims to provide practical client-focused solutions and, where litigation is necessary, a strategic and proportionate approach.

Recent cases include:

- *Caldicott v Richards* [2020] EWHC 767 (Ch) – claim for setting aside a self-dealing transaction by a trustee and for removal of trustees.
- *A v B* (confidential) – working on long-running trust litigation and appeal in Hong Kong concerning c£800m of assets. Issues raised include constructive trusts, sham gifts, undue influence, breach of fiduciary duty and challenge to validity of will.
- *Re X Fund* – acting for a representative beneficiary in a Court-approved compromise of trust proceedings in which a £30m campaign fund was transferred to a newly-created charity.
- Defending former trustees (and their insurers) in proceedings for breach of trust for failing to collect a debt owed to the trust.
- Advising trustees of UK trust on incidence of expenditure between capital and income.
- Acting for ex-partner in TLATA 1996 proceedings concerning ownership of leasehold property.
- Assisting with preparation of evidence about ownership of discretionary trust assets for US arbitral proceedings.
- Advising beneficiary on claim against trust's solicitors for failing to protect her interests under the trust.

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:



Commercial continued

- 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.
- 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.