



## Emily Campbell

Call: 1995

ecampbell@wilberforce.co.uk

### Clerks' Details

Colin Everson +44 (0)20 7306 0102  
Robert Johnstone tcjqsj@wilberforce.co.uk  
Billie Poppy  
Harvey Scott

### Qualifications and Appointments

- MA (Oxon), BCL
- First in Jurisprudence, Christ Church, Oxford

*“She has the ability and experience of a QC, and an immensely strong moral compass.”*

The Legal 500, 2015

### Practice Overview

Emily's practice encompasses a broad range of chancery and commercial work. She is particularly experienced in both the litigation and advisory sides of the law relating to pension schemes, trusts, estates and taxation. Whilst her practice has an emphasis on matters involving complex technical issues, such as those with a significant actuarial or mathematical content, she has a reputation for giving clear, practical and commercial advice and being very user-friendly. Emily has a working knowledge of German.

On the pensions side, Emily has significant experience of pensions litigation (including regulatory work, professional negligence and rectification claims) and she regularly advises on issues including scheme funding, the scope of powers in pension schemes and the effect of mistakes in pension scheme documents. Complementing her pensions practice, Emily has a broad private client practice. She acts in a range of contentious and non-contentious trust and estate litigation, including cases with a foreign element. She advises on a wide range of issues with an emphasis on private wealth planning, tax and the drafting of trust documentation.

Emily is recommended in the legal directories in the following categories: Pensions (Chambers & Partners, 2016 and The Legal 500, 2015), Private Client: trusts and probate (Legal 500 2015) and Chancery: Traditional (Chambers & Partners 2016). Emily is also listed in the Who's Who Legal: UK Bar 2015 for Private Client.

Emily was ACTAPS Contentious Barrister of the Year 2014.

The Legal 500, 2015, says of her: "She has the ability and experience of a QC, and an immensely strong moral compass". Chambers & Partners, 2016 says: "She is ferociously bright and very good on paper, as well as on her feet"; "Highly incisive and careful in her approach, she is extremely tenacious in getting her point across".

### Memberships

- Association of Contentious Trust and Probate Specialists
- Society of Trusts and Estate Practitioners (STEP)
- Association of Pension Lawyers
- Revenue Bar Association
- Chancery Bar Association

### Publications

- Contributor to *Halsbury's Laws of England, Volume 35, Perpetuities and Accumulations (2013)*
- Contributor to the pension chapters in *Transaction Avoidance in Insolvencies (OUP, 2010)*



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## Pensions

### Litigation

Emily acts in relation to all types of pension litigation (including non-contentious litigation such as 'Beddoe' applications and compromises), including:

- Claims relating to mistakes in pension scheme documentation (e.g. revaluation and pensions increase provisions, ineffective pension scheme closures and errors in the definition of 'pensionable service'), involving parallel rectification and professional negligence claims.
- Disputes between trustees and employers as to the funding of defined benefit schemes.
- Pensions Ombudsman complaints and appeals.
- Proceedings before the Pensions Regulator. Emily recently acted for a former company director in relation to an appeal in relation to the issue of a Contribution Notice by the Northern Ireland Pensions Regulator.
- Disputes as to the interpretation of pension scheme documents.
- Proceedings relating to pensions liberation.

### Advisory

Emily regularly advises trustees, employers and members of occupational pension schemes. She also advises in relation to personal pension arrangements, and arrangements which are not registered pension schemes (including employee benefit trusts), and advises in respect of the taxation of pension arrangements. She has particular expertise in relation to the interpretation of actuarial reports and evidence.

### Examples of areas upon which Emily advises are as follows:

- The cessation of accrual.
- The operation of legislation relating to the funding of pension schemes.
- Sex discrimination in pension schemes.
- Technical issues regarding the preservation legislation and the contracting-out legislation.
- The operation of the moral hazard provisions.
- The trustees' investment duties.
- The taxation of registered pension schemes.
- The taxation of unregistered pension schemes (ERFBS) and employee benefit trusts, including the disguised remuneration legislation.

### Reported cases

These include:

- *Norman Charles Webber and Department for Education, The Pensions Ombudsman* [2016] EWHC 2519 (Ch)
- *Merchant Navy Ratings Pension Fund Trustees Ltd v Stena Line Ltd & ors* [2015] PLR 239 (trustees' power to introduce new funding arrangement).
- *IBM v Dalgleish* [2015] PLR 99 (remedies for breach of employer's duty).
- *Garvin Trustees Ltd v Pensions Regulator & ors* [2014] PLR 9 (whether privilege can be asserted in relation to dissolved company).
- *Archer v Travis Perkins LTL* [2014] PLR 311 (approval of a compromise in an equalisation dispute).
- *Konica Minolta Business Solutions (UK) Ltd v Applegate (No 2)* LTL 27/8/2013 (rectification of scheme documents).
- *Konica Minolta Business Solutions (UK) Ltd v Applegate* [2013] PLR 105 (application of preservation laws).



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## Pensions continued

- *Misys Ltd v Misys Retirement Benefits Trustees Ltd* [2012] EWHC 4250 (Ch) (rectification of scheme documents).
- *Cemex v MNOPF* [2010] PLR 1 (meaning of employment cessation event).
- *Houldsworth v Bridge Trustees* [2010] PLR 101 (CA) (meaning of 'money purchase benefit', effect of contracting-out provisions, and treatment of AVCs in scheme winding-up).
- *Hodgson v Toray Textiles* [2007] PLR 129 (interim deeds and transfer payments).
- *Hodgson v Toray Textiles* [2006] PLR 253 (equalisation of pension scheme benefits).
- *Aon v KPMG* [2006] 1 All ER 238 (meaning of 'money purchase scheme').