



Emily McKechnie

Call: 2005

emckechnie@wilberforce.co.uk

Clerks' Details

+44 (0)20 7306 0102
practicemanagers@wilberforce.co.uk

Qualifications and Appointments

- MA Law (First Class), St John's College, Cambridge
- LLM (First Class), St John's College, Cambridge
- Whitehead Scholar St John's College, Cambridge
- Wright Prize, St John's College, Cambridge
- Hardwicke and Lord Denning Scholarships, Lincoln's Inn

“A great advocate who is very user-friendly, bright and someone who provides excellent client service.”

Chambers & Partners

Memberships

- Association of Pension Lawyers
- ACTAPS
- Commercial Fraud Lawyers Association
- Chancery Bar Association
- COMBAR

Publications

- 'Pension trustees' duties of care and skill' (2009) *Practical Law Company*
- 'Trust to the Future' (December 2007) *New Law Journal Vol 157* (with [Michael Furness QC](#))

Practice Overview

Emily specialises in commercial and traditional chancery work. She has particular expertise in cases involving pensions, contentious trusts and probate, fraud, complex professional liability, and high value commercial disputes, often involving an international element.

Emily is recommended in Chambers & Partners. She is described as "very easy to work with and very bright" (2019). Previous editions have noted that she is "very impressive, extremely clever, commands respect from clients in meetings, and produces written work of an extremely high standard" (2018). "She is very adept at finding practical solutions around very difficult and complex issues" and "very good with clients and extremely professional. She's a good orator and very good at conveying things verbally in an understandable manner" (2017). She is also "a great advocate who is very user-friendly, bright and someone who provides excellent client service" (2016), "a star of the future" (2014), having "a fantastically clear analytical mind" and being "very commercial in her judgment" (2015).

Legal 500 describes Emily as "a great advocate who is user friendly and very bright" (2019), "meticulous and smart" (2017), "assiduous and able to translate complex ideas into simple propositions" (2016), being "one to watch" (2014) and "a rising star" (2014) who "gets stuck in to the detail in a proactive and intelligent way" (2015).

Emily is a robust advocate who enjoys the litigious aspects of her practice. She regularly appears in both the High Court and county courts, representing clients in interlocutory and final applications, as well as at trial and on appeal. Emily is frequently instructed as junior to Queen's Counsel within and outside Chambers, as well as on her own account.

In recent years Emily has been instructed in cases involving an international element, including disputes arising in Dubai, Hong Kong, Bermuda, Mexico, Nigeria, Switzerland, Grand Cayman, Cyprus and Guernsey.



Pensions

Emily's expertise in pensions-related matters is wide ranging, and includes the statutory, regulatory, trusts and professional liability issues commonly encountered in relation to pension schemes.

Emily is recommended by both The Legal 500 and Chambers & Partners for her pensions work.

Recent cases include:

- *BBC v Bradbury* (Court of Appeal). Issues include the meaning and effect of section 91 of the Pensions Act 1995, the validity of a *South West Trains v Wightman* cap on pensionable pay, and the implied duty of trust and confidence (with [Michael Furness QC](#) and David Craig QC).
- *Thales UK Limited v Thales Pension Trustees Ltd & ors* [2017 EWHC 666(Ch). A claim by the employer that there had been a "material change" to the compilation of RPI, such that there was power to adopt CPI as the "nearest alternative index" (with [Robert Ham QC](#)).
- *BHS*. Advising the PPF in connection with its claim as a creditor in the proposed CVA for BHS (with David Allison QC).
- *The Pensions Regulator v GPG*. Emily acted for the GPG group of companies in defence to proceedings commenced by the Pensions Regulator for financial support directions under section 43 of the Pensions Act 2004 (with [Brian Green QC](#)).
- Acting for scheme administrators in defence to a £9m professional negligence claim by present and former trustees relating to equalisation of benefits across four pension schemes (with [Michael Furness QC](#)).
- Acting for the representative beneficiary in proceedings for the rectification of scheme documentation which introduced an underpin to the calculation of revalued benefits.
- Acting for the representative beneficiary in *Beddoe* proceedings concerning the Trustee's power to bring a claim against the current and former partners of a firm to determine the extent of their funding liability.
- *Entrust Pension Limited v Prospect Hospice Limited* [2012] Pens LR 341 and [2013] Pens LR 73. A litigation relating to the construction and effect of the deeds and rules of a pension scheme for members working in the hospice and health care industry.
- *Pilots' National Pension Fund* [2010] EWHC 1573 (Ch) Ranked by The Lawyer as one of the top 10 cases for 2010. Emily acted for the representative active self-employed competent harbour authority in the Part 8 proceedings concerned with the construction and operation of the Pilots' National Pension Fund (with [Michael Furness QC](#) at first instance and with Timothy Howe QC on appeal).
- *Nortel Networks* – acting for the Canadian parent companies of the Nortel Networks Group in relation to proceedings commenced by The Pensions Regulator for financial support directions under S43 of the Pensions Act 2004.
- *Lehman Brothers* – acting for a number of companies in the Lehman banking group, in response to proceedings commenced by The Pensions Regulator for financial support directions under S43 of the Pensions Act 2004 (with [Paul Newman QC](#)).
- *Musawi v (1) Bevis Trustees Limited (2) Legal & General Assurance Society Ltd* [2009] EWHC 1915 (Ch) – Representing the trustees of the BCCI staff pension scheme in the High Court on appeal from a decision of the Pensions Ombudsman, in response to a member's request for compensation and a partial transfer of benefits to a different pension scheme.
- Emily has also regularly advised the Pension Protection Fund in relation to applications for review under S207 of the Pensions Act 2004 and applications for maladministration under S206 of the Pensions Act 2004.