



Emily McKechnie

Call: 2005

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Clerks' Details

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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

“One of the best senior juniors at the Commercial Chancery Bar”

The Legal 500 2022

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

Recommended in Chambers & Partners and Legal 500.

Emily regularly represents clients in interlocutory and final applications, as well as at trial and on appeal. She is frequently instructed as junior to Queen's Counsel within and outside Chambers, as well as on her own account.

Emily is a highly regarded commercial chancery lawyer with a comprehensive background specialising in commercial disputes, trusts, pensions, company and insolvency and professional liability.

Commercial disputes and business

Extensive experience acting in a range of commercial and business disputes, including:

- Fraud
- Complex contracts
- Confidential information
- Shareholder disputes
- Directors' liability
- Partnerships and LLPs
- Insolvency and administration
- Arbitration

Emily's practice encompasses legal developments involving:

- Cryptocurrencies (Bitcoin etc.)
- Blockchain
- Cyber fraud
- Financial events (2008 banking crisis; 2020 Coronavirus Covid-19 etc.)

Trusts

Expertise includes:

- Contentious trusts
- Breach of fiduciary duties
- Dishonesty



Practice Overview continued

- Part 8 claims for directions
- Sham trusts
- Probate and estates
- Constructive, resulting and implied trusts
- Proprietary estoppel

Pensions

Emily has extensive knowledge of pensions matters, including:

- Trusts, powers and fiduciary obligations
- Part 8 claims for directions (acting for trustees, employers and representative beneficiaries)
- Professional liability, including administrators, legal advisers and trustees
- Pensions Regulator investigations
- Statutory implications
- Amendment restrictions
- Defective execution
- Equalisation
- Past underpayments, limitation and forfeiture
- Employer insolvency

Professional liability

Covering a range of professionals, including trustees, directors, accountants, financial advisors, solicitors, barristers, executors and administrators:

- Professional negligence
- Breach of fiduciary duties
- Dishonesty
- Financial misselling
- Regulatory investigations

Offshore

Emily has been instructed on disputes in the following jurisdictions:

- Asia - China; Hong Kong
- Americas - United States; Mexico; Grand Cayman; Bermuda
- Europe - Jersey; Guernsey; Switzerland; Cyprus
- Middle East - Dubai
- Africa - Nigeria
- Australasia - Australia; New Zealand

Testimonials

Described in the directories and by clients as:

- *"Extremely clever, commands respect from clients in meetings, and produces written work of an extremely high standard"*
- *"Fantastically clear analytical mind"*
- *"Adept at finding practical solutions around very difficult and complex issues"*
- *"Assiduous and able to translate complex ideas into simple propositions"*
- *"Very good at conveying things verbally in an understandable manner"*



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.