



James Ayliffe QC

Call: 1987

QC: 2008

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Clerks' details

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Qualifications and Appointments

- First in Philosophy Politics & Economics
New College, Oxford
- Distinction in Diploma of Law.
City University, London

“The epitome of the modern QC”

Chambers & Partners

Publications

- [Transaction Avoidance in Insolvencies](#), OUP (2012)
- [Hill and Redman's Law of Landlord and Tenant](#) (2016) Specialist Editor

Memberships

- Chancery Bar Association
- COMBAR
- Commercial Fraud Lawyers Association
- Professional Negligence Bar Association
- Property Bar Association
- Member of the Bar of the British Virgin Islands

Practice Overview

James is an experienced QC providing advice and advocacy services across a wide range of commercial fields, including business and financial contracts, banking, company, insolvency, financial services, civil fraud, professional negligence, real estate and contentious trust matters.

Disputes and issues arising, directly or indirectly, from the ownership or exploitation of real property assets feature particularly prominently in James's work.

Much of James's work has an international dimension with cases involving jurisdictions as diverse as BVI, Cayman Islands, Channel Islands, Cyprus, South Africa, Netherlands, Isle of Man, Gibraltar, New York and Ukraine.

James is currently ranked in the legal directories (Chambers & Partners, Chambers Global and/or Legal 500) in the following fields:

- Commercial (Chancery)
- Financial Services
- Real Estate Litigation
- Professional Liability
- International & Offshore.

Recent editions of the directories describe him as (among other things): "very, very good to work with", "very user-friendly", "extremely good in court", "very good at reading judges and anticipating what they will say", "a fantastic mind", "very knowledgeable", "good strategically", and giving "concise advice which saves time and instils confidence" (Chambers & Partners 2019); "great with clients", "strong strategically", having an "excellent advocacy style", "very commercial", and "pro-active and hardworking" (Legal 500 2019); "exceptionally intelligent" with a "brilliant ability to analyse contractual situations", providing "very balanced and measured advice", "excellent" advocacy and written work, and "a very safe pair of hands" (Chambers & Partners 2018); "a very talented individual" with a "good client manner" (Legal 500 2017).

Comments in past directories include: "the epitome of the modern QC"; "an excellent legal brain"; "a real team player" who "works alongside everyone to achieve the right result"; "always adopts a practical commercial approach"; "superb at anything", "excellent", "a fine barrister with a charming manner", "very good with clients", "a first rate intellect with a user-friendly manner that engenders confidence", "has the ability to digest information and



Practice Overview continued

advise coherently on the most complex of legal arguments, "an excellent communicator who provides supremely intelligent advice", "very confident in implementing the advice he gives", "a real specialist", "his advocacy is fantastic and he is able to sway the judge's mind", "a great guy to work with", "fantastic", "dynamic", "level-headed and focused", "easy to deal with", "always on top of his cases", "a splendid understated style", "held in high regard", "widely respected", "meriting the most notable compliments", "intellectually tough", "will stand up to anyone", and "a star of the commercial Bar".

James also acts as an arbitrator, mediator and expert.

Financial services

James has experience of a wide range of financial services disputes and issues, including:

- FSMA perimeter, compliance and enforcement issues;
- advice and 'misselling' claims;
- investment mismanagement claims;
- issues relating to collective investment schemes;
- life assurance;
- with profits;
- pensions.

Some representative cases include:

- advising FCA regarding issues arising in relation to crowd-funding;
- acting for action group of investors in proceedings to recover £45 million of pension funds which were invested in a failed Caribbean beachfront resort;
- acting for SIPP beneficiary in proceedings against trustee for recovery of misapplied funds;
- acting for SIPP trustees and/or operators in several claims involving alleged breach of duties in relation to range of permitted investments;
- advising financial services firm regarding authorisation requirements for SIPP trustees and managers;
- advising regarding the proper interpretation and operation of FCA rules relating to collective investment schemes for investment in real property;
- advising independent expert appointed in relation to the introduction by Royal London of a new form of with profits product ('profit share accounts');
- advising trustees of employee benefit trusts regarding claims against investment advisers in relation to losses on failed Lehmans fund;
- advising FCA regarding issues arising in relation to consumer debt management;
- acting for Policyholder Advocate appointed to represent the interests of policyholders of Commercial Union and Norwich Union (both now part of Aviva) in relation to the reattribution of its £5bn inherited estate;
- advising Channel Islands financial regulator regarding issues relating to trading of overseas firms through use of serviced offices and other facilities;
- acting for Equitable Life in high-profile litigation regarding 'guaranteed annuity rates' culminating with the House of Lords decision in *Equitable Life v Hyman*;
- advising 'nationalised' bank regarding financial services issues arising from the impact of a collapse in its share price on staff incentive arrangements;
- acting for SIPP managers on appeal against Pensions Ombudsman determination;
- advising Pensions Regulator in relation to a 'failure to agree' between trustees and employer under Part 3 of Pensions Act 2004;



Financial services continued

- successfully representing the Pension Protection Fund in its first court case involving a winding up petition against an employer based on a contingent s. 75 debt;
- advising trustees of large occupational pension scheme regarding assessment of employer's ability to satisfy its potential s. 75 liability;
- advising trustees of large occupational pension scheme regarding interpretation and effect of key provisions of the Investment Regulations;
- acting for wealthy investor on multi-million pound claim in respect of losses arising from investment in capital redemption contracts;
- advising ACD regarding exposure to claims from mismanagement of ICVCs;
- acting for pension fund trustees on multi-million pound claim for mismanagement of core fund investment;
- acting for investors seeking to recover investments following the collapse of the Bahamas-based Imperial Consolidated Alpha Plus Fund;
- advising on claims arising from the misselling of split capital investment trusts;
- advising major life office in relation to potential claims exceeding £300m regarding advice in respect of changes to pension arrangements;
- acting for custodian trustee of Docklands property enterprise trust in a successful defence of claims by investors.

James is ranked for his financial services work in the Legal 500 2019 which describes him as *"great with clients, strong strategically, and an excellent advocacy style"*.