



James McCreath

Call: 2009

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Clerks' Details

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Qualifications and Appointments

- BA Oxon (First Class), DipLaw (City) (Distinction)
- Major Scholar (Inner Temple), Scholar (Balliol College, Oxford)

“Incredibly user-friendly. He is dedicated to doing whatever he can to assist both the clients and his instructing solicitors.”

Chambers & Partners 2019

Memberships

- Chancery Bar Association
- Commercial Bar Association

Publications

- Co-editor (with Andrew Mold) of the negligence section of *Cordery on Legal Services*
- Contributor to Atkins' Court Forms (Restrictive Covenants)

Practice Overview

James has a growing reputation as an up and coming junior in Chambers' core areas, with a practice focusing on commercial disputes, property, pensions, trusts, and associated professional liability. He has been recommended in Chambers & Partners 2019 for Commercial Chancery and Pensions work, and as a leading junior for his Property and Pensions work in the 2019 edition of The Legal 500. The directories noted his communication skills, his ability to get on top of the details of a case, and his attention to client service. He was also "highly recommended" in Legal Week's 2016 'Stars at the Bar'.

His recent highlights include acting as junior Counsel for the successful appellant in *Cavendish Square Holdings BV v Makdessi* [2015] UKSC 67, [2015] 3 WLR 1373, in which the Supreme Court redefined the test for identifying a contractual penalty. That was his second appearance in the Supreme Court in two years, having previously appeared for the successful appellant in *Manchester Ship Canal Company Ltd v United Utilities Water Plc* [2014] UKSC 40, [2014] 1 WLR 2576.

James' practice combines both advisory and litigious work and he has a busy practice acting in cases as junior to silks inside and outside Chambers, often in cases involving an international element or proceedings in several different jurisdictions. Alongside these, he also undertakes his own substantial cases and regularly appears as an advocate, appearing at all levels up to and including the Court of Appeal.

He has been recommended in the directories in the following terms:

- Chambers and Partners 2019, Chancery: Commercial: *"A real brainbox who gets on with clients very well and has a great sense of humour." "A very academic lawyer who knows all the relevant law, he simplifies and explains legal arguments very well."*
- Chambers and Partners 2019, Pensions: *"Very hard-working and bright." "Incredibly user-friendly. He is dedicated to doing whatever he can to assist both the clients and his instructing solicitors."*
- The Legal 500 2019, Property: *"Technically able, switched on and offers good strategic solutions."*
- The Legal 500 2019, Pensions: *"He is incredibly user friendly and fully dedicated to the client's cause."*



Pensions

James undertakes a range of pensions litigation and advisory work, where he is instructed on his own as sole counsel and as junior counsel as part of a larger team. He has experience acting for employers, trustees, and members, and in cases across a range of areas in pensions law, including regulatory matters.

His recent experience includes:

- Acting (with [Brian Green QC](#) and [Sebastian Allen](#)) for the targets in regulatory proceedings in which TPR is seeking a contribution notice.
- Acting (with [Brian Green QC](#)) for the corporate targets in the regulatory proceedings relating to the Carrington Wire Pension Scheme.
- Assisting as part of the multi-jurisdictional team for the UK Pension Claimants and the PPF in the proceedings in Canada the US, and the UK in the US \$7bn Nortel insolvency.
- Acting and advising in various matters concerning S75 debts, including in multi-employer schemes (including as junior to [Paul Newman QC](#) and to [Jonathan Hilliard QC](#)), and in matters involving the proposed use of regulated agreements to seek to minimise any debts arising.
- Acting (as junior to [Paul Newman QC](#)) for the employer in *Briggs v Gleeds* [2014] EWHC 1178 (Ch). The case raised a variety of important issues in pensions law, including whether a link to final salary is an 'accrued' benefit, whether estoppels binding the trustees can bind members, and when contracts with individual members can override contrary provisions in scheme rules. It also raised issues of wider importance, including whether documents which do not comply with statutory formalities can be made valid by estoppel, and whether representations of law can found estoppels.
- Acting (as junior to [Paul Newman QC](#)) for the rep ben in rectification proceedings.
- Successfully obtaining an order striking out a claim for over £3m brought by a former trustee for benefits he claimed were due to him under the scheme.
- Acting (as junior to [Michael Furness QC](#)) for the defendants in a substantial professional negligence claim relating to an alleged failure validly to effect equalisation in four schemes.
- Acting (as junior to [Michael Tennet QC](#)) for the employer and trustees in proposed rectification proceedings.
- Acting in multi-million pound proceedings for breach of trust and professional negligence brought against the former trustees and professional advisors of a scheme.
- Advising employers, trustees, and the PPF on various questions of statutory construction or interpretation of schemes' governing documentation.
- Acting (as junior to [Paul Newman QC](#)) in proceedings for fraudulent breach of trust threatened against a former trustee.
- Acting (as junior to [Michael Tennet QC](#)) for the trustees in *Danks & Others v Qinetiq Holdings Ltd & Another*, [2012] EWHC 570 (Ch) [2012] Pens LR 131, which considered whether a switch to CPI from RPI was prohibited by s.67 of the Pensions Act 1995.