



Michael Ashdown

Call: 2013

mashdown@wilberforce.co.uk

Clerks' Details

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

Qualifications and Appointments

- MA, Christ's College, Cambridge, First Class
- BCL, Merton College, Oxford, Distinction
- DPhil, Merton College, Oxford
- Awarded a number of University and College prizes, including the James William Squire Scholarship and the prize for the best paper in Equity and Trusts
- Lecturer in Law, Somerville College, Oxford

Memberships

- Chancery Bar Association
- APL associate membership
- Society of Legal Scholars

Publications

- ['Professional Advice' in PS Davies, S Douglas and J Goudkamp \(eds\), Defences in Equity \(Hart Publishing 2018\) \(forthcoming\)](#)
- ['Publication Review: Current Issues in Succession Law' \[2017\] Conveyancer and Property Lawyer 158](#)
- [Trustee Decision Making: The Rule in Re Hastings-Bass \(OUP 2015\)](#)
- ['Crociati v Crociati'](#) (2014) Wilberforce Legal Digest (Issue 1) March 2015
- ['Laches and limitation'](#) (2014) *Trusts & Trustees* 20 (9): 958–965 (with Clare Stanley)
- 'Publication Review: The Law of Unincorporated Associations' (2012) 128 *Law Quarterly Review* 616

Practice Overview

Michael has a busy and diverse practice, encompassing all of Chambers' areas of traditional and commercial chancery work. He appears regularly in the High Court and County Court, both as sole counsel and as a junior in a larger team.

Michael's particular interests are in all aspects of litigation and advice relating to trusts law. This encompasses both traditional private client work and pension schemes, together with professional negligence in those fields.

Recent notable instructions include:

- *British Airways v Airways Pension Scheme Trustee Ltd*. Acting for British Airways in a long-running claim against the trustees of the Airways Pension Scheme for alleged breaches of trust in the exercise of discretionary powers, culminating in a 7-week trial before Morgan J, reported at [2017] EWHC 1191 (Ch) (with Michael Tennet QC and Sebastian Allen)
- Acting (as sole counsel) for a minor beneficiary in two sets of contested High Court proceedings, first pursuant to *Schmidt v Rosewood Trust Ltd* to obtain trust accounts and other information to explain the diminution of the trust fund, and secondly to remove and replace the existing trustees.
- Acting (as sole counsel) in High Court proceedings for a beneficiary seeking to establish his entitlement to a half share in a substantial trust fund, and to value and realise that share.
- Acting (as sole counsel) for the claimant firm of solicitors in the County Court trial of their claim to recover unpaid fees from a client for whom they had acted in Proceeds of Crime Act proceedings.
- Advising the defendant administrator on claims under the under the Inheritance (Provision for Family of Dependents) Act 1975 concerning overseas property, the validity of UK and foreign marriages and divorces by both claimant and deceased, and the recognition in England of foreign polygamous marriage.
- Advising trustees on the CGT treatment of a chose in action when the trust is exported from England to Australia.

Michael is also Lecturer in Law at Somerville College, Oxford, where he teaches property law to undergraduate students. Before coming to the Bar, he spent six years as Fellow and Tutor in law at Somerville College. His research concerned trustees' powers and duties and the remedial consequences of breaches of trust, with a particular focus on the so-called "rule in Re Hastings-Bass", and was cited in the Court of Appeal in *Pitt v Holt* [2011] EWCA Civ 197. He lectured, examined and gave tutorials on the law of trusts, land law and Roman law.



Publications

- 'Pitt v Holt: What Next for the Rule in Re Hastings-Bass?' (2011) Elder Law Journal 291
- 'In defence of the rule in Re Hastings-Bass' (2010) 16 Trusts & Trustees 826

Pensions

Michael is building a busy pensions practice. His recent experience includes:

- *British Airways v Airways Pension Scheme Trustee Ltd.* Acting for British Airways in a long-running claim against the trustees of the Airways Pension Scheme for alleged breaches of trust in the exercise of discretionary powers, culminating in a 7-week trial before Morgan J, reported at [2017] EWHC 1191 (Ch) (with Michael Tennet QC and Sebastian Allen).
- *Wolverhampton City Council v Mitie Property Services (UK) Ltd.* Acting for the defendant employer in a claim brought by Wolverhampton as Administering Authority of the West Midlands Pension Fund in the Local Government Pension Scheme (with Michael Tennet QC and Sebastian Allen).
- *Pollock v Reed.* Acting for the employer in the trustees' application for blessing of a bulk transfer without member consent (with Robert Ham QC)
- Acting (as sole counsel) for the employer in claim by trustees for rectification of the indexation provisions of the scheme rules.
- Advising the Pensions Ombudsman on technical questions connected with pension uprating, arising out of member complaints
- Advising scheme trustees in connection with the independent advice requirement in section 48 of the Pension Schemes Act 2015.
- Acting for a defendant employer in a dispute over contractual entitlement to CPI or RPI pension increases
- Advising scheme trustees and employers on powers of amendment and Courage fetters