



## Michael Ashdown

Call: 2013

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### Clerks' Details

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### 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

## “One to watch”

Legal Week Private Client Global Elite 2018

### Memberships

- Chancery Bar Association
- Association of Pension Lawyers
- Society of Legal Scholars
- ConTra

### Publications

- [‘A modern approach to fraud on a power’](#) (2018) 24 *Trusts & Trustees* 653 (with [Tiffany Scott QC](#))
- [‘Professional Advice’ in PS Davies, S Douglas and J Goudkamp \(eds\), Defences in Equity](#) (Hart Publishing 2018)
- [‘Publication Review: Current Issues in Succession Law’](#) (2017) *Conveyancer and Property Lawyer* 158
- [‘Trustee Decision Making: The Rule in Re Hastings-Bass’](#) (OUP 2015)
- [‘Laches and limitation’](#) (2014) *Trusts & Trustees* 20 (9): 958-965 (with [Clare Stanley QC](#))
- ‘In defence of the rule in *Re Hastings-Bass*’ (2010) 16 *Trusts & Trustees* 826

### 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. He was recognised by the Legal Week Private Client Global Elite 2018 as "One to Watch".

#### 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, followed by a successful appeal to the Court of Appeal (reported at [2018] EWCA Civ 1533) (with [Michael Tennet QC](#) and [Sebastian Allen](#)).
- *Silentnight Group DB Scheme.* Acting for the trustees of the Silentnight occupational pension scheme in a regulatory investigation by the Pensions Regulator (with [Jonathan Hilliard QC](#) and [Jamie Holmes](#)).
- *FSCS and others v Esera Corporate Trustees (Guernsey) Ltd.* Acting for a Guernsey trustee company in relation to claims for breach of trust, breach of fiduciary duty and negligence arising from the failure of the Freedom Bay resort development in St Lucia (with [John Wardell QC](#)).
- Acting (as sole counsel) for a scheme trustee in its successful application to the High Court for summary judgment in a dispute about the independent advice requirement in section 48 of the Pension Schemes Act 2015.
- 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.
- Advising on and drafting proceedings before the BVI Commercial Court in relation to extending the powers conferred on a trustee, and authorising trustee remuneration.
- 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.



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## Practice Overview continued

- 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.

## Professional Liability

Michael has experience of professional liability disputes, particularly where they arise in connection with his trusts & estate and pensions practice. His recent experience includes:

- Advising an employer and trustees on a professional negligence claim against the scheme's previous solicitors in relation to advice given as to how to manage the cost of the scheme, and in connection with powers of amendment and Courage fetters.
- Advising on, drafting and successfully settling claims brought by the administrator of a deceased's estate against both previous sets of professional personal representatives for the negligent administration of the estate, overpayments made to beneficiaries, and the assessment under the Solicitors Act 1974 of fees paid out of the estate.
- Advising on possible claims against previously instructed solicitors and counsel in connection with the setting up of will trusts of a large landed estate.
- Acting for a solicitor suing a former client for unpaid fees, and defending a counter-claim in professional negligence.