



## Paul Newman QC

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QC: 2009

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### Clerks' Details

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### Qualifications and Appointments

- First Class degree in Law, Downing College, Cambridge
- LLM, Harvard Law School

*“Brilliant at finding clever solutions to problems, will always give a clear view and is utterly reliable and user-friendly.”* The Legal 500, 2021

## Memberships

- Association of Pension Lawyers
- Association of Contentious Trust and Probate Specialists

## Publications

- Paul is a contributor to leading practitioners' works on pensions law and on the law of corporate receivers (Lightman & Moss)
- He has written several articles on pensions and financial services topics, including an influential analysis of rectification issues as they relate to pension schemes, published in Trust Law International.
- Paul was responsible for the chapter on expert witnesses in Chambers' Guide to the Civil Procedure Rules.

## Practice Overview

Paul has a litigation and advisory practice concentrating on financial and private client disputes, most notably pensions, financial services and trusts. A substantial proportion of Paul's practice also involves advising on and acting in liability and negligence disputes involving professionals.

As well as representing some of the highest profile pension schemes in the UK and several major life insurers, Paul acts regularly for The Pensions Regulator. He has been heavily involved in advising on, and appearing in cases relating to, various provisions of the Pensions Act 2004, and also has extensive experience of advising and litigating on various public sector and industry-wide pension schemes.

Paul has advised the Royal Bank of Scotland in connection with its successful recovery of pension benefits from Sir Fred Goodwin. He has also advised the Department of Work and Pensions on the age discrimination regulations, and has advised the senior UK judiciary on the effect of the reforms to public sector pensions on the judicial pension schemes.

An increasing amount of Paul's work relates to Self-Invested Personal Pension Schemes, or SIPPs. Paul acts for investors, providers and trustees in respect of claims for mis-selling of SIPPs and mis-investment of investments within SIPPs.

Paul regularly acts in contentious private and commercial trust disputes both in the UK and overseas, particularly Jersey and the Caribbean, involving disputes concerning the role of protectors, claims by beneficiaries and the duties of trustees.

Paul recently appeared in an international arbitration in Bermuda relating to a claim for breach of warranty in a share sale agreement involving a multinational telecommunications company.

Paul has an interest in legal history and is a member of the Selden Society. In his spare time, he is researching for a part-time PhD at the London School of Economics on the topic of law reporting in the Georgian era. He has recently been awarded an AHRC London Arts & Humanities Partnership Research Studentship for his research.

Paul is regularly recommended in the legal directories. The Legal 500, 2020 says that *"He has a first-class mind and is well-known for his courtroom manner and robust pragmatism"*. Chambers & Partners, 2020 says that *"he provides crystal clear analysis. He's emotionally intelligent and therefore very client-friendly"*. Chambers & Partners, 2019 regards him as a *"first-rate litigator"*. The Legal 500, 2019 describes him as *"impressive in his rigorous analysis of the legislation"*.



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## Practice Overview continued

Chambers & Partners, 2018 describes him as *"a very bright and first-rate advocate, imaginative in finding solutions to extremely complex legal issues, and he does so without losing sight of the underlying legal principles"*. The Legal 500, 2018 regards him as *"an absolutely outstanding advocate, who fights cases with passion"*. The Legal 500, 2017 describes him as *"a superb advocate with a no-nonsense approach"*.

## Tax

In the course of his extensive pensions practice, Paul has gained considerable experience in advising and representing clients on pension taxation issues, particularly since the introduction of the tax simplification regime by the Finance Act 2004. Amongst his high-profile clients in this area are members of the UK judiciary, for whom Paul acted in their discussions with the Ministry of Justice over the effect of that regime on the Judicial Pension Scheme.

### Other notable cases include:

- Advising a major life assurance firm on how to mitigate the tax consequences of mistaken unauthorised payments to members of insured schemes.
- Advising other major life assurance firms as to the taxation consequences of adding critical illness benefits to relevant life policies.
- Appearing for the successful appellant in *Coats UK Pension Scheme Trustees v Styles* [2019] EWHC 35 (Ch), which concerned whether the old Inland Revenue limits continued to apply to pension increases following the introduction of the new tax regime.
- Appearing for the trustees of the Ford Pension Schemes and the National Association of Pension Funds in the Finance and Tax Tribunal on a key test case on the liability to VAT of pension scheme fund management charges, which was subsequently referred to the ECJ: *Wheels Common Investment Fund Trustees v HMRC* [2011] Pens LR 387.
- Advising the trustees in bankruptcy of a prominent professional footballer on the tax consequences of bringing assets held in a Guernsey Retirement Annuity Trust Scheme onshore for the benefit of his creditors.