



Sebastian Allen

Call: 2006

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Clerks' Details

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Qualifications and Appointments

- Law scholar at Christ Church College, Oxford, where he was awarded the Lovell's Prize for his undergraduate degree and the Hugh Pilkington scholarship for his bachelor of civil law degree.
- Awarded the main Lincoln's Inn Scholarship, the Lord Mansfield scholarship, as well as the Hardwicke scholarship and the Buchanan Prize for obtaining a distinction in his bar school exams.

"First rate."

The Legal 500 2019

Memberships

- Chancery Bar Association
- Bar Pro Bono Panel
- Commercial Bar Association

Publications

- Transaction Avoidance in Insolvencies (2011)
OUP Contributing Editor
- 'The construction of pension scheme documents' (2009)
Practical Law Company

Practice Overview

Sebastian has a broad commercial and chancery practice covering all the main areas of work in Wilberforce Chambers. He has particular experience, both as an advisor and advocate, of large-scale litigation relating to pensions, commercial and company litigation, financial services, trusts, insolvency, professional negligence and property disputes.

Sebastian is frequently instructed on cases with an international element and is used to working with multi-jurisdictional legal teams. He deals with complex multi-party litigation and is regularly led by Queen's Counsel both within and outside Wilberforce Chambers.

Sebastian appears regularly in the High Court and County Courts representing clients in both interlocutory applications and trials.

Chambers & Partners 2019 describes him as *"very personable, client-friendly and hard-working"*. *"A clear-headed, resourceful junior with strong advocacy skills."* The Legal 500 2019 edition highlights him as a leading junior for professional negligence and pensions, describing him as *"first rate"* and someone that *"instils complete confidence in clients"*.

Previous editions say *"he is a very charming opponent, but steely when needed"*. *"He is clear-headed, very practical, resourceful and has strong advocacy skills"* (Chambers & Partners 2018). Sebastian also has *"a sharp intellect and a fantastic manner with clients."* (The Legal 500 2017)

Sebastian was ranked as *"highly-commended up-and-coming"* in Legal Week's 2011 "Future Stars of the Bar".



Pensions

Sebastian has a substantial litigious and advisory pensions practice.

He has experience acting on a wide range of pensions matters and his cases have often involved significant insolvency, regulatory, employment and international aspects (including US Chapter 11 and Canadian CCAA proceedings). Sebastian has experience of pensions issues from all angles, acting regularly for trustees, members, sponsoring companies, professional advisers and regulatory bodies.

Sebastian has had particular experience of the regulatory aspects of pensions law, having worked closely with the Pensions Regulator whilst on a four-month secondment and on subsequent cases. He has, since September 2009, provided regular advice to the Pension Protection Fund following time spent with the Pension Protection Fund's in-house legal team.

Notable matters on which Sebastian has been instructed:

- *Re Nortel Networks UK Pension Plan*. Acting for the trustee of the Nortel Networks UK Pension Plan in relation to the largest ever financial support direction case brought by the Pensions Regulator under the Pensions Act 2004, involving a multi-billion pound buy-out deficit. This has also involved advising the trustee on the interaction of its claim to a financial support direction as a result of the successful UK regulatory proceedings with the insolvency proceedings in various jurisdictions, including in the UK, the US and Canada. In the UK, this resulted in the joint application by the UK administrators of Nortel and Lehman Brothers as to the provability of liabilities under a financial support direction in *Bloom v The Pensions Regulator* [2010] EWHC 3010 (Ch) (with [Michael Tennet QC](#)).
- Advising on the construction of terms in the current and historic documentation of a pension scheme relating to the provision of spouses' pensions (with [Paul Newman QC](#)).
- *Re the Derfshaw Limited Retirement Benefits Scheme*. Representing the Pensions Regulator successfully in an oral hearing before the Determinations Panel and before the Tax and Chancery Chamber of the Upper Tribunal in relation to an application by the trustee for the winding-up of the scheme under S 11(1)(c) of the Pensions Act 1995: see www.thepensionsregulator.gov.uk/docs/DN1364577.pdf
- *Medway Community Living Services Ltd -v- Medway Primary Care Trust*. Advising the claimant, an employer participating in a local government pension scheme, on the value of a cessation debt owed to the scheme (with [Michael Tennet QC](#)).
- *Bucks Consultants (Administration and Investment) Ltd -v- Wendy Laycock*. Advising a member of a large pension scheme on the merits of a claim brought by the claimant for repayment of a lump sum pension paid to her by mistake.
- Acting for the Pensions Regulator in prohibition proceedings against a pension scheme trustee (with [Michael Tennet QC](#) and [Jonathan Hilliard QC](#)).
- Advising the Pension Protection Fund on a regular basis in relation to applications for review under S 207 of the Pensions Act 2004 and applications for maladministration under S 206 of the Pensions Act 2004.
- Advising the Pensions Regulator on its moral hazard powers in connection with a number of large pension schemes with respect to issues of conflicts of interest arising out of the investment decisions of the trustees of the schemes and the sharing of a potential surplus between the members and the employer of the schemes.
- Advising the majority shareholders of a sponsoring employer on the risks of a contribution notice being issued by the Pensions Regulator as a result of a proposed change of control of the sponsoring employer.
- Advising a sponsoring employer on whether certain corporate restructuring would amount to events that have to be notified to the Pensions Regulator.
- Advising on claims against professional pension trustees for unauthorised investments.
- Advising a member as to the level of his pensionable salary under the terms of the scheme's governing documentation.
- Advising the Pensions Regulator on the internal delegation of its functions.



Pensions continued

- Advising on the tax implications of the conduct of the trustees of a small self-administered pension scheme and on the restructuring of the scheme.
- Advising on family pension sharing orders.