



Simon Atkinson

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Clerks' Details

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Qualifications and Appointments

- BA (History)/BSc (Chemistry) – Melbourne University
- MA (Law) – Trinity College, Cambridge University

Memberships

- Chancery Bar Association
- Property Bar Association
- Commercial Bar Association
- Association of Pension Lawyers

Publications

- [Where different legal systems collide: the decision in *Labrousche v Frey & Ors \(2016\) Trusts & Trustees* 22 \(7\): 741-752](#)
- [Rules of the DIFC Courts' \(2016\) Wilberforce Chambers, 4th edition](#)
- ['Away with words: LPA 1925, s. 62' \(2016\) Wilberforce Property Update \(Issue 2\) April 2016](#)
- ['Self-dealing: rigours and risks' \(2013\) Trusts and Estates Law & Tax Journal 149 TEL&TJ 8 – 11](#)
- ['Talking on sub-tenants: lessons for unwilling landlords' \(2013\) Wilberforce News Alert](#)
- News alert: *Ansa Logistics Ltd v Towerbeg Ltd (with Martin Hutchings QC)*

Practice Overview

Simon is an experienced and in demand practitioner. He has a broad Chancery practice; the core of his work comprises property, trusts and estates, pensions and commercial litigation.

Simon believes that the giving of practical and clear advice, combined with persuasive and fearless Courtroom advocacy and an eye for detail, are qualities which clients rightly demand and which he brings to the cases on which he is instructed.

He has appeared in his own right in the Court of Appeal and regularly appears as sole counsel and as a junior in the High Court, County Court and various tribunals. He also acts in alternative dispute resolution processes such as mediations, arbitrations and expert determinations (in which he has acted variously as both advocate and as expert).

He is instructed in domestic and international matters. He has particular experience of disputes concerning assets and/or parties based in the Middle East. He is a co-author of Wilberforce's publication of the Rules of the DIFC Courts.

Notable cases in which Simon has been instructed include:

- *Long v Rodman* [2019] EWHC 753 (Ch)
Simon was instructed (along with Andrew Mold) on behalf of two of four daughters who successfully sought the removal of a Court-appointed professional administrator of their father's estate in a heavily contested application under s. 50 of the Administration of Justice Act 1985.
- *PS Independent Trustees Ltd v China Shipping (UK) Agency Co Ltd* [2019] EWHC 1222 (Ch)
Simon appeared for the defendants in a claim for payment of substantial debts under s. 75 of the Pensions Act 1995. This case concerned the proper interpretation of regulations governing multi-employer defined benefit pension schemes and the circumstances in which there may be a deemed segregation of such a scheme upon the insolvency of one or more employers.
- *Asturion Foundation v Allbrahim* [2019] EWHC 275 (Ch)
In these ongoing proceedings, Simon acts for the defendant, who has applied to strike out the claimant's claim on the grounds that it had "warehoused" the English proceedings while other proceedings in Liechtenstein were ongoing. The application is presently under appeal to the Court of Appeal.
- *Catalyst Housing Limited v Martin* [2018] EWCA Civ 1206
Simon appeared as sole counsel for the appellants in both the renewed oral application for permission to appeal and the substantive appeal in proceedings concerning contractual succession to an assured tenancy under the Housing Act 1988.



Practice Overview continued

- *Interactive Technology Corp Ltd v Ferster* [2017] EWHC 1510 (Ch); [2017] EWHC 1799 (Ch)
Simon appeared (with [Clare Stanley QC](#)) in litigation concerning the beneficial ownership of an offshore, web-based business, the admissibility of Part 36 offers in split trial proceedings, and the availability of summary judgment in response to a purported defence of causation where equitable compensation for loss is claimed.
- *Dutton v FDR Ltd* [2015] EWHC 2946 (Ch); [2017] EWCA Civ 200
Simon acted (with [Paul Newman QC](#)) for the successful appellant in proceedings concerning how an underpin operated in relation to the increases applicable to pensions in payment. The underpin arose as a result of a defective trust deed executed in 1991 which purported to change the rate at which pensions in payment were increased from 3% to 5%LPI.
- *Pollock v Reed* [2016] Pens LR 129
Proceedings brought by the trustees of an occupational pension scheme seeking court approval of a proposed bulk transfer of the scheme's assets and liabilities without individual member consent to a new scheme.
- *Labrousche v Frey; Re Olga Martin-Montis Will Trusts* [2016] EWHC 268 (Ch)
Substantial High Court litigation in which the beneficiary of English will trusts brought claims against former professional and lay trustees for alleged breaches of trust between 1984 and 2010. The claim also raised issues of Swiss and Liechtenstein law.
- *Wood v Waddington* [2014] EWHC 1358 (Ch); [2015] EWCA Civ 538
A dispute between neighbouring landowners concerning the grant of easements, the scope of section 62 of the Law of Property Act 1925 and the rule in *Wheeldon v Burrows*.
- *Spencer v Fielder* [2015] 1 WLR 2786
Beddoe proceedings relating to litigation between British Airways and the trustees of the Airways Pension Scheme arising out of the decision of the trustees to grant discretionary benefit increases to members.
- *Cosmetic Warriors Ltd v Amazon.co.uk Ltd* [2014] FSR 31; [2014] EWHC 1316 (Ch)
Trademark dispute between the owner of the 'Lush' cosmetics brand and the well-known online retailer.
- *Ansa Logistics Ltd v Towerbeg Ltd* [2012] EWHC 3651 (Ch)
A landlord and tenant dispute concerning whether the tenant had breached a covenant against parting with possession and whether the landlord had unreasonably withheld consent to underlet the premises to a third party, Ford Motor Company Ltd.

Domestic Arbitration & ADR

Simon regularly advises in relation to, and acts in, alternative dispute resolution processes such as mediations and arbitrations. Although the matters in which he has acted are confidential, the following are examples of the type of work Simon undertakes:

- Acting in a mediation on behalf of the administrators of an estate against debtors of the estate.
- Preparing written submissions for an expert determination in relation to the proper construction of a deed of settlement.
- Appearing for a party at a mediation of a dispute about boundaries locations between, and rights of way over, neighbouring properties.
- Advising in relation to a mediation of a residential landlord and tenant dispute concerning service charges and a claim for specific performance of an agreement for an underlease.
- Providing an expert opinion on the interpretation of a rent review clause to assist in an expert determination.
- Preparing written submissions for an expert determination in relation to a rent review for commercial premises.