



Thomas Seymour

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Clerks' Details

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Qualifications and Appointments

- First Class degree in Law – Cambridge

“A wise junior who can be relied upon.”

The Legal 500, 2019

Memberships

- Chancery Bar Association
- Association of Pension Lawyers
- Society of Trust and Estate Practitioners
- Association of Contentious Trust and Probate Specialists

Publications

- [Trustee exculpation – the law, the quirks and the business sense](#) (2014)
Trusts & Trustees 20 (9): 933-942
- Seminar address to Association of Pension Lawyers on group estoppel in occupational pension schemes. Published in *Pension Lawyer Issue 101* (November 2004)
- [Further article with James McCreath on estoppel in pension schemes published by Practical Law Pensions \(May 2015\)](#)

Practice Overview

Thomas is a highly experienced barrister with a broad chancery and commercial practice. His main practice areas are pensions, trusts/private client, wills and contentious probate, administration of estates and charity law, property and professional negligence related to those practice areas.

Thomas has a specialist pensions practice based on over 20 years' experience of acting and advising in pensions matters, including litigation in the High Court, regulatory matters and Pensions Ombudsman references.

Thomas has an extensive trusts and private client practice, specialising in contentious trust litigation both in the United Kingdom and cases with a foreign element (including recent cases in Gibraltar and the Cayman Islands). His private client practice also embraces wills, contentious probate, estates and charities.

His property work focuses on real property disputes: enforcing contracts for sale or lease, title and boundaries, restrictive covenants, easements, mortgages, commercial landlord and tenant, and conveyancing.

Thomas acts and advises on partnership and company law matters and has recently advised the Financial Reporting Review Council on International Accounting Standards and compliance issues relating to public companies.

Chambers & Partners, 2019 (Pensions) describes Thomas as someone that completes **“very thorough analysis. He thinks outside the box and is inventive in terms of looking for solutions”**. **“He really knows his stuff.”**

Chambers & Partners, 2018 (Pensions) notes **“he is great quality, great value and his experience enables him to take a view effectively”**. **“He has excellent instinct and is a good advocate too.”**

The Legal 500 2019 describes him as **“a wise junior who can be relied upon”**.

He is also an accredited mediator.



Publications continued

- Article on Hampshire v PPF on compensation for loss of benefits on employer insolvency published by Practical Law Pensions (January 2017) and Nugee Memorial Lecture (June 2017)
- Address at Wilberforce Chambers Hot Topic Seminar (November 2018) – *Barnardo's v Buckinghamshire & Ors* [2018] UKSC 55

Pensions

Thomas has a wealth of experience in pensions litigation and advisory work.

Litigation

He acts in all types of litigation, including contentious litigation and compromises and Beddoe applications, Pension Ombudsman complaints and appeals, and regulatory matters. These include:

- Disputes between employer, trustees and (commonly) a representative scheme member as to the effect or operation of scheme provisions; and the actual or proposed exercise of scheme powers.
- Disputes as to the status, validity and effect of trustee decisions and exercise of powers.
- Disputes as to the construction, mistake, estoppel and rectification of scheme documents.
- Pensions mis-selling and pensions liberation.
- Sex discrimination and equalisation.
- Disputes as to investment and breaches of trust, including trustee exoneration, limitation and relief from liability.
- Proceedings before the Pensions Regulator relating to moral hazard powers (financial support directions and contribution notices).

Advisory

He advises scheme employers, targets faced with warning notices under the moral hazard provisions, scheme members on specific issues, and also commonly represents scheme trustees or representative members on Beddoe and other court applications. Subjects on which Thomas commonly advises include those identified above; early retirement provisions; scheme funding; cessation of accrual, winding-up and S.75 debts (in single and multi-employer schemes); preservation and contracting-out and moral hazard provisions. He has also advised HMRC on VAT issues arising under occupational pension schemes. He also advises in relation to personal pension arrangements, including qualified recognised occupational pension schemes.

Notable matters include:

- Acting for and advising the targets in response to a recent warning notice from the Pensions Regulator proposing to issue a financial support direction in relation to a major occupational pension scheme.
- Acting for the trustees of the British Airways Pensions Scheme in defending a claim by the employer concerning RPI/CPI and the alleged invalidity of the scheme amendments and subsequent exercise of powers to grant discretionary increases and pension benefits.
- Advising an interested party in relation to *Hampshire v Pensions Protection Fund* concerning Article 8 of the IORP Directive and the meaning and effect of the CJEU decisions in *Robins and others v Secretary of State for Work and Pensions* and *Hogan and others v Minister for Social and Family Affairs* as to the support required to be put in place in the event of the employer's insolvency; whether this has direct effect in UK law; and as to its impact on the compensation cap on PPF benefits under UK pensions legislation.
- Advising British Air Lines Pilots Association Limited in relation to proposed claims arising from the CJEU decision in *Hampshire*, including a prospective claim for judicial review against the PPF.
- Acting for the trustees of the Hewlett Packard pension plan in a claim by the employer for construction/rectification of scheme rules concerning the application of limited price indexation to additional voluntary contributions (compromised on terms approved by the court).



Pensions continued

- Acting for the defendant to a multi-million pound claim by The Pensions Regulator in respect of alleged pensions liberation and alleged misuse of assets: this raised issues considered in *Pi Consulting (Trustee Services) Ltd v The Pensions Regulator* as to the nature and requirements of an occupational pension scheme.
- Acting for the representative beneficiary to an application for Beddoe directions by the trustee appointed by The Pensions Regulator to occupational pension schemes on grounds of alleged breach of trust and improper investment (*Dalriada Trustees Ltd v Gwilliam* (unreported) and *Dalriada Trustees Ltd v Woodward and Others*).
- Acting for the successful employer in an AGCO claim concerning the construction and effect of early retirement provisions of the Kingston Communications defined benefit scheme (*Akester & Ors v Kingston Communications plc & Others*).
- Acting for an employer successfully resisting an employee's claim for revaluation of pension benefit notwithstanding its augmentation by reference to his normal retirement age under a compromise agreement (*Davidson v Arla Foods UK Ltd and Trustees of Express Pension Scheme*).
- Advising former employers in relation to liability for contributions under the Merchant Navy Pension Scheme (*Merchant Navy Officers Pension Fund v FT Everard & Sons Ltd and Others*).
- Advising employers in a multi-employer scheme concerning a regulated apportionment arrangement and negotiations with the PPF and The Pensions Regulator.
- Acting for the representative member in an employer's claim for construction/rectification of scheme rules to pensionable remuneration: *Redrow & Others v Pedley & Ors*: a leading case on estoppel. In addition to advising trustees and employers frequently on scheme amendment and estoppel issues, Thomas has made this the subject of specialist papers to the APL and practical law papers and articles.
- Acting for the trustee in the leading case concerning preservation rights and unfunded occupational pension schemes (*Royal Masonic Hospital v Pensions Ombudsman*).
- Acting in a leading case concerning the validity and effect of scheme forfeiture provisions (*Re Scientific Investment Corporation*).
- Acting for the trustee in a case establishing that the trustee had no duty to disclose reasons for adopting a particular method of allocation surplus on a bulk transfer (*Wilson v Law Debenture Trust Corporation plc*).
- Acting for the independent trustee in a case concerning the meaning and application of regulations concerning independent trustees (*Denny v Yeldon*).