



## Brian Green QC

Call: 1980

QC: 1997

bgreen@wilberforce.co.uk

### Clerks' Details

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Luke Farmer  
Nick Redmond

### Qualifications and Appointments

- BA (Oxon) Jurisprudence (1977) 1st Class
- BCL (Oxon) (1978) 1st Class
- English Bar examinations (Michaelmas 1980) top in year
- Lecturer in Law LSE 1978-1985 (LLB (Property) and LLM Restitution)

## “One of the best silks at the Chancery Bar”

Chambers & Partners, 2016

### Memberships

- Association of Pension Lawyers
- STEP
- ACTAPS
- Commercial Bar Association
- International Tax Planning Association
- RBA

### Practice Overview

- One of the leading QCs at the Chancery Bar
- Chambers & Partners Chancery QC of the Year
- Society of Trust and Estate Practitioners Barrister of the Year
- Featured as lawyer of the Week in The Times and listed as one of the "Top 50 lawyers" in the UK by The Sunday Times
- Consistently star and top rated in Chambers & Partners and Legal 500 directories
- Equally recognised and recommended for Contentious and non-contentious work, and UK and offshore work

#### Highlighted in the directories and by clients generally for his:

- Approachability, and inter-personal and client skills
- Incisiveness, practicality, commercial judgment and business sense
- Ability to handle the largest and most complex matters
- Ability to grasp and make key points quickly and effectively
- As Chambers & Partners put it: in 2016 *"the Rolls-Royce of chancery barristers," "fantastically impressive" on difficult questions. "Highly approachable" he is "a brilliant advocate, measured in his delivery", "whom top-flight solicitors turn to time and again."* *"He has complete mastery of his subject."* *"Masterful, definitely at the top of his form!"*
- And in 2017: *"If I was a client I would want Brian Green every single time. He is brilliant and a very good advocate. The way in which he presents arguments to the court is very attractive and persuasive, and he is very human and good at dealing with clients. He is a star."* *"Brian Green is one of the big superstar names at the Chancery Bar. You get a pretty unerring sense of what will and won't work from him, and he's a great advocate."*
- Wide-ranging experience in Chancery matters

#### Brian specialises in all aspects of:

- Commercial trusts and other property holding structures
- Pension schemes – occupational and public sector
- Private trusts and estates



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## Pensions

Brian is consistently Star Rated in this practice area in the Chambers & Partners legal directory and Top Rated in the Legal 500 legal directory.

As Chambers & Partners put in under the Pensions heading in 2016: "**Master of detail**" Brian Green QC has a "**stellar reputation**" and provides "**decisive and pragmatic advice.**" This "**exceedingly robust**" and "**impressive**" barrister is described by instructing solicitors as "**a superb advocate**" who "**remains the man you want to have on your side when all other paths seem doomed.**" He is "**head and shoulders above his peers**" due to his "**intellect, range of ability and desire to succeed.**"

And in 2017: "**He has an incredible brain and makes sense of complex issues in an authoritative and sensible way.**" "**When he's working on a case he gives absolutely everything. He's incredibly committed, hard-working and really experienced.**"

As the Legal 500 put it under its Pensions heading in 2015: "**He inspires complete confidence, and never lets you down.**"

Brian advises and appears in cases in all the major areas in this practice area.

Examples of leading cases in which Brian has appeared are:

- *AMP v Barker* – rectification.
- *Aon v KPMG (CA)* – definition of money purchase schemes.
- *British Vita* – relationship of express contributions' covenants and scheme specific funding.
- *Buckinghamshire v Barnardo's (UKSC) (2017/8)* – RPI/CPI.
- *Cemex v MNOFP Trustees, PMPF v Taylor* – definition of employer for S75 and scheme specific funding purposes.
- *Equitable Life v Hyman (HL)* – with profits funds.
- *Foster Wheeler v Hanley (CA)* – seminal case on mixed NRD equalisation.
- *MNOFP v Everard* – scope of amendment powers.
- *MNRPF Trustees v Stena & Ors* – scope of amendment powers and propriety of their exercise in industry-wide scheme, definition of employer for S75 and scheme specific funding purposes.
- *PMPF v Taylor* – definition of employer for S75 and scheme specific funding purposes.
- *Safeways v Newton (CA) (2017)* – construction of amendment power and equalisation (limits and correctness of *Harland Wolff v Aon*).
- *Stena v P&O (CA)* – scope of amendment powers.
- *Steria v Hutchinson (CA)* – limits of estoppel in pension schemes.
- *Stevens v Bell (CA)* – seminal case on construction of pension schemes.
- *Sea Containers, Telent, Nortel* (Determinations Panel of the Regulator) – financial support directions.
- *Thales v Thales Pension Trustees Ltd (2017)* – RPI/CPI

Examples of prominent decided cases where Brian has been fully engaged as an adviser behind the scenes, or been briefed to appear where for settlement or other reasons he has not done so are:

- *Entrust v Prospect Hospice* (brief for CA).
- *IBM* – both rectification and good faith.
- *IMG v German*.
- *Procter & Gamble v Svenska* (brief for CA).
- *Nortel* – adviser to EMEA.

Brian has extensive experience of Regulator matters and is currently representing the Targets in a number of moral hazard cases.