



## Joseph Steadman

Call: 2015

jsteadman@wilberforce.co.uk

### Clerks' Details

+44 (0)20 7306 0102  
practicemanagers@wilberforce.co.uk

*“Extremely intelligent, he knows the law backwards, gives very practical advice. He is an ideal person to have on the team.”*

The Legal 500, 2022

### Memberships

- Association of Pension Lawyers (Associate Member)
- CFLA
- Chancery Bar Association
- COMBAR
- ConTrA
- Property Bar Association
- ThoughtLeaders4 HNW Divorce
- ThoughtLeaders4 Private Client

### Publications

- [Attacking and defending \(pension\) trusts in divorce](#) ThoughtLeaders4 HNW Divorce Magazine (Issue 2) April 2020
- [Deposits in conveyancing transactions: How does the penalties doctrine apply?](#) Wilberforce Property Commentary October 2019

### Practice Overview

Joseph has a very busy and diverse commercial chancery practice, spanning all of Chambers' practice areas. He is regularly instructed to appear as sole counsel in High Court, County Court and Tribunal litigation, as well being led as part of a larger counsel team. He has been involved in appeals to the Upper Tribunal and High Court (in his own right) and to the Court of Appeal. He also has a substantial advisory practice.

Joseph has experience of working on cases which span a number of jurisdictions and require him to work closely with overseas lawyers and insolvency practitioners. His recent work has involved the Channel Islands, the Isle of Man, Cayman Islands, the British Virgin Islands, Cyprus, Monaco, Malta, and Switzerland.

Many of Joseph's cases involve interactions between different areas of the law, reflecting the breadth of Joseph's practice. He is particularly well-placed to advise in cases which straddle the traditional boundaries between practice areas, and enjoys deploying concepts from across the law in order to achieve the best outcomes for his clients.

Some highlights include:

- successfully appearing (as sole counsel) in the Upper Tribunal on behalf of the Pensions Regulator, in relation to the appointment of an independent trustee of a pension scheme which it was alleged had not been constituted as a trust ([RP Medplant Ltd v The Pensions Regulator \[2017\] UKUT 0385 \(TCC\)](#));
- acting (with Richard Harrison QC and [Jonathan Hilliard QC](#)) for a business associate of the husband in a high-value cross-jurisdictional matrimonial claim, in which it is alleged that a complex offshore structure has been used to hide the fact that the business associate holds assets as the husband's nominee;
- acting for the successful appellant in [Hook and another v Hawkins \[2019\] UKUT 147 \(LC\)](#), an appeal to the Upper Tribunal concerning the status of the spouse of an agricultural worker under the Rent (Agriculture) Act 1976 after the worker leaves the home and the spouses are divorced—the only reported case dealing with the interplay between the Rent (Agriculture) Act 1976 and the Matrimonial Homes Act 1983; and
- acting (with [Marcia Shekerdemian QC](#)) for the claimant company in relation to a multi-million-pound claim for breach of fiduciary duty against one of its directors, along with two unfair prejudice petitions and a derivative claim.



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## Publications continued

- [The status of spouses of agricultural workers \(Hook v Hawkins\)](#)  
Lexis®PSL Property Disputes May 2019
- [Construing restrictive covenants over registered land](#) Willberforce Property Update (Issue 3) February 2017

## Practice Overview continued

### Background

Joseph studied Law at Selwyn College, Cambridge, and graduated with a first-class degree. He was awarded a university prize for the best result in the Equity Tripos, as well as numerous college scholarships and prizes. He went on to obtain a distinction in the BCL (producing a first-class dissertation entitled "Remedies against Recipients from Defaulting Trustees").

Upon completion of the BPTC (outstanding) at City University, London in 2015, Joseph was awarded the William Rose Memorial Prize for Excellence in Drafting. He has also been awarded Lord Denning, Hardwicke, and Sunley Scholarships from Lincoln's Inn.

Before starting pupillage, Joseph spent several months working with a major litigation funder, where he was responsible for assessing applications and drafting funding agreements. He is familiar with various funding models and with the effective presentation of cases to investors. Joseph has also taught and examined undergraduate courses in property and trusts at Cambridge and UCL.

Joseph joined Chambers in 2016 upon the successful completion of his pupillage. His pupil supervisors were Rupert Reed QC, Jonathan Hilliard QC, Julian Greenhill QC, Andrew Mold QC, and Emily Campbell.

### Pensions

A substantial part of Joseph's practice consists of contentious and non-contentious pensions work. He has experience of acting for trustees, employers, members and the Regulator. Joseph has gained a particular understanding of the regimes applicable to public sector and industry-wide schemes, as well as an interest in the cross-overs between pensions and public law.

Since 2017, Joseph has combined his practice in Chambers with a consultancy role in the pensions, incentives and employment team at a Magic Circle law firm. Through that role, he has gained extensive expertise and experience across the spectrum of pensions work, which he brings to bear in his own advice and advocacy. Some highlights include:

- (with [Brian Green QC](#)) involvement in the Court of Appeal proceedings concerning BT's ability to change the basis for calculating increases to pensions in payment from RPI to CPI (or another alternative index) [\[2018\] EWCA Civ 2694](#);
- continuing involvement in the development of the UK's first collective defined contribution (defined in legislation as "collective money purchase") scheme for Royal Mail Group plc;
- advising trustees in relation to rectification and "corrective construction" where the rules of a scheme provided for a 5% floor on increases to pensions in payment;
- advising trustees in relation to the validity of an amendment made in the 1990s, in the absence of clear evidence that an actuarial certificate had been obtained, including consideration of the so-called "presumption of regularity";
- advising an employer in relation to an error in the calculation of its PPF levy; and
- advising trustees in relation to the exercise of discretionary powers to pay lump sum death benefits.

Joseph's contentious pensions experience in his own right includes:

- appearing on behalf of the trustee of the Barclays Bank UK Retirement Fund at the hearing of Barclay's application for the sanctioning of a Ring-Fencing Transfer Scheme (the first such application to be heard by the High Court) – Joseph appeared as the only unled junior at the CMC ([\[2018\] EWHC 168](#)), where he successfully obtained the Court's permission for the trustee to take part, and was led by [Michael Tennet QC](#) at the sanction hearing itself ([\[2018\] EWHC 472](#));
- advising a trustee about the benefits due to a member, and in particular the member's Guaranteed Minimum Pension and the application of anti-franking legislation;



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## Pensions continued

- advising in claims against SIPP providers for breach of fiduciary duty and/or professional negligence, and in particular the effectiveness of broad-ranging exclusions of liability in the governing documents;
- advising the trustee of a pension scheme in relation to an application to set aside default judgment obtained by a member;
- advising and acting for a trustee in a dispute with an employer concerning whether the trustee had power under the scheme's governing documentation to appoint and remunerate an independent chair of its board without the consent of the employer (with [Michael Tennet QC](#));
- advising a personal pension provider in a dispute concerning a series of policies subscribed for since the 1980s, and in particular whether the claimant had a right to guaranteed annuity rates under the terms of the policies or otherwise;
- advising one trustee of a SSAS concerning its ability to enforce a loan made to a company of which the other trustee was the sole director; and
- advising in relation to complaints to the pensions ombudsman.

Joseph's non-contentious pensions experience in his own right includes:

- advising an industry body concerning its members' cessation of participation in an industry-wide pension scheme, and in particular the application of the consultation regulations;
  - advising an employer in relation to the terms of a flexible apportionment arrangement;
  - advising an employer in relation to a draft Deed of Termination and associated indemnities following the winding up of a defined contribution scheme;
  - advising an employer concerning its plans to implement new pension arrangements for certain of its employees; and
  - advising an individual pension scheme member as to whether he had lost a protected lifetime allowance by virtue of his membership of a statutory pension scheme.
- In regulatory matters, Joseph acts both for the Regulator and for other Directly Affected Parties. His work in this area has included:
- successfully appearing (as sole counsel) in the Upper Tribunal on behalf of the Regulator, in relation to the appointment of an independent trustee of a pension scheme which it was alleged had not been constituted as a trust (*RP Medplant Ltd v The Pensions Regulator* [2017] UKUT 0385 (TCC)); and
  - acting (as part of a team of counsel) for the Sponsoring Employer in relation to proceedings brought by the Pensions Regulator under s231 of the Pensions Act 2004 ([link to the Regulator's section 89 report](#)).

In the early part of 2017, Joseph spent several months on secondment with the Pensions Regulator. Some of the highlights of his work there included:

- assisting with the preparation of pleadings and evidence in a claim concerning a multi-million-pound pensions liberation scam;
- advising on the regulation of employer-related investments and employer-related loans; and
- advising and drafting in connection with several cases before the Determinations Panel and the Upper Tribunal.

Joseph has also been instructed to act as legal clerk to the Regulator's Determinations Panel.