



David Pollard

Call: 2017
Solicitor: 1980

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Clerks' Details

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Qualifications and Appointments

- MA, University of Cambridge (Maths and Law)
- Solicitor: England and Wales (1980 – ceased practising in 2017)
- Partner, Freshfields/Freshfields Bruckhaus Deringer from 1990 to 2015. Consultant to 2017
- Chairman, Association of Pension Lawyers (APL) 2001-2003
- Barrister 2017
- Editor 'Trust Law International' (since 1995)

'A "complete guru" in the pensions world'

Chambers & Partners 2017

Memberships

- The Commercial Bar Association (COMBAR)
- Association of Pension Lawyers (APL) (Chair: 2001 to 2003)
- Insolvency Lawyers Association (ILA)
- Industrial Law Society (ILS)
- Trust Law Committee
- APL Communications Committee

Publications

Books:

- [*Pensions, Contracts and Trusts: Legal Issues on Decision Making*](#) (Bloomsbury Professional, 2020)
- *The Law of Pension Trusts* (Oxford University Press, November 2013)
- [*Corporate Insolvency: Pension Rights*](#) (6th ed, December 2016, Bloomsbury Professional)
- [*Corporate Insolvency: Employment Rights*](#) (6th ed, December 2016, Bloomsbury Professional)

Practice Overview

David is a leading and highly experienced lawyer in the pensions field and related areas. He switched to practice as a barrister at the end of 2017, after 37 years practice as a solicitor, including 25 years as a partner in law firm Freshfields Bruckhaus Deringer.

David's practice focuses on:

- Pensions law
- Insolvency law
- Employment law (involving pensions)

David's practice as a solicitor included advising employers and trustees in relation to pension law matters, including corporate transactions, scheme funding, scheme mergers, scheme changes, employer insolvency and Pensions Regulator issues.

David was chair of the Association of Pension Lawyers (APL) from 2001 to 2003.

David has published five books in the areas of pensions, insolvency and employment law: "*Pensions, Contracts and Trusts: Legal Issues on Decision Making*"; "*The Law of Pension Trusts*"; "*Corporate Insolvency: Pension Rights*"; "*Corporate Insolvency: Employment Rights*" and "*Employment Law and Pensions*".

David is an editor of the quarterly journal "Trust Law International". He was also on the editorial board of the "Occupational Pensions Law Reports" and is on the advisory board for the Pensions section in Practical Law.

David is recommended in the directories (as a solicitor before 2018):

- 'David Pollard is described as a "complete guru" in the pensions world.' Chambers UK 2017
- 'David Pollard is a leading figure in the UK pensions law arena, ... "a legend" and a "serious class act".' Chambers UK 2016
- 'The "inventive" David Pollard "provides wise, sage advice".' Chambers UK 2015
- 'Leading light' The Legal 500 2015
- 'David Pollard ... is recognised as being "exceptionally knowledgeable".' Chambers UK 2014



Publications continued

- [Employment Law and pensions](#) (Bloombury Professional, 2016)
- *Freshfields on Corporate Pensions Law 2015* (editor and main author - annual editions from 2012, Bloomsbury Professional)
- *Connected or Associated? Some tricky issues on 'control' in section 435(10), Insolvency Act 1986* (APL conference, Dec 2017) (with Dawn Heath)
- *The Guide to the Pensions Act* (editor: Tolley, 1995)

Articles

- [The Shortform Best Interests Duty: Mad, Bad and Dangerous to Know \(2018\) 32 TLI 106 & 176](#)
- [Member consent and pension trust benefit change \(2016\) 30 TLI 26 \(with Alison Chung\)](#)
- PPF Entry—Problems for Pension Trustees After Olympic Airlines (2016) 29 (4) *Insolvency Intelligence*
- [Statutory protections for employees acting as a pension trustee \(2015\) 29 TLI 71](#)
- [A "Two Steps" Tango: Amending Amendment Powers \(2015\) 29 TLI 16](#)
- [Trustees and Fiduciaries: the limits on any "no fetter" rule Part 1: \(2014\) 28 TLI 105 Part 2: \(2014\) 28 TLI 191](#)

Practice Overview continued

- 'Sources have "huge respect for David Pollard; you have to admire him, he's an excellent lawyer" and "really stands out as a go-to guy who is regarded nationally as a leading authority". Chambers UK 2013
- 'pensions guru David Pollard' *The Legal 500* 2013
- 'The "very bright" David Pollard is praised for his knowledge and technical abilities and "is easily understood and breaks down advice well"'. Chambers UK 2012
- 'David Pollard is "a top-class professional"'. *Legal 500* 2012
- 'David Pollard is described by sources as "one of the most eminent pensions lawyers around"'. Chambers UK 2011
- 'David Pollard has "a complete grasp of the complex regulatory framework underpinning UK pension provision, and the ability to translate said complexities to clients in a clear, authoritative but nevertheless pragmatic manner"'. *The Legal 500* 2011

Insolvency

David practices in insolvency law – mainly on the pensions and employment side.

He has written two books on corporate insolvency issues –on the intersection of insolvency law with pensions and employment rights. The sixth editions were published in December 2016.

David has given talks to insolvency organisations and in the last few years has contributed to submissions by R3 on various employment and pensions issues.

He has published in *Insolvency journals* (*Recovery*, *Insolvency Intelligence*) and given talks at insolvency conferences (ILA, INSOL, R3).

David's noteworthy litigation cases (as a solicitor) include:

- *BESTrustees plc v Kaupthing Singer & Friedlander Ltd* [2012] EWHC 629 (Ch) and [2013] EWHC 2407 (Ch) (separate decisions of Sales J and then Etherton C on two separate issues on how a s75 debt should be calculated). Acting for the administrators of the employer;
- *Re Nortel Networks Corpn* 2014 ONSC 6973 (a decision of Newbould J in Ontario on the ability of the Pensions Regulator to issue a financial support direction on a holding company). Advising the insolvency practitioners acting over the Canadian parent company.

“one of the most eminent pensions lawyers around”

Chambers & Partners 2011



Publications continued

- *Trustee companies and PSC Registers* (2016) 30 TLI 225
- *Myth vs reality (Four Legal Myths)* Pensions World Dec 2016
- *Application of the Proper Purpose Test to Pension Schemes* (2016) 30 TLI 159
- *Exercising Powers: Proper Purposes rather than Best Interests: Fiduciaries and Eclairs* (2016) 30 TLI 71

Chapters in books:

- Chapter: 'Trustees, Fiduciaries and Fetters' in 'Trusts and Wealth Management in the Twenty-First Century' (Cambridge University Press, forthcoming 2018)
- Chapters in *Tolley's Insolvency Law* and *Tolley's Employment Law*
- Chapter EIA: "Corporate Trustees" in *Tolley's Pensions Law*

“a complete grasp of the complex regulatory framework underpinning UK pension provision, and the ability to translate said complexities to clients in a clear, authoritative but nevertheless pragmatic manner”

Legal 500 2011