



## Jennifer Seaman

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### Clerks' Details

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### Qualifications and Appointments

- TEP (STEP)
- Attorney General's B Panel
- BCL - University of Oxford, New College
- Jurisprudence, MA (Hons.) - University of Oxford, New College
- New College Law Scholar
- Walter Wigglesworth Scholarship and Hardwicke Entrance Award, Lincoln's Inn

*“Jennifer is simply excellent. Very thorough, approachable and has excellent technical knowledge.”*

The Legal 500, 2022

## Memberships

- Association of Pension Lawyers
- Chancery Bar Association
- COMBAR
- STEP Full Member
- Association of Contentious Trust and Probate Specialists (ACTAPS)

## Publications

- Tolley's Pensions Law chapter on Dispute Resolution and Pension Scheme Litigation
- The remedy of equitable compensation following *Auden McKenzie (Pharma Division) Limited v Amit Patel*, STEP/TQR (2020)

## Practice Overview

Jennifer practices in chancery and commercial litigation, with an emphasis on pensions, trusts, probate and estates, and professional negligence litigation.

For several years, Jennifer has been recommended as a Leading Junior in the field of Pensions in Chambers & Partners and in The Legal 500. She has been described in the 2022 editions as:

*“Simply excellent. Very thorough, approachable and has excellent technical knowledge.”*

In previous years she has been described by the directories as: *“extremely assiduous and considered, very thorough, careful and creative”* (2021), *“extremely bright, takes care to absorb the detail of the case and is proactive and very reliable. Also diligent, hardworking and able to work well with counsel from other sets.”* (2021), *“bright, responsive and human”* (2020), *“very experienced and a delight to work with”* (2020), a *“well-balanced junior who forms a clear opinion and communicates it clearly”* (2019), *“an absolute pleasure to deal with, extremely intelligent, self-assured, quietly confident and firm in her views”* (2018) and *“absolutely fabulous. She has the ear of the judge when she speaks.”* (2017).

Jennifer is recommended in Who's Who Legal's UK Bar Private Client category and is described as *“a very hardworking junior”* who possesses *“an excellent knowledge of trusts law, combined with impressive commercial judgement”*.

Jennifer is appointed to the Attorney General's B Panel. Through this appointment, she advises a number of government departments and agencies (including the Ministry of Justice, the Ministry of Defence, the Home Office and the Department of Work and Pensions) on issues concerning trusts, pensions and commercial litigation.

Jennifer was instructed on two high-profile Supreme Court cases: *Futter v HMRC* [2013] UKSC 26 (heard with *Pitt v Holt*, on the 'rule in *Re Hastings-Bass*', trustee powers and mistaken dispositions) and *Benedetti v Sawiris* [2013] UKSC 50 (restitution and quantum meruit awards).



## Publications continued

- Guernsey's recent controversial decision on the so-called 'rule in *Hastings-Bass*': *M v St Anne's Trustees Limited, Trusts & Trustees* (2018)
- *Shannan & Others v Viavi Solutions UK Limited & Others* [2016] EWHC 1530 (Ch), [2016] Pens LR 193, *Trusts & Trustees* (2017)
- The 'best interests' principle and seeking the Court's blessing: *Merchant Navy Ratings Pension Fund Trustees Ltd v Stena Line Ltd, Trusts & Trustees* (2016)
- Commonplace mistakes in drafting wills and trusts and what can be done to resolve them, *Trusts & Trustees* (2015)
- An Exercise in Good Citizenship? on the *Pitt v Holt* and *Futter v Futter* decisions, TQR (2013) (co-author)

## Pensions

Jennifer is an established junior in the field of pensions and is recommended in both Chambers & Partners and The Legal 500 for her pensions experience.

Her recent cases in this area have included wide-ranging issues such as the professional negligence of actuaries and solicitors; the construction and rectification of pension deeds and rules; the validity of deeds and estoppel and the proper exercise of pension trustee powers. She has also acted for the Pensions Regulator, including in an oral hearing before the Determinations Panel in a Master Trust case.

Jennifer is a co-author of Tolley's Pension Law chapter: "Dispute Resolution and Pension Scheme Litigation". Also, as an acknowledged expert on pensions, Jennifer regularly gives talks on pension related matters.

### Notable cases:

- *Univar UK Ltd v Smith & Ors* [2020] EWHC 1596 (Ch): Acted for the representative beneficiary with Henry Legge QC in a rectification action brought by Univar in respect of the deed and rules of its pension scheme. The representative beneficiary raised defences such as estoppel, binding contracts, the proper exercise of trustee powers and the members of the scheme being third party purchasers.
- *SPS v Moitt* [2020] EWHC 2421 (Ch): Acted with Nicolas Stallworthy QC for the company, SPS, in proceedings to rectify three deeds of a pension scheme.
- *Re Salvus Master Trust* (2019): Acted on behalf of the Pensions Regulator in a hearing before the Determinations Panel, on whether the Salvus Master Trust pension scheme should be authorised under the Pensions Schemes Act 2017.
- *Various Part-Time Judges v Ministry of Justice* (From 2017 onwards): Acting on behalf of the Ministry of Justice in various claims in the ET and EAT made by part-time judges, who claimed an entitlement to a pension under the Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000 and the Judicial Pensions (Fee Paid) Judges Regulations 2017, including: *Dowokpor v MoJ* [2018] 3 WLUK 596 (EAT) (on whether it is just and equitable to extend time for bringing a claim under the PTWR 2000) and *Engel v MoJ* [2019] 6 WLUK 242 (EAT) (on the remedy for less favourable treatment as a part-time worker under the PTWR 2000).
- *The Coats Pension Plan / Guinness Peat Group* (2015): Acted for the Pensions Regulator in investigations under the Pensions Act 2004 into matters connected with the Coats Pension Plan.
- *Konica Minolta Business Solutions (UK) Ltd v Applegate* [2012] EWHC 3741 (Ch) & [2013] EWHC 2536 (Ch) Acted on behalf of the trustees of the Konica Minolta pension scheme in proceedings commenced by the employer for rectification of the scheme rules.
- *Entrust Pension Ltd v (1) Prospect Hospice Ltd and (2) Yvonne Hunter* [2012] EWHC 1666 (Ch) & [2012] EWHC 3640 (Ch): Acted with [Fenner Moeran QC](#) on behalf of a representative member of the 'Flexiplan' pension scheme, in a two stage trial regarding the level of benefits due to scheme members.
- *McCall v ITN & Baker*: Acted with Sarah Asplin QC on behalf of ITN in a claim concerning the construction of the ITN pension scheme.
- *Re Great Lakes (UK) Limited Pension Plan* (2011); Chemtura Manufacturing UK Ltd: Acted with Sarah Asplin QC on behalf of the trustees of the Plan in response to a Warning Notice issued by the Pensions Regulator, in connection with an alleged shortfall.

## Trusts, Tax, Probate and Estates

Jennifer's experience in this area includes: the construction and rectification of trusts and wills; probate disputes; inheritance act claims; breaches of trust and the nature and exercise of trustee powers; trusts concerning property and issues under the Trusts of Land and Appointment of Trustees Act 1996; removal and appointment of executors.



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## Trusts, Tax, Probate and Estates continued

Her practice also includes Court of Protection matters such as deputyship applications, applications relating to Powers of Attorney, and directions regarding property and financial affairs.

Jennifer is a full member of STEP, ACTAPS and ConTrA.

She is regularly asked to write articles in leading publications, such as *Trusts & Trustees* and *Trusts Quarterly Review*. She often gives lectures on Private Client topics.

### Notable cases:

- *Criminal Injuries Compensation Authority v others*: Acting for the Criminal Injuries Compensation Authority (CICA) in a number of matters involving trusts set up by the CICA for victims who have sustained criminal injuries.
- *Re Butcher; Sharp v Hutchins* [2015] EWHC 1240 (Ch): Acted for the successful claimant, Mr Sharp, in upholding a will challenged on the grounds of want of knowledge and approval.
- *GE v KE* [2014] EWHC 1938 (Fam); [2014] Fam. Law 1113: Acted on behalf of the administrators of the deceased's estate and his widow in a dispute as to whether the widow was legally married to the deceased at the date of his death. Involved issues of Nigerian law.
- *Futter v HMRC* [2013] UKSC 26: Acted, with [Robert Ham QC](#) and Richard Wilson, for the appellant trustees in their appeal to the Supreme Court, which concerned the existence and limits of the principle known as the rule in *Re Hastings-Bass*.
- *Hallett v Hallett* (2012): Acted on behalf of the claimant widow, who was awarded 50% of the deceased's net estate under the Inheritance (Provision for Family and Dependants) Act 1975.
- *Re Hampel Discretionary Trust 1999* [2012] EWHC 2395 (Ch): Acted on behalf of the applicants to rectify an inter vivos trust deed, which did not represent the applicants' intentions.
- *Keith Maxwell Tamlin & Ors v Holly Holbrook Samuel Edgar & Ors* (Times, February 23, 2012): Acted for the third defendant, a beneficiary under two related family trusts. The case concerned the claimant trustees' application for the court's approval of advancements to wind-up the two trusts.

## Commercial

Jennifer's practice includes areas of general commercial and commercial chancery litigation, such as contractual disputes and commercial fraud.

Jennifer has a particular interest in cases involving restitution / unjust enrichment. She was in the landmark Supreme Court case of *Benedetti v Sawiris* [2013] UKSC 50, which concerned issues of restitution and the valuation of a quantum meruit award.

### Notable cases:

- *Caribonum Pension Trustee Ltd v Pelikan Hardcopy Production AG* [2019] 6 WLUK 362: Acted with Richard Hitchcock QC for Pelikan in a case concerning whether a pension trustee was entitled to summary judgment on a deed of guarantee given by Pelikan. The matter involved issues of construction and questions of Swiss law.
- *Cross-Border Merger Project* (2018): Acted for the trustees of a pension scheme alongside Andrew Spink QC and Ceri Bryant QC in a matter involving the Companies (Cross-Border Mergers) Regulations 2007.
- *Benedetti v Sawiris* [2013] UKSC 50 Acted, with Mark Howard QC and Andrew Twigger QC, for Mr Benedetti in his appeal to the Supreme Court, which concerned issues of restitution and the valuation of a quantum meruit award.



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## Commercial continued

- *Arab Banking Corporation & ABC Islamic Bank v Ahmad Hamad Algosaibi & Brothers (AHAB)* (2011) Acted with Andrew Twigger QC on behalf of ABC and ABCIB banks to recover a sum in excess of US\$100 million from AHAB, a partnership based in Saudi Arabia. The case was set to be one of the largest cases before the Commercial Court in 2011, but ended on the 4th day of trial after AHAB admitted contractual liability.

## Professional Liability

Drawing on Jennifer's expertise in pensions, trust and probate claims and commercial litigation, Jennifer's practice includes professional negligence litigation in these related fields. In particular, professional negligence claims against solicitors, accountants, auditors, actuaries and financial practitioners.

### Notable cases:

- *Ballinger & Anor v Mercer Ltd & Anor* [2014] EWHC 372 (Ch) & [2014] EWCA Civ 996: Acted with [Fenner Moeran QC](#) on behalf of the defendant companies who provided actuarial services to a pension scheme in a claim brought by the trustees of the scheme. In the Court of Appeal, the defendants successfully argued that the claimants should not have permission to amend their claim when there was, prima facie, a limitation defence.