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Profile: Overview

Henry joined Chambers in October 2012. He holds a double first class BA in Classics from the University of Oxford and a PhD in Latin and Greek literature from the University of Cambridge. A major scholar of Lincoln's Inn, he was classed as Outstanding at Bar School, ranking as one of the top ten students in his year. His practice spans Chambers' main areas of expertise, with a particular focus on pensions, financial services and private client work.

Experience and Expertise

Henry undertook pupillage in Chambers, where his pupil masters were [Mark Mullen](#), [Elizabeth Ovey](#), [Marcus Flavin](#) and [William Moffett](#).

Since commencing practice, Henry has been instructed to appear in the Court of Appeal, the High Court and the County Court, and to provide advisory and drafting services, in relation to a wide range of traditional and commercial Chancery matters, including: claims relating to the establishment, validity, administration and breach of trusts; probate proceedings and claims under the Inheritance (Provision for Family and Dependants) Act 1975; mortgage possession actions; landlord and tenant disputes and other real property claims; bankruptcy petitions; corporate insolvency; claims for breach of contract; and related professional liability issues. Henry also accepts instructions in relation to proceedings in the Court of Protection.

Henry has a particular interest in pensions and financial services law. In 2015 he was seconded to Eversheds' Financial Services Disputes and Investigations department in London, where he assisted the pensions litigation and regulatory teams, and in 2013 spent nine months on secondment to the Financial Conduct Authority's General Counsel Division, where he advised on a range of supervisory and policy issues, including a number of pensions matters. He continues to develop his pensions and financial services practices in Chambers, both as junior and sole counsel.

Cases and Work Of Note

- Currently acting as junior to [Keith Rowley QC](#) representing the sponsoring employer in two cases concerning pension scheme construction and rectification.
- *C.Brewer & Sons Ltd Retirement Benefits Scheme and C.Brewer & Sons Ltd Executive Pension Scheme* (2017). Instructed with [Keith Rowley QC](#) on behalf of the sponsoring employer in a claim for construction and/or rectification of the schemes' documentation in respect of rules governing (*inter alia*) pension indexation, revaluation and accrual.
- *British Airways plc v Airways Pension Scheme Trustee Ltd* [2017] EWHC 1191 (Ch). Successfully acted for the defendant pension scheme trustee in the seven-week trial of a multi-million pound claim brought by British Airways as sponsoring employer for alleged breach of trust in relation to the grant of a discretionary pension increase in excess of CPI; led by [Keith Rowley QC](#) and Jonathan Hilliard QC.
- *Barnardo's & Ors v Buckinghamshire & Ors* [2016] EWCA Civ 1064. Instructed with [Keith Rowley QC](#) on behalf of the charity Barnardo's on its appeal to the Court of Appeal concerning the construction of the term 'Retail Prices Index' in the governing documentation of the Barnardo's Staff Pension Scheme and the cross-appeal brought by representative members of the scheme concerning the effect of s.67 of the Pensions Act 1995.
- *Sea Containers 1983 Pension Scheme* (2016). Instructed on behalf of the trustees of one of the Sea Containers pension schemes in a multi-million pound professional negligence claim against the scheme's former actuarial advisers, administrators and

pensions consultants arising out of alleged failed equalisation; led by [Keith Rowley QC](#).

- Secondment to Eversheds' Financial Services Disputes and Investigations department, London (2015). Assisted and advised in relation to a wide range of financial services and pensions matters, including: the successful defence of an FCA Enforcement Investigation; a mediation arising out of a multi-million pound service contract dispute between two infrastructure development companies; and litigation involving rectification of pension scheme documents, pension liberation and statutory pension transfer rights.
- *Abouraya v Sigmund & Ors* [2014] EWHC 277 (Ch). Successfully resisted an application for permission to bring a double derivative claim involving individuals domiciled in Egypt and Germany and companies incorporated in Hong Kong, the UK and Switzerland; led by [David di Mambro](#).
- Secondment to the Financial Conduct Authority (2013). Advised the FCA's Policy and Supervision divisions on a wide range of issues arising from the operation of the Financial Services and Markets Act 2000, related statutory instruments and the FCA Handbook.

Publications

Henry is an editor of *Wurtzburg & Mills on Building Society Law*, which he co-edits with [Malcolm Waters QC](#), [Elizabeth Ovey](#) and [Mark Fell](#).

'[Pension trustees and the exercise of discretionary powers](#)': article for LexisPSL Pensions (June 2017) on the High Court's decision in *British Airways plc v Airways Pension Scheme Trustee Ltd* [2017] EWHC 1191 (Ch), considering: the correct approach to trustee decision-making; the requirements for successfully challenging a trustee decision; the construction of pension scheme documentation; the purpose of a pension scheme; and the purpose and scope of scheme powers of amendment.

'[What constitutes a "material change" to RPI?](#)': article for LexisPSL Pensions (May 2017) on the High Court's decision in *Thales UK Ltd v Thales Pension Trustees Ltd* [2017] EWHC 666 (Ch), considering the correct approach to the construction of a pension scheme's indexation and revaluation provisions and the development of and differences between RPI and CPI.

'[Liability arising from unauthorised payments under FA 2004](#)': article for LexisPSL Pensions (March 2017) on the Upper Tribunal's decision in *Commissioners for HM Revenue & Customs v Sipprochoice Ltd* [2017] UKUT 87 (TCC), considering when a pension scheme administrator is liable to a scheme sanction charge under section 239 of the Finance Act 2004.

'[The great RPI v CPI debate - clarity at last?](#)': article for LexisPSL Pensions (November 2016) on the Court of Appeal's decision in *Barnardo's & Ors v Buckinghamshire & Ors* [2016] EWCA Civ 1064 as to the meaning of the defined term "Retail Prices Index" in the Rules of the Barnardo's Staff Pension Scheme and the effect of section 67 of the Pensions Act 1995.

'[Auto-enrolment - guidance on when travelling workers are considered based in Great Britain](#)': article for LexisPSL Pensions (January 2016) on the decision in *R (on the application of Fleet Maritime Services (Bermuda) Ltd) v Pensions Regulator* [2015] EWHC 3744 (Admin) and the territorial scope of the Pensions Act 2008.

'[Setting things straight on rectification proceedings](#)': article for LexisPSL Pensions (December 2015) on the decision in *Re BCA Pension Plan* [2015] EWHC 3492 (Ch) and use of the section 48 procedure under the Administration of Justice Act 1985 as a potential alternative to construction or rectification proceedings.

Qualifications

Henry read Classics at Merton College, Oxford, where he was made a college scholar and won numerous college prizes before graduating in 2003 with a Double First. He stayed on at Merton to study for an MSt in Classical Languages and Literature, in which he received a Distinction.

Henry subsequently completed a PhD on the classical Roman poet Lucan at Trinity College, Cambridge, funded by a full doctoral scholarship from the Arts and Humanities Research Council. In the course of his PhD, Henry won several faculty studentships and was also

awarded a scholarship from the Deutscher Akademischer Austausch Dienst, allowing him to conduct additional research at the Freie Universität Berlin. Henry's doctoral thesis has been published by Cambridge University Press as a monograph entitled *Lucan and the Sublime* (2013).

After converting to law in 2010, Henry undertook his Bar Professional Training Course at City Law School, on which he was graded Outstanding, winning the school's Everard Ver Heyden Foundation Prize. He was called to the Bar by Lincoln's Inn in October 2011 and is a recipient of the Inn's major CPE and BPTC awards, the Lord Bowen and Lord Mansfield scholarships, as well as a Hardwicke Entrance Award and a Buchanan Prize for his performance in Bar Finals.

Memberships

Lincoln's Inn, Chancery Bar Association, Association of Pension Lawyers, Financial Services Lawyers Association.

On a Personal Note

Before coming to the Bar, alongside his academic studies, Henry taught Latin language and literature at the universities of Oxford and Cambridge and at Birkbeck, University of London. He has also previously worked as an editorial consultant at the *London Review of Books*.

Henry maintains his Classical and literary interests and speaks basic German, Italian and French. He enjoys foreign travel, cinema, theatre and spending time with his young family.

Other Details

Bar Membership Number: 21370

VAT Registration Number: 166 0800 21

For More Information

Please click on the links to the left or contact a member of the clerking team.