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Henry Day enjoys a busy Chancery and commercial practice, with specialisms in pensions, private client and financial services. As a member of the Attorney General's B Panel, his clients include central government and regulators, as well as corporations, trustees and trust companies, insurers and other financial services firms, professionals and private individuals. He has previously spent time on secondment at the Financial Conduct Authority and in the Financial Services Disputes and Investigations department in the London offices of Eversheds Sutherland. He is recommended as a leading individual in Chambers UK Bar and The Legal 500 UK Bar, where he is described as "*an excellent junior*" who is "*calm under pressure, practical and very bright*".

PENSIONS

Henry is recognised for his pensions work by both Chambers UK Bar and The Legal 500 UK Bar, where he has been described as a "*distinguished junior*" who "*brings clear analysis to complex problems*" and who is "*hard-working, measured and very bright*". He is noted for being "*personable, user-friendly and easy to work with*" and for his "*in-depth knowledge of pensions litigation*", "*good strategic sense*" and "*ability to work seamlessly with witnesses, instructing solicitors and co-counsel*".

Henry's experience encompasses occupational, personal, private and public sector pensions. Particular areas of expertise include: the construction and rectification of scheme documentation; benefit indexation, revaluation and equalisation; the exercise of trustee powers and duties; related professional negligence; the pensions tax regimes under the Income Tax (Earnings and Pensions) Act 2003, the Finance Act 2004 and related legislation; the regulatory requirements of the Financial Services and Markets Act 2000 and the FCA Handbook; and the exercise of powers by the Pensions Regulator.

Matters on which Henry is currently instructed include:

- claims for breach of trust and restitution in relation to tax liabilities arising under an Employer Financed Retirement Benefit Scheme (EFRBS) (acting for the scheme employer)
- a series of claims by former investors against various SIPP providers for

alleged breaches of statutory and other duties and for recovery of monies under FSMA s.27 (acting for the defendant providers)
- various government and public sector pensions matters, including in relation to the Pension Schemes Bill 2025 (DB superfunds and surpluses) and the Judicial and Armed Forces Pension Schemes

Notable cases in which Henry has acted or been involved include:

- *Lee & Ors v James Hay Administration Co Ltd & Ors* [2025] EWHC 2154 (KB) – acting for two of several defendant SIPP providers and trustees in proceedings brought by multiple investors for alleged investment losses arising out of alleged breaches of the FCA's Conduct of Business Sourcebook and statutory and other duties
- *Masters v Commissioners for HMRC* [2025] UKFTT 00967 (TC) – advising and providing pensions-specific support to leading and junior tax counsel on an appeal to the First-tier Tribunal (Tax Chamber) by an overseas resident taxpayer against a decision of HMRC concerning the taxation of disbursements from the taxpayer's SIPP
- *Pelgrave v The Pensions Regulator* [2025] UKUT 00257 (TCC) – advising and representing two of four targets of a Warning Notice issued by the Pensions Regulator in proceedings before tPR's Determinations Panel (settled prior to determination and subsequent reference to the Upper Tribunal by one of the other targets)
- a claim by a scheme trustee for *Beddoe* relief to pursue an appeal to the First-tier Tribunal (Tax Chamber) against a decision of HMRC concerning the recoverability of input VAT on costs incurred in the scheme's administration (acting for the claimant trustee)
- *CMG Pension Trustees Ltd v CGI IT UK Ltd* [2022] EWHC 2130 (Ch) – acting with Keith Rowley KC for the defendant employer in a Part 8 claim concerning the proper construction and effect of the forfeiture provisions in a defined benefit occupational scheme and the requirements of the Pensions Act 1995, s.91(6), regarding recoupment of pension overpayments
- *De La Rue plc v De La Rue Pension Trustee Ltd* [2022] EWHC 48 (Ch) – acting for the defendant trustee in a Part 8 claim concerning the proper construction of an occupational scheme's final salary section rules governing revaluation of deferred benefits
- a complaint to the Financial Ombudsman Service by a former investor in relation to a SIPP, alleging failures of due diligence and consequent breaches of the FCA's Principles for Businesses and associated guidance (acting for the respondent SIPP administrator)
- a Part 8 claim for rectification of errors in a defined benefit occupational scheme's rules arising out of a historical consolidation exercise (acting for the claimant employer and trustees)
- a professional negligence claim against a defined benefit occupational scheme's former legal and actuarial advisers in relation to the failed equalisation of male and female members' normal retirement dates and other historical errors in the drafting of the scheme's governing documentation (acting for the claimant employer and trustee)
- *Airways Pension Scheme Trustee Ltd v (1) Fielder, (2) British Airways plc* [2019] EWHC 3027 (Ch) and [2019] EWHC 3032 (Ch) – acting with Jonathan Hilliard KC in the trustee's application for approval of settlement in respect of its appeal to the Supreme Court against the decision in *British Airways plc v Airways Pension Scheme Trustee Ltd* [2018] EWCA Civ 1533
- Re the W Pension Scheme (2019) – acting with Keith Rowley KC for the claimant employer in a claim for rectification of the governing documentation of its defined benefit occupational scheme in respect of rules concerning revaluation and indexation of benefits
- *Airways Pension Scheme Trustee Ltd v (1) Fielder, (2) British Airways plc* [2019] EWHC 29 (Ch) – acting with Jonathan Hilliard KC for the trustee in its unprecedented and successful claim for *Beddoe* relief to pursue an appeal to the Supreme Court
- *British Airways plc v Airways Pension Scheme Trustee Ltd* [2018] EWCA Civ

1533 – acting with Keith Rowley KC and Jonathan Hilliard KC for the respondent trustee in British Airways' appeal to the Court of Appeal concerning whether the trustee's exercise of the scheme's unilateral power of amendment to introduce a power to award discretionary pension increases was within the scope and purpose of the amendment power and whether the trustee's subsequent decision to exercise the discretionary increase power was valid

- *Sogefi Filtration Ltd v Havard & Ors* [2018] 079 PBLR (Ch) – acting with Keith Rowley KC for the claimant employer in a claim concerning whether normal retirement dates for male and female members of two defined benefit occupational schemes had been validly equalised
- Re the Brewer & Sons Ltd Retirement Benefits Scheme and the C.Brewer & Sons Ltd Executive Pension Scheme (2017) – acting with Keith Rowley KC for the claimant employer in a claim for construction and/or rectification of the governing documentation of two defined benefit occupational schemes in respect of rules concerning (inter alia) pension indexation, revaluation and accrual
- *British Airways plc v Airways Pension Scheme Trustee Ltd* [2017] 5 WLUK 603 – acting with Keith Rowley KC and Jonathan Hilliard KC for the respondent trustee resisting British Airways' application for an injunction restraining payment of the discretionary increase approved in *British Airways plc v Airways Pension Scheme Trustee Ltd* [2017] EWHC 1191 (Ch) pending determination of British Airways' appeal
- *British Airways plc v Airways Pension Scheme Trustee Ltd* [2017] EWHC 1191 (Ch) – acting with Keith Rowley KC and Jonathan Hilliard KC for the defendant trustee in the seven-week trial of a claim brought by British Airways, as the sponsoring employer of the Airways Pension Scheme, for alleged breach of trust in relation to the grant of a discretionary pension increase in excess of CPI
- *Barnardo's & Ors v Buckinghamshire & Ors* [2016] EWCA Civ 1064 – acting with Keith Rowley KC for 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 the scheme's representative members concerning the effect of s.67 of the Pensions Act 1995
- Re Sea Containers 1983 Pension Scheme (2016) – acting with Keith Rowley KC for the trustees of one of the Sea Containers pension schemes in a professional negligence claim against the scheme's former actuarial advisers, administrators and pensions consultants arising out of alleged failed equalisation

Other recent work includes:

- Advising a member of a Funded Unapproved Retirement Benefit Scheme (FURBS) on the construction of the scheme's governing documentation and whether he had "retired" such that he was entitled to a pension commutable for a lump sum
- Advising a defined benefit scheme employer on a member's claim for an injunction and damages in relation to an alleged entitlement to incapacity pension
- Advising on a potential professional negligence claim concerning the calculation of pension debits and credits under a pension sharing order
- Advising the trustees of a defined benefit occupational scheme in relation to potential conflicts of interest arising out of historical attempts to equalise normal retirement dates for male and female members
- Advising the trustees of a sectionalised DB-DC occupational scheme on the proper construction of scheme provisions concerning ill health early retirement and on appropriate remedial steps
- Advising a SSAS trustee in relation to a dispute concerning a member's statutory right to transfer benefits
- Advising the trustee of a Jersey-based pension scheme on the payment of a pension lump sum (PCLS/UFPLS) to a UK tax resident member, the tax consequences of the payment and potential remedial steps

- Advising the trustees of a defined benefit occupational scheme on appropriate steps to remedy the erroneous omission of scheme death benefits
- Advising and representing the principal employer under a defined benefit occupational scheme on a former employee's claim for ill health early retirement pension
- Advising the trustees of a will trust in relation to the payment of lump sum death benefits from a SIPP and an occupational pension scheme, and ancillary inheritance tax issues
- Advising on the removal of SSAS trustees
- Advising an employer in relation to a payroll services company's failure to deduct auto-enrolment pension contributions from employee earnings
- Advising a former member of a defined benefit occupational scheme on a claim by the scheme's trustees for recovery of alleged overpayments received upon transferring out
- Advising on a potential claim concerning an employer's liability for a death in service benefit and the operation of the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE)
- Advising in relation to a claim for breach of trust by a SSAS member-trustee against a co-trustee
- Advising the trustees of a defined benefit occupational scheme as to the equalisation of normal retirement dates for male and female members and the validity of the scheme's historical governing documentation
- Advising on a potential claim against a personal pension provider for a client's loss of Enhanced Protection and potential consequent tax liabilities
- Advising as to the nature, scope and exercise of SIPP trustees' discretion to make death benefit payments
- Advising in relation to a refusal by HMRC to reinstate Fixed Protection 2014 after a client mistakenly made a one-off payment into his SIPP
- Advising in relation to the duties of the trustees of a SSAS and related issues of fraudulent misrepresentation and undue influence
- Advising on the potential liability of a SIPP provider in relation to the alleged misselling of investment products
- Advising and representing the administrator and trustee of a SIPP on an application by a discretionary beneficiary for pre-action disclosure of scheme documentation
- Advising on the recoverability of funds transferred to a company in administration from the company pension scheme

In 2015 Henry completed a secondment to the Financial Services Disputes and Investigations department in the London offices of what is now Eversheds Sutherland (International) LLP, working with the pensions litigation team on cases concerning rectification of pension scheme documentation, pension liberation and statutory pension transfer rights.

In 2013 Henry was seconded to the Financial Conduct Authority for nine months, where he advised on a range of pensions matters, including pension liberation, scheme charge capping and the introduction of independent governance committees for contract-based schemes. Henry continues to advise the FCA on an ad hoc basis.

Henry is a member of the Association of Pension Lawyers and sits on the Association's Dispute Resolution Committee. He is a regular contributor to LexisPSL Pensions.

TRUSTS & PRIVATE CLIENT

Henry's practice encompasses a broad variety of trusts-related litigation and advisory work, including matters arising out of wills and private trusts, pension trusts (see Pensions) and charitable trusts. He particularly enjoys private client work which involves a pensions and/or financial services element, where he is able to bring his expertise in these related fields to bear.

In relation to wills and estates, Henry accepts instructions on behalf of executors,

trustees, beneficiaries, creditors and other potentially interested parties. He advises, inter alia, on the validity, construction and rectification of wills and trusts, the administration of estates, applications under the Variation of Trusts Act 1958 and claims under the Inheritance (Provision for Family and Dependants) Act 1975, and has represented clients in both contentious and non-contentious probate proceedings in the Chancery and Family Divisions of the High Court.

Henry also has extensive experience, much of it acquired through his pensions specialism, of matters involving the appointment and removal of trustees; the nature, scope and purpose of trustee powers and duties (in relation, inter alia, to the exercise of powers of amendment, disclosure of trust documents, loans of trust property, and advancement and appointment to beneficiaries); the existence and operation of constructive and resulting trusts; recovery of estate debts; and *Beddoe* and blessing applications.

Henry is happy to draft deeds of trust and to advise, where relevant, on inheritance and capital gains tax issues.

Examples of Henry's recent work include:

- Advising and representing a minor beneficiary on an application to vary a will under the Variation of Trusts Act 1958
- Advising solicitors on a claim for rectification of a will which accidentally omitted to make provision for the deceased's husband
- Advising executors as to the validity and application of a gift under a will to an occupational pension scheme
- Advising an executor and beneficiary on the validity of her deceased husband's will, which she had mistakenly executed as her own, and on a claim for rectification (following *Marley v Rawlings*)
- Advising and representing a deceased's widow on a will validity claim (non-compliance with formalities and lack of testamentary capacity) and on a claim under the Inheritance (Provision for Family and Dependants) Act 1975
- Advising an executor and beneficiary on the construction of an ambiguous clause in a will and on the effect of the Wills Act 1837 s.33
- Advising executors and sole beneficiaries under a will on the application of the portions rule to a series of legacies and inter vivos gifts
- Advising solicitors unable to obtain executors' instructions and assisting with a consequential application for payment of estate funds into court
- Advising and representing an executor and beneficiary on a will validity claim (want of knowledge and approval and lack of testamentary capacity) and on claims for removal of a co-executor and restitution of misappropriated estate funds
- Advising a potential beneficiary on the validity and construction of a deceased's successive wills and on the distribution of benefits from the deceased's SIPP
- Advising the trustees of a will trust in relation to the payment of lump sum pension death benefits and ancillary inheritance tax issues
- Advising a creditor of a deceased's estate on potential methods of debt recovery in circumstances where no grant of representation had been taken out

FINANCIAL SERVICES

Henry advises and represents clients on a wide range of regulatory matters arising out of the Financial Services and Markets Act 2000, related statutory instruments and the FCA Handbook.

Examples of his recent work include:

- *Lee & Ors v James Hay Administration Co Ltd & Ors* [2025] EWHC 2154 (KB) – acting for two of several defendant SIPP providers and trustees in proceedings brought by multiple investors for alleged investment losses arising out of alleged breaches of the FCA's Conduct of Business

Sourcebook and statutory and other duties
- Advising an investor on a claim against an investment manager for investment losses suffered following Russia's invasion of Ukraine in 2022, arising out of the manager's alleged breaches of rules in the FCA's Conduct of Business Sourcebook and related contractual and tortious breaches of duty
- Advising on the application of the FCA's authorisation regime to the establishment of a trust corporation
- Advising on potential options for securing debt to pay for care costs where that debt is funded by an adult child of the care-recipient, and on the relevant scope of the regulated activities regime under FSMA

Henry was formerly seconded to the FCA and continues to be instructed by the regulator on an ad hoc basis.

Particular matters on which Henry has advised the FCA include:

- the development of the FCA's pensions strategy, with particular regard to pension liberation, scheme charge-capping and the introduction of independent governance committees for contract-based schemes
- the closure of an insurance company providing a pension scheme product in the absence of consent from gone-away clients, and on mechanisms by which redress could, if necessary, be obtained
- the validity and effect of a trust set up to fund the costs of an orderly wind-down of an authorised firm's regulated activities
- the liabilities of mortgage lenders and third party administrators under FSMA, the Regulated Activities Order 2001, the Appointed Representatives Regulations 2001 and the FCA Handbook
- access to the Financial Ombudsman Scheme for clients of an offshore scheme and compliance of the offshore scheme with the provisions of the FCA Handbook
- the validity and effect under the Unfair Terms in Consumer Contracts Regulations 1999 and under the provisions of the FCA Handbook of proposed variations to a contract between group entities and gone-away clients
- the implementation of a card insurance misselling redress exercise
- the priority of distribution of assets in the event of the insolvency of an insurance company

Henry has also advised the FCA on a range of matters relating to individual regulated firms, including:

- whether a broker of structured investment plans was acting within the scope of its regulatory permissions and, in particular, in compliance with the agency rule in COBS 2.4.3R
- whether certain investment product comparison websites would give rise to a breach of FSMA s.21
- whether a benevolent scheme proposed by a credit union would fall within the FCA Handbook's insurance perimeter
- voluntary variations of permission by authorised persons under FSMA Part IVA
- the interrelation between the FCA's rules on firm trading names and appointed representatives, and the circumstances in which a person must be authorised by the FCA or claim exempt status, under FSMA Part III
- interpretation of the FCA Handbook's rules governing approved persons
- commissioning of a skilled person report under FSMA s.166
- provision of financial services by members of the professions under FSMA Part XX
- disclosure of confidential information by the FCA to firms and other regulators and authorities under FSMA Part XXIII and the Disclosure of Confidential Information Regulations 2001
- statutory immunity of the FCA from liability under FSMA Sch. 1ZA
- phoenix companies
- unregulated collective investment schemes

While at the FCA Henry also assisted with drafting notices under FSMA s.165, notices of variation of permission under FSMA Part IVA, attestations and deed polls.

In 2018 Henry was instructed as a legal expert on the appeal process (overseen by Sir William Blackburne) arising out of the complaints procedure set up by the Royal Bank of Scotland for SME customers allegedly mistreated by the bank's Global Restructuring Group (GRG) between 2008 and 2013.

In 2015 Henry undertook a secondment to the Financial Services Disputes and Investigations department in the London offices of what is now Eversheds Sutherland (International) LLP. Much of his time there was spent working on the defence, which ultimately proved successful, of an Enforcement Investigation by the FCA, including advising on the scope of FSMA s.66, the FCA's Principles for Businesses and questions of privilege.

Henry is a former co-editor (together with a team from A&O Shearman) of *Wurtzburg & Mills on Building Society Law* (currently edited by Mark Fell KC and Elizabeth Ovey).

PROFESSIONAL LIABILITY

Henry advises and represents clients in negligence claims against a wide range of professionals, including solicitors, art dealers and auction houses.

As part of his wider pensions practice, he has particular experience of claims against pension scheme advisers. By way of example, he was recently instructed in a multi-million pound claim against an occupational pension scheme's former solicitors and actuarial advisers in relation to the failed equalisation of male and female members' normal retirement dates and other historical errors in the drafting of the scheme's governing documentation.

Henry's experience in this area also includes *Capita ATL Pension Trustees Ltd & Ors v Sedgwick Financial Services Ltd and Mercer Ltd* (2016), in which he was instructed (with Keith Rowley KC) on behalf of the trustees of one of the Sea Containers pension schemes in a claim against the scheme's former actuarial advisers, administrators and pensions consultants, again arising out of alleged failed equalisation.

INTERNATIONAL

Henry is happy to accept instructions with an international dimension, whether in a private or corporate context. His experience includes:

- Advising a multinational employer on a claim for breach of trust and restitution in relation to potential tax liabilities arising under an Employer Financed Retirement Benefit Scheme (EFRBS) established in the UK with a sole overseas resident member
- *Masters v Commissioners for HMRC* [2025] UKFTT 00967 (TC) – advising and providing pensions-specific support to leading and junior tax counsel on an appeal to the First-tier Tribunal (Tax Chamber) by an overseas resident taxpayer against a decision of HMRC concerning the taxation of disbursements from the taxpayer's SIPP
- Advising the trustee of a Jersey-based pension scheme in relation to the payment of a pension lump sum to a UK tax resident member
- Advising a Belgian company on a claim against its supplier, a UK-based multinational, for breach of contract
- Advising Canadian-domiciled private clients on the enforceability of a settlement agreement in relation to property situated in Uganda
- Advising a UK-domiciled private client in relation to a loan agreement with a Spanish-domiciled counterparty
- Acting in a cross-border contractual dispute between companies incorporated in England and California
- Advising as part of the legal team acting for a beneficiary of a Bahamas-

based trust in a large multi-jurisdictional asset recovery action
- *Abouraya v Sigmund & Ors* [2014] EWHC 277 (Ch) – successfully resisting 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

RECOGNITION

- *"Henry Day's expertise combined with his friendly and approachable manner makes him exceptionally easy to work with."* (Chancery: Traditional*, Chambers UK Bar 2026*)
- *"Henry was a pleasure to work with. He provided clear structure and concise, well-reasoned advice tailored to specific needs. He was highly responsive to follow-up queries and demonstrated an impressive depth of knowledge throughout."* (Chancery: Traditional*, Chambers UK Bar 2026*)
- *"Henry is an analytically minded and technically proficient barrister who consistently produces high-quality written work. His drafting is clear, precise and strategically astute. He provides excellent client service and is responsive, professional and attuned to clients' needs."* (Chancery: Traditional*, Chambers UK Bar 2026*)
- *"Henry has excellent technical knowledge of pensions – he is very clever, with a keen eye for detail – and is lovely to work with and a real team player."* (Pensions, *Legal 500 UK Bar 2026*)
- *"Henry is super smart, very pragmatic, and very good at translating technical concepts into simpler terms."* (Pensions, *Chambers UK Bar 2026*)
- *"Henry provides a concise and well thought out response."* (Pensions, *Chambers UK Bar 2026*)
- *"Henry has great experience in advising on pensions litigation. He provides lucid and succinct advice."* (Pensions, *Legal 500 UK Bar 2025*)
- *"He has an absolute laser intelligence and is able to get on top of things very quickly."* (Pensions, *Chambers UK Bar 2025*)
- *"Henry is very accessible, user-friendly and has a very sure drafting style and a good strategic sense and feel."* (Pensions, *Chambers UK Bar 2025*)
- *"Henry sifts through the noise to be able to distil information and explain it really well."* (Pensions, *Chambers UK Bar 2025*)
- *"Henry's written work is very solid."* (Pensions, *Chambers UK Bar 2025*)
- *"Henry is very able. Clever, with a good strategic sense and feel for how to present arguments to best advantage*." (Pensions, *Legal 500 UK Bar 2024*)
- *"Henry has a good sense of strategy. He has a sense of how arguments are likely to play out – which arguments to major on and which are less significant."* (Pensions, *Chambers UK Bar 2024*)
- "*Henry's particular strength is in his attention to detail. He has a strong understanding of the pensions litigation work lay clients are involved in, and has a very bright future ahead of him*." (Pensions, *Legal 500 UK Bar 2023*)
- "*Henry is very clever, and has good strategic sense and a good feel for how to present arguments to courts to the best advantage*." (Pensions, *Chambers UK Bar 2023*)
- *"He is clever, grasps the issues and is a team player."* (Pensions, *Chambers UK Bar 2022)*
- "*He is lovely to work with – very calm, thorough, and clever. He has good judgment and gets on well with solicitors and clients alike."* (Pensions, *Legal 500 UK Bar 2022*)
- *"[A] distinguished junior" who "brings clear analysis to complex problems and [is] consistently very responsive. Very approachable and friendly, with a good sense of humour, which was of great assistance during a complex and sometimes tense matter."* (Pensions, *Legal 500 UK Bar 2021*)
- *"He is very switched-on, very knowledgeable and easy to work with."* (Pensions, *Chambers UK Bar 2021*)
- *"An excellent junior; he is calm under pressure, practical and very bright."* (Pensions, *Legal 500 UK Bar 2020*)
- *"Henry is very bright indeed. He has a very good manner on the telephone and in conference, with a considerable grasp of detail."*

(Pensions, *Chambers UK Bar 2020)*
- *"A rising junior who is carving out a real pensions following."* (Pensions, *Legal 500 UK Bar 2019*)
- *"Intelligent, personable, user-friendly and easy to work with. He knows how to work seamlessly side by side with solicitors, which is a great asset."* (Pensions, *Chambers UK Bar 2019*)
- *"Hard-working, measured and very bright."* (Pensions, *Chambers UK Bar 2019*)
- *"His in-depth knowledge of pensions litigation far exceeds many of his peers and he demonstrates the ability to work seamlessly with witnesses, instructing solicitors and co-counsel."* (Pensions, *Chambers UK Bar 2018*)
- *"An up-and-coming junior, he is bright and user-friendly."* (Pensions, *Chambers UK Bar 2018*)

PUBLICATIONS AND SPEAKING

Henry is a former co-editor (together with a team from A&O Shearman) of *Wurtzburg & Mills on Building Society Law* (currently edited by Mark Fell KC and Elizabeth Ovey).

He writes frequently on case law developments in the fields of pensions, private client and financial services:

- "Actuarial confirmation required for alterations to contracted-out past and future service pension rights": article for *LexisPSL Pensions* (August 2024) on *Virgin Media Ltd v NTL Pension Trustees II Ltd* [2024] EWCA Civ 843, considering the Court of Appeal's landmark ruling and its consequences for the pensions industry
- "SIPP provider's claim for judicial review of FOS decision dismissed": article for *LexisPSL Pensions* (May 2024) on *Options UK Personal Pensions LLP v Financial Ombudsman Service Ltd* [2024] EWCA Civ 541, considering the scope of the Financial Ombudsman Service's jurisdiction and the circumstances in which complainants may be able to obtain redress for breach of provisions in the FCA Handbook that are not legally actionable
- "Court of Appeal confirms costs of McCloud Remedy constitute member costs": article for *LexisPSL Pensions* (April 2024) on *R (British Medical Association) v HMT* and *R (Fire Brigades Union) v HMT* [2024] EWCA Civ 355 and the allocation of the costs of implementing the McCloud Remedy
- "Railways Pension Scheme deficit repair rule throws employers off track": article for *LexisPSL Pensions* (February 2024) on *Railways Pension Trustee Company Ltd v Atos IT Services Ltd* [2024] EWCA Civ 98 and the courts' approach, following *Barnardo's* and *Britvic*, to the construction of pension scheme documents
- "High Court finds alteration to section 9(2B) rights without actuarial confirmation rendered void by section 37": article for *LexisPSL Pensions* (June 2023) on *Virgin Media Ltd v NTL Pension Trustees II Ltd & Ors* [2023] EWHC 1441 (Ch) and the potential for section 37 of the Pension Schemes Act 1993 to render void historical amendments to formerly contracted-out salary-related schemes
- "FTT confirms penalty notice for failure to comply with auto-enrolment duties": article for *LexisPSL Pensions* (June 2023) on *Finishing Touches Cheltenham Ltd v The Pensions Regulator* [2023] UKFTT 457 (GRC), the importance of the timely provision of information to the Pensions Regulator and the risks in delegating compliance to third parties
- "Entitlement to pension – when is a right 'actual' or 'prospective'?": article for *LexisPSL Pensions* (March 2023) on *Devon and Somerset Fire & Rescue Authority v Howell* [2023] EWHC 257 (Ch), considering the operation of the transitional provisions in the Finance Act 2004 regarding normal minimum pension age and the point at which a scheme member's right to pension arises
- "Pensioners defeat jurisdiction challenge to claim for investment losses against Gibraltar-based trustee company": article for *LexisPSL* Pensions (February 2023) on *Dooley & Ors v Castle Trust & Management Services*

Ltd [2022] EWCA Civ 1569, considering the circumstances in which offshore pension schemes may fall within the jurisdiction of the UK courts

- "Professional negligence claim arising out of 1986 pension benefits error avoids strike-out": article for *Lexis PSL Pensions* (January 2023) on *Honda Group-UK Pension Scheme Trustee Ltd v Mercer Ltd* [2022] EWHC 3197 (Ch), considering the operation of the Limitation Act 1980 s.14B and the circumstances in which a professional may be held to owe a client a continuing duty of care
- "Challenge to UKSA's decision to align RPI with CPIH dismissed": article for *LexisPSL Pensions* (September 2022) on *R (ex p BT Pension Scheme Trustees Ltd & Ors) v (1) UK Statistics Authority, (2) Chancellor of the Exchequer* [2022] EWHC 2265 (Admin) and the legality and effects of the UKSA's decision to change the methods used to compile RPI from 2030
- "The pitfalls of professional negligence claims": article for *Legal Futures* (March 2022), co-authored with Elizabeth Ovey, on ways in which negligence claims against professionals can come unstuck
- "High Court adopts 'narrower construction' of pension revaluation rule": article for *LexisPSL Pensions* (January 2022) on *De La Rue plc v De La Rue Pension Trustee Ltd* [2022] EWHC 48 (Ch) and the court's approach to the construction of pension scheme documentation following Barnardo's and Britvic
- "Court of Appeal holds pensions increase rule means what it says": article for *LexisPSL Pensions* (June 2021) on *Britvic plc v Britvic Pensions Ltd* [2021] EWCA Civ 867 and the proper approach to the construction of pension scheme documentation
- "Financial Ombudsman Service holds Carey liable for breach of regulatory obligations in further SIPP investor complaint": article for *LexisPSL Pensions* (May 2021) on the FOS's decision in *S v Options SIPP UK LLP* [2021] EWCA Civ 474 and its relationship to the *Adams* litigation
- "Court of Appeal holds SIPP contract unenforceable under FSMA 2000 section 27": article for *LexisPSL Pensions* (April 2021) on *Adams v Options UK Personal Pensions LLP* [2021] EWCA Civ 474 and the ambit of SIPP providers' liability to clients introduced by unregulated intermediaries
- "Court of Appeal holds section 62 of the Pensions Act 1995 effective to close Barber window": article for *LexisPSL Pensions* (July 2020) on *Safeway Ltd v Newton* [2020] EWCA Civ 869 and its implications for pension schemes with historic benefit equalisation issues
- "Financial Ombudsman Service at odds with High Court in second Carey SIPP case": article for *LexisPSL Pensions* (June 2020) on the determination of the *FOS in T v Carey Pensions UK LLP*, considering the difference in approach between the FOS and the courts on the issue of SIPP providers' client obligations
- "Landmark investment loss claim against SIPP provider dismissed": article for *LexisPSL Pensions* (May 2020) examining the impact of the High Court's decision in *Adams v Options SIPP UK LLP (formerly Carey Pensions UK LLP)* [2020] EWHC 1229 (Ch) on the nature and extent of SIPP providers' legal liability to their clients
- "Lifetime Allowance protection and late notification – what amounts to 'reasonable excuse'?": article for *LexisPSL Pensions* (March 2020) on the decision in *Hayes v HMRC* [2020] UKFTT 0092 (TC) and the Lifetime Allowance regime under the Finance Act 2004
- "Simple rationality test should be applied in determining pension trustee application for approval of decision to settle": article for *LexisPSL Pensions* (November 2019) on the decisions in *Airways Pension Scheme Trustee Ltd v Fielder* [2019] EWHC 3027 (Ch) and [2019] 3032 (Ch), examining whether the test to be applied by the court in considering a trustee's application for approval of a settlement is affected by a previous grant of Beddoe relief
- "Court grants Beddoe relief in respect of pension scheme trustee's appeal": article for *LexisPSL Pensions* (January 2019) on the decision in *Airways Pension Scheme Trustee Ltd v Fielder* [2019] EWHC 29 (Ch) and the availability of Beddoe relief to trustees on appeal
- "Construction and rectification in the context of a family deed of trust":

article for *LexisPSL Private Client* (September 2018) on the decision in *Millar and Pearson v Millar* [2018] EWHC 1926 (Ch) and the proper approach to the construction and rectification of a unilateral instrument
- "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 Sippchoice 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

Henry regularly speaks at conferences, at solicitors' firms and at Radcliffe Chambers' in-house seminars. Recent talks include:

- "The administrator of my SIPP scheme has gone into administration. How worried should I be?" APL Education Committee Forum (London, April 2025)
- "The changing nature of recoupment: an Ombudsman case study", APL Summer Conference (London, June 2024)
- "Claims against SIPP providers: where are we now?", Stephenson Harwood LLP (London, July 2023)
- "Essential pensions for private client practitioners: in life and death", Radcliffe Private Client Annual Conference (London, June 2023)
- "The CMG UK Pension Scheme", Association of Pension Lawyers – Pensions Litigation Committee Forum (London, November 2022)
- Case Law Update, APL Summer Conference (London, June 2022)
- "Topical issues in professional negligence for pensions practitioners", APL Litigation Committee Forum (online, February 2022)
- "Surrender, forfeiture and overpayment of benefits", APL workshop (online, September 2021)
- "What's my claim worth? Issues in professional negligence litigation", Radcliffe Professional Negligence webinar (online, July 2021)
- "Beddoes and blessings: whether and whither?", Radcliffe Private Client Annual Conference (online, June 2021)
- "The Disclosure Pilot Scheme and Practice Direction 57AC in the context of pensions litigation", APL Junior Litigators' roundtable (online, March 2021)
- "Pro- and anti-member trends in judicial decision-making – some recent cases", Radcliffe Pensions webinar (online, March 2021)

- “Are trustees in a privileged position?”, Radcliffe Private Client Annual Conference (London, May 2019) and ConTrA Trusts in Litigation Conference (Athens, February 2019)
- “BA v APSTL – the Court of Appeal decision”, Radcliffe Junior Programme (London, September 2018)
- Case Law Update, APL Summer Conference (London, June 2018)
- “The Inheritance (Provision for Family and Dependants) Act 1975: some recent cases”, Howard Kennedy LLP (London, March 2018)
- “BA v APSTL: challenges to the exercise of discretionary powers”, Lane Clark & Peacock LLP (London, November 2017) and APL Litigation Committee Forum (London and Leeds, July 2017)
- “Barnardo’s v Buckinghamshire: indexation, revaluation and RPI v CPI”, Freshfields Bruckhaus Deringer LLP (London, February 2017)
- “Re BCA Pension Plan and s.48 Administration of Justice Act 1985”, Radcliffe Junior Programme (London, March 2016)
- “Expert Evidence in Pensions Disputes”, Radcliffe Junior Programme (London, November 2015)

COMMUNITY AND PRO BONO

Henry has previously assisted with Radcliffe Chambers’ Student Barrister Experience Programme, an initiative organised in collaboration with Big Voice London that aims to inspire and support young people from backgrounds that are currently under-represented at the Bar. The programme was named Diversity and Inclusion Initiative of the Year at the UK Diversity Legal Awards 2018.

QUALIFICATIONS

Henry read Classics at Merton College, Oxford, where he was made a college scholar and graduated with a Double First (1999-2003). He stayed on at Merton to study for an MSt in Classical Languages and Literature, in which he received a Distinction (2003-2004), before taking up a position at the *London Review of Books*.

While working at the *London Review*, Henry completed a PhD (2005-2009) 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 was subsequently published by Cambridge University Press as a monograph entitled *Lucan and the Sublime* (2013, reissued 2020).

Henry converted to law (2009-2010) and undertook his Bar Professional Training Course (2010-2011) at City Law School; he was graded Outstanding on the BPTC, winning City’s Everard Ver Heyden Foundation Prize. He was called to the Bar by Lincoln’s Inn in 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. He became a tenant upon completion of his pupillage at Radcliffe Chambers in 2012.

MEMBERSHIPS

- Association of Pension Lawyers: Dispute Resolution Committee member
- ConTrA – The Contentious Trusts Association
- Financial Services Lawyers Association
- Chancery Bar Association
- Lincoln’s Inn

POLICIES AND OTHER DETAILS

Read Henry’s Privacy Notice, Data Protection Policy and Disposal Policy.

- VAT Registration Number: 166080021

- Bar Membership Number: 21370