Radcliffe Chambers

Keith Rowley KC

Silk: 2001 | Call: 1979

King's Counsel

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Keith Rowley KC is recognised as a leading silk for complex litigation and was named Chancery Silk of the Year at the Chambers Bar Awards 2017. He has been involved in some of the most significant commercial and chancery cases in recent years, with a focus on pensions, professional negligence and trusts disputes.

Recent cases of note include *Lloyds Banking Group Pensions Trustees Ltd v Lloyds Bank plc & Ors* and *British Airways Plc v Airways Pension Scheme Trustee Ltd.* He regularly advises on international matters.

PENSIONS

Keith is well known as a leading silk for pensions disputes and regularly appears in complex and legally significant cases. He has long held a top-tier ranking in the *Chambers Bar Guide* and *The Legal 500 UK Bar* and, in 2017, was named Chancery Silk of the Year at the Chambers Bar Awards. Clients interviewed by the directories describe him as a *"brilliant adviser who comes up trumps when the client needs complex and tricky legal advice"* (Chancery, *Chambers Bar 2019*) and note that he *"strides the pensions arena like no other"* (Pensions, *The Legal 500 UK Bar 2019*).

Keith's pensions work was a natural progression from his practice as a litigious chancery junior, which saw him involved in surplus cases on a winding-up on behalf of insolvency practitioners seeking recoveries on behalf of creditors and acting for several life offices in the pensions mis-selling litigation in the 1990s arising out of the government sponsored review of employees opting out of or not joining occupational schemes and choosing money purchase schemes from insurers instead.

Amongst Keith's previous seminal cases are *British Vita v British Vita Pension Trustees* (which established that the pensions Act 2004 Part 3 does not displace a scheme's own contributions rule), *Houldsworth v Bridge Trustees* (in which the Supreme Court determined the meaning of "money purchase benefit" under the Pension Schemes act 1993 section 181, *Prudential Staff Pensions v The Prudential Assurance Company* (dealing with an employer's implied obligation of good faith and *Danks v QinetiQ* and *Arcadia v Arcadia Pension Trust* (establishing that the exercise of a power to switch indexationor revaluation, or both, from RPI to some

other index would not breach the Pensions Act 1995 section 67).

Selected significant cases from recent years include:

- *Southern Water Pension Scheme* – Acting for scheme trustees in proceedings before the Determinations Panel in the first exercise by the Pensions Regulator of its powers under the Pensions Act 2004 section 231(1)
- *Mitchells & Butlers Pension Plan* (ongoing) – Acting on a rectification and construction action brought by a trusteeas to who has the power to alter the scheme's rates at which pensions are revalued and indexed and whether amendments to the same were valid
- *Lloyds Banking Group Pensions Trustees Ltd v Lloyds Bank Plc & Ors* [2018] EWHC 3343 (Ch) – Appearing for the defendant banks in this landmark pensions case (one of The Lawyer's top 20 cases of 2018) which, 28 years after the ECJ's judgment in *Barber v Guardian Royal Exchange*, determined whether guaranteed minimum pensions accrued between May 1990 and April 1997 need to be equalised under UK or EU law so that men and women receive equal benefits in this respect
- *British Airways Plc v Airways Pension Scheme Trustee Ltd* [2018] EWCA Civ 1533, [2017] EWHC 1191 (Ch) – Appearing on behalf of the Trustee of the Airways Pension Scheme at trial and in British Airways' appeal against the first instance decision, in a case concerning whether the Scheme had been effectively amended to include a trustee power to award discretionary pension increases and whether the subsequent exercise of that power was valid
- *Burgess & Ors v BIC UK Ltd* [2018] EWHC 785 (Ch) – Appearing for the principal employer in a Part 8 claim raising questions about the validity of the grant of increases to pensions earned by service before 6 April 1997 and consequential matters
- *Sogefi Filtration Ltd v Havard & Ors* (18 December 2017) – Appearing on behalf of the claimant sponsoring employer, Sogefi Filtration Ltd, in proceedings concerning whether male and female members' normal retirement dates under two defined benefit occupational pension schemes had been equalised
- *Barnardo's & Ors v Buckinghamshire & Ors* [2016] EWCA Civ 1064 – Appearing for the charity Barnardo's at the hearing of its appeal against the High Court decision that the definition of the term "Retail Prices Index" (RPI) in the governing documentation of the Barnardo's Staff Pension Scheme did not enable the scheme's trustees to substitute an alternative index for purposes of pension indexation and revaluation so long as RPI remains an officially published index
- *The Pensions Regulator v A Admin and others* [2014] EWHC 1378 (Ch)– Appearing for The Pensions Regulator in proceedings relating to alleged pension liberation in a case that determined three preliminary points of law on the validity of five liberation schemes under challenge, two of which concerned the scope and construction of section 91 of the Pensions Act 1995 prohibiting the assignment or surrender of pension benefits
- *Vaitkus v Dresser-Rand UK Ltd* [2014] EWHC 170 (Ch)– Appearing for the claimant trustees in an equalisation claim in which the Court held that a notice issued to female members of a contributory pension scheme advising them that males and females would accrue future benefits on the same basis from 6 April 1991 (following the ECJ decision in Barber v Guardian Royal Exchange).

PROFESSIONAL LIABILITY

Keith has extensive experience acting both for and against accountants, actuaries, auditors, barristers, financial and investment advisers, insurance brokers, professional trustees, and stockbrokers. He has particular expertise in relation to negligence arising from pensions matters.

Much of Keith's work in this area is highly confidential and settles out of court. His

recent work includes advising on defective equalisation claims, limitation issues, pension mis-selling and claims concerning the exercise of the power of amendment of scheme documentation.

Keith is highly ranked in the professional negligence chapters of *Chambers Bar* and *The Legal 500 UK Bar*. Clients interviewed by those directories commend his *"absolutely first-rate comprehensive advice"* (Professional Negligence, *The Legal 500 UK Bar 2019*) and describe him as an *"excellent man to have on your side particularly if you are dealing with technically complex matters"* (Professional Negligence, *Chambers Bar 2019*).

COMMERCIAL DISPUTES

Keith advises banks, insolvency practitioners, insurers and multi-national companies on a wide variety of commercial disputes, involving company law, partnership, insolvency, commercial trusts and property law, as well as pensions and professional negligence issues. He has also acted in several cases involving Russian businesses and companies and is consistently recommended across these areas in the leading legal directories.

Keith led a team from chambers in *Weir & Ors v Secretary of State for Transport*, representing the Railtrack Private Shareholders' Action Group in the claim which they brought against Stephen Byers, the former Secretary of State for Transport, and the Department of Transport, for misfeasance in public office and breach of the shareholders' rights under Article 1 to the First Protocol of the European Convention on Human Rights, arising out of the decision to put Railtrack Plc into administration in October 2001. Although this claim was unsuccessful, in his judgment Lindsay J praised Keith's presentation of the shareholders' claim.

Early in his career, he was junior counsel for the Takeover Panel on the first challenge in the courts to one of its rulings in *R v Takeover Panelex parte Datafin* and subsequently advised the Panel on a number of occasions (including successfully applying to set aside a subpoena issued against it on behalf of Lonhro in the litigation with the Australian entrepreneur, Alan Bond, and also in relation to Alan Sugar's attempt to take his Amstrad company back into the private sector).

PRIVATE CLIENT

Keith advises in high value private client disputes, and also acted for the claimants in litigation concerning the estate of Jimmy Savile, upholding in the Court of Appeal a scheme for evaluating and meeting claims approved by the judge but which was challenged on appeal by Savile's residuary legatees.

RECOGNITION

Keith has been consistently recommended by the legal directories for many years in the areas of chancery and commercial litigation, pensions and professional negligence and property law. He is recognised with awards, most recently Chancery Silk of the Year at the Chambers Bar Awards 2017. He was nominated for silk of the year at The Lawyer Awards 2018 and has also been one of The Lawyer's Hot 100.

Recent commentary in the directories includes:

- *"Keith remains pre-eminent in his field and has a profound and detailed knowledge of trust and pensions law."* (Pensions, *Chambers UK Bar 2026*)
- *"Keith's advice is always clear, practical and robust."* (Pensions, *Chambers UK Bar 2026*)
- *"A senior practitioner who the courts listen to carefully."* (Professional Negligence, *Chambers UK Bar 2026*)
- *"Keith Rowley KC has done some major trusts cases. He is very impressive."* (Chancery: Traditional, *Chambers UK Bar 2026*)
- *"Keith is a very good tactician. He has great experience that he knows how to use to put his case forward."* (Chancery: Traditional, *Chambers UK Bar*

2026)

- *"Keith is an eminence grise in the pensions world. His grasp of the detail and the law in this area is of the highest standard. Clients know they are in expert and safe hands with Keith"* (Pensions, *Legal 500 UK Bar 2026*)
- *"Keith remains pre-eminent in his field"* (Professional Negligence, *Legal 500 UK Bar 2026*)
- *"Keith remains our go-to barrister for high-value, strategic and complex pensions law matters. He is in our view one of the leading barristers in this area."* (Pensions, *Chambers UK Bar 2025*)
- *"Keith is a first-class pensions litigator who has a great eye for both the detail and the big picture."* (Pensions, *Chambers UK Bar 2025*)
- *"You know you are always getting a first-class piece of advice from Keith as his depth of knowledge in this area is immense."* (Pensions, *Chambers UK Bar 2025*)
- *"Keith's advocacy is excellent, as is his legal insight."* (Chancery: Traditional, *Chambers UK Bar 2025*)
- *"He has a great eye for detail and is at the top of his game. He is well prepared and is a tenacious performer in court."* (Chancery: Traditional, *Chambers UK Bar 2025*)
- *"Keith Rowley has colossal experience of trusts and pensions matters, and it shows."* (Chancery: Traditional, *Chambers UK Bar 2025*)
- *"Keith remains pre-eminent in his field and has a profound and detailed knowledge of trust and pensions law."* (Professional Negligence, *Chambers UK Bar 2025*)
- *"Keith is meticulous and thoughtful in his advice, particularly in preparing a case and works exceptionally well in tandem with his instructing solicitors."* (Pensions, *Legal 500 UK Bar 2024*)
- *"Keith is a very experienced pensions professional negligence silk. He had deep knowledge of the pensions authorities and can read a court in a way that few others can. Judges listen carefully to him."* (Professional Negligence, *Legal 500 UK Bar 2024*)
- *"Keith is a standout at the pensions Bar, exuding charm, but also a steely presence in court. There is no question too technical or difficult for him to answer."* (Pensions, *Chambers UK Bar 2024*)
- *"Keith is fabulous to work with and has a huge knowledge of pensions law."* (Pensions, *Chambers UK Bar 2024*)
- *"An excellent person to have on your side on a technically complex matter. He is also exceptionally accessible and responsive."* (Chancery: Traditional, *Chambers UK Bar 2024*)
- *"He is super knowledgeable about anything to do with chancery litigation."* (Chancery: Commercial, *Chambers UK Bar 2024*)
- *"Excellent to have on your side if you have a technically complex matter."* (Chancery: Commercial, *Chambers UK Bar 2024*)
- *"Keith Rowley is very strong and responsive."* (Professional Negligence, *Chambers UK Bar 2024*)
- *"Keith is user-friendly and responsive. He's very experienced and is a good advocate."* (Professional Negligence, *Chambers UK Bar 2023*)
- *"Keith has a profound and detailed knowledge of trust and pensions law."* (Pensions, *Chambers UK Bar 2023*)
- *"Keith is a pleasure to work with – very charming and helpful. He has an excellent knowledge of the area."* (Pensions, *Chambers UK Bar 2023*)
- *"Keith is one of the absolute best. He's a superb technician yet also user-friendly for instructing solicitors and clients alike."* (Pensions, *Chambers UK Bar 2023*)
- *"Keith has a great eye for detail and has a tenacious courtroom style."* (Chancery: Commercial, *Chambers UK Bar 2023*)
- "Keith is attentive, incisive and has a fantastic ability to simplify and work through complex issues." (Professional Negligence, *Legal 500 UK Bar 2023*)
- *"A leading pensions law counsel who is able to tackle the most complicated questions and issues of pensions law."* (Pensions, *Legal 500 UK Bar 2023*)
- *"He has a great reputation in the field of pensions issues and great experience in rectification issues."* (Professional Negligence, *Chambers UK Bar 2022)*

- *"He is ruthlessly methodical and will always appreciate the commercial consequences of his advice."* (Pensions, *Chambers UK Bar 2022)*
- *"A master of big cases, who is very learned and implicitly trusted by leading solicitors."* (Chancery: Traditional, *Chambers UK Bar 2022)*
- *"Keith combines an incisive intellect and immense knowledge with a user-friendly manner. He is very responsive and unstuffy."* (Chancery: Commercial, *Chambers UK Bar 2022*)
- "*Keith is attentive, incisive and has a fantastic ability to simplify and work through complex issues.*" (Professional Negligence, *Legal 500 UK Bar 2022*)
- *"Always superb as a silk", "He is one I would go to for any complex chancery matters"* and *"good for pensions crossover."* (Chancery: Traditional, *Chambers HNW London Bar 2021*)
- *"He is one of the leading pensions silks in the country." "He produces clear, detailed and eloquent advice on complex matters." "He is considered and clear in his thinking, and he combines that technical skill with excellent responsiveness."* (Pension, *Chambers UK Bar 2021*)
- *"Remarkably responsive, intelligent and incisive."* (Professional Negligence, *Chambers UK Bar 2021*)
- *"A real gentleman and a brilliant lawyer. He's very commercial, practical and thoughtful about client service."* (Chancery: Commercial, *Chambers UK Bar 2021*)
- *"Remarkably intelligent, responsive and incisive. He helps you navigate all the practical and legal complexities of a case and really gives clients a strong wind in their sails."* (Chancery: Traditional, *Chambers UK Bar 2021*)
- "*Strong technical pensions knowledge, excellent client manner, assiduous and responsive. Written output extremely clear.*" (Pensions, *Legal 500 UK Bar 2021*)
- *"He is a respected traditional chancery practitioner, with a particular depth of experience in pensions matters, in addition to trusts disputes and professional negligence claims."* (Chancery: Traditional, *Chambers HNW London Bar 2020*)
- "*He's very clear and authoritative. He's technically excellent, very responsive and good with clients." "He is very approachable, clear and well reasoned in his advice*." (Pensions, *Chambers Bar 2020*)
- "*An excellent all-round advocate who is very committed, works hard and provides excellent client service." "He understands the complexities of pensions and has a good feel for what a judge would think.*" (Professional Negligence, *Chambers Bar 2020*)
- "*An authoritative and robust senior chancery counsel. He's excellent in court and sticks to his guns when he gives an opinion at the outset of a case*." (Chancery: Commercial, *Chambers Bar 2020*)
- "*A very thorough and very able silk*." (Chancery: Traditional, *Chambers Bar 2020*)
- *"Strides the pensions arena like few others and is rightly lauded as one of the pre-eminent pensions silks."* (Pensions, *Legal 500 UK Bar 2020*)
- *"Very experienced silk."* (Professional Negligence, *Legal 500 UK Bar 2020*)
- *"Very impressive." "An excellent man to have on your side particularly if you are dealing with technically complex matters."* (Professional Negligence, *Chambers Bar 2019*)
- *"Technically very, very strong. He is really, really solid on the law and very precise in his advice."* (Chancery: Commercial, *Chambers Bar 2019*)
- *"Very knowledgeable and technically brilliant. He is very attuned to the detail and minutiae and is a good tactician." "Thoughtful and well prepared."* (Pensions, *Chambers Bar 2019*)
- *"A brilliant adviser who comes up trumps when the client needs complex and tricky legal advice. His ability to look through all the facts and legal issues in incredibly complex matters is very, very impressive." "His thorough preparation really shines through when he is in court."* (Chancery: Traditional, *Chambers Bar 2019*)
- *"Provides absolutely first-rate comprehensive advice."* (Professional Negligence,*The Legal UK Bar 500 2019*)
- *"He strides the pensions arena like no other."* (Pensions,*The Legal 500 UK Bar 2019*)

- *"He is very responsive, especially for a KC. He also has a very calming and methodical manner, so if anything troubles clients, he is brilliant at bringing it back to the fundamentals."* (Professional Negligence, *Chambers Bar 2018*)
- *"He pays forensic attention to detail, is attentive to deadlines and is an incisive operator." "He always provides pragmatic advice and appreciates that litigation is not always the solution for the client."* (Pensions, *Chambers Bar 2018*)
- *"A name consistently linked to big and important cases, who provides very detailed and well thought-out advice. Professional trustees consult him in order to get major strategic opinions on big legal issues." "He is a forensic lawyer, who gets right down to the key issues."* (Chancery: Traditional, *Chambers Bar 2018*)
- *"Very knowledgeable and authoritative, he demolished in the course of pre-action correspondence what looked like quite a good case on paper for the opposition."* (Chancery: Commercial, *Chambers Bar 2018*)
- *"He's very thorough and very experienced. He often appears in hotly contested professional negligence claims."* (Professional Negligence, *Chambers Bar 2017*)
- *"He's very hands-on and he has gravitas and knows what goes down well with judges."* (Pensions, *Chambers Bar 2017*)
- *"He's very analytical and he masters complex issues and sees a way forward very well."* (Pensions, *Chambers Bar 2017*)
- *"He's very knowledgeable. He's quite understated in court, but has a quiet authority."* (Chancery: Traditional, *Chambers Bar 2017*)
- *"He is very good at seeing how the facts fit together in large cases and he quickly identifies what you need from witnesses."* (Chancery: Commercial, *Chambers Bar 2017*)
- *"His quality of advocacy is excellent."* (Commercial litigation, *The Legal 500 UK Bar 2016*)

MEMBERSHIPS

- Chancery Bar Association
- Association of Pension Lawyers
- Professional Negligence Bar Association.

POLICIES AND OTHER DETAILS

- Read Keith's Privacy Notice, Data Protection Policy and Disposal Policy