



Nigel Burroughs

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He clearly knows the law and gives clear and concise advice

- Legal 500

Nigel Burroughs joined 4 New Square after 15 years in commercial chancery chambers. He covers all areas of chancery work, and associated professional liability claims.

Nigel is also well known for his pensions' and offshore practice, and is recognised as a leading junior in these areas by The Legal 500.

His practice has taken him to Saudi Arabia, Jersey, Guernsey and the British Virgin Islands. He has been called to the bar of the Supreme Court of the Eastern Caribbean.

Nigel is variously described as "technically excellent, he's very good to deal with and he really does get his hands dirty with the materials" (Chambers & Partners); "great fun to work with, offers commercial and pragmatic advice, and has a wide chancery background which informs his pensions work" (Chambers & Partners); who 'can hold his own against QCs' (Legal 500).

Privacy Policy

Click here for a **Privacy Policy** for Nigel Burroughs.

Areas of Expertise

Pensions

"Technically very strong, especially in interpreting complex trust deeds." – *Legal 500, 2020*

"He clearly knows the law and gives clear and concise advice." – *Legal 500, 2019*

Nigel acts in all types of pensions disputes. These range from the misselling of individual personal pensions to large occupational pension schemes. His expertise includes claims arising out of attempts to amend scheme documentation and issues on the winding-up of pension schemes. He also has considerable experience of professional negligence claims against lawyers, actuaries, administrators and financial advisers. These have often involved issues on limitation.

He has been instructed in many estoppel cases including *Hearn v Younger* and *Hodgson v Toray Textiles*. He also appeared in the Demaglass case (reported under the name *Alexander Forbes v Clarke*) which considered priorities on winding up following *Cripps v Trustee Solutions*.



NEW SQUARE

Recent cases have included:

- Claims against solicitors and pension scheme administrators arising out of the drafting of a consolidated trust deed. There are also Part 20 proceedings between the solicitors and the administrators. One of the principal legal issues is the effect of section 37 of the Pensions Schemes Act 1993 which prevents amendments to a contracted-out scheme unless the actuary certifies that it continues to meet the reference scheme test.
- Acting for a firm of solicitors in relation to a negligence claim arising out of the drafting of a consolidating deed, and the removal of an underpin to pensions increases. One of the live issues is the extent to which the solicitors owed a duty of care to the principal employer which has suffered the loss, or only to the trustees (who seem to have suffered no loss).
- A claim involving a failure by administrators and pensions advisers to inform the principal employer of changes to the basis on which the debt on a solvent employer was calculated. Limitation is a live issue, as is causation and scope of duty.
- Claims against administrators and pensions consultants arising out of changes which were sought to be made to pensions benefits but which were improperly implemented.
- An appeal against the rejection of a proof by a liquidator. The issue was when the scheme commenced winding up which determined whether the debt on the employer should be calculated on the buy out or MFR basis.
- Advising a US company on seeking clearance from the Pensions Regulator on the sale of a UK subsidiary with a substantial pensions deficit.
- Considering the rights and obligations of trustees of a receiving scheme whose benefits were intended to mirror those of the transferring scheme, but which were different. This resulted in a deficit in the receiving scheme in respect of the transferred members.
- Advising the joint administrators of a principal employer which had never employed any members of the scheme as to its obligations to contribute to the deficit. Considering the liability of the professional advisers to the company who had consistently advised the directors that it was under an obligation to contribute to the scheme.

Qualifications & Memberships

Association of Pensions Lawyers
Commercial Bar Association
Supreme Court of the Eastern Caribbean

Education

B.A. (London) Dip. Law (PCL)

Insights

Expert Evidence on Share Valuations: When to use hot tubbing in unfair prejudice petitions

22 July 2019

A critical part of any unfair prejudice petition is the valuation of the minority shareholding. Paul Mitchell QC and Nigel Burroughs of 4 New Square were counsel on different sides in *Swain v Swains Plc*, a case in which the expert share valuation evidence was taken concurrently. They look at the pros and cons of hot tubbing, and offer practical advice on how to approach the way experts should give their evidence.

Pensions and extrinsic contracts

13 September 2011

An article which considers how the legal principles of extrinsic contracts and estoppel apply in the context of pension schemes.