

Michael Uberoi

Call: 2004

Michael is a superstar- he's got incredible judgement

Chambers and Partners



Michael Uberoi practices in commercial, chancery and regulatory litigation, with a particular focus upon pensions and financial services (in which areas he is recommended as a Leading Junior in the legal directories). Michael won the award for Legal 500's 'Financial Services and Insurance Junior of the Year' in 2025.

Michael is described as *"a first-rate barrister who blends legal skills with a great client-focused approach"*, who is *"technically brilliant but also a pleasure to work with."* An *"exceptional advocate"* who is *"great on his feet"*, and *"very dynamic and bright"*, Michael has appeared in many of the leading cases in recent years in pension litigation.

In conjunction with his commercial work, he has significant allied experience in the fields of professional negligence, civil fraud and asset recovery, and trusts and estates.

Expertise

Pensions

Described in the most recent leading legal directories for Pensions as *"approachable and commercial, providing really high-quality legal advice but in a practical way"*, his recent experience includes:

- ***Pelgrave v The Pensions Regulator [2025] UKUT 00257 (TCC)*** – important Upper Tribunal decision involving the true scope of the Regulator's statutory power to impose Contribution Notices under s.38 Pensions Act 2004 ("party test", the meaning of material detriment to a scheme, the "series" test). Michael also acted in the proceedings below, before the Determinations Panel.
- ***Univar v Smith & Ors [2020] EWHC 1596 (Ch)*** (involving rectification, and extrinsic / South West Trains contracts – the case is now the leading authority on pension scheme rectification) – as stated in the case of *Iggesund* [2021], the principles of pension scheme rectification were *"settled"* by Univar, which case it is *"unnecessary to look beyond."*
- ***Safeway Ltd v Newton (Cases 1 and 2 in the Court of Appeal, and in the CJEU- [2020] EWCA Civ 869; [2017] EWCA Civ 1482) (led by Andrew Short QC)*** – Safeway was the highest value equalisation claim ever to come before the courts, and is one of the most high profile claims involving discrimination in pension schemes in recent years, as well as (Briggs LJ, in the Court of Appeal) representing one of the leading authorities on the correct approach to the construction of

pension scheme documentation. Michael acted (led) for the Representative Beneficiary throughout and was successful at first instance, in the Court of Appeal, and before the CJEU.

- **St Modwen Property plc v Smith [2024]** – acting for the company and trustee in successful rectification proceedings.
- **Viavi Solutions UK Limited v Viavi Pension Trustee UK Limited [2022] EWHC 2565 (Ch)** Michael acted for the pension trustee in these rectification proceedings arising out of faulty indexation rules.
- **Fetherston v Dalriada** – A five-day High Court trial involving contested historic pension increases (and a change of accrual rate), dating back to alleged decisions in the mid 1970's. The Scheme is in the PPF assessment period and the case involves issues arising from the PPF's statutory Admissible Rules, and associated legislation, as well as exercise of powers, extrinsic contract, and estoppel.
- Acting for the defendant actuaries in professional negligence proceedings involving historic drafting errors and alleged omissions in relation to the provision of "section 37" actuarial confirmations.
- Acting for the claimant Company and Trustee in professional negligence proceedings against a magic circle law firm for faulty drafting.
- **PO-22369, re the Allen, Allen & Ms E SSAS, publication date December 2022** – Acting for the successful Complainant in a fully contested oral hearing before the Pensions Ombudsman, in which findings of dishonesty were made against the Respondent professional trustee and member trustees, as a result of their failure to manage conflicts of interest, with the consequence that the scheme's exoneration clauses could not be relied upon by the Respondents in relation to significant unauthorised payment tax charges.
- **Sheffield v Kier Group plc [2019] EWHC 986 (Ch)** – A High Court appeal involving the extent of the Pensions Ombudsman's jurisdiction, and legitimate expectations / A1P1 rights.
- Advising the Trustees in relation to company proposals to access a multi-million pound surplus in the context of an imminent scheme buy-out.
- Acting for individual trustees and former directors in Part 7 restitutionary proceedings brought regarding the *Bic UK Pension Scheme*, which claim alleged conflicts of interest and breach of company articles in the awarding of future benefit entitlements.
- Representing the Target trustees in a hearing before the Upper Tribunal brought by the Pensions Regulator, at which Prohibition Orders were sought in the aftermath of a pensions liberation scandal.
- Instructed by the Pensions Regulator in proceedings before the Upper Tribunal in relation to high value breaches of the employer related investments legislation, by a senior trustee.

Michael frequently advises on matters before the Pensions Ombudsman, and on appeals from determinations of the Ombudsman (including in cross-over appeals from determinations of the Financial Ombudsman Service, in relation to pension misselling) -see the *Allen, Allen and Ms E SSAS* scheme case above (PO-22369), and *Sheffield v Kier Group Plc [2019] EWHC 986 (Ch)* (also above).

Financial Services

Michael's practice often covers the regulatory and commercial litigation aspects of financial services law, in which areas Michael is particularly well placed to advise having previously undertaken a secondment to the Financial Conduct Authority when more junior. Of his Financial Services work, clients state that he "*provides strong, consistent advice*" and that he is "*a very talented barrister who has a keen eye for detail.*"

Much of Michael's work in this field is confidential, however some notable experience include:

- ***Richard Tomlin v The Council of Lloyd's of London*** – Acting for the Defendant Richard Tomlin (a leading underwriter) in groundbreaking enforcement proceedings brought by Lloyd's of London, in which the regulator argued for a lifetime ban for alleged non-financial misconduct within the Lloyd's marketplace. Key arguments included the extent of Lloyd's powers. Michael's client was acquitted of (all) 37 charges.
- ***FCA v DR*** – acting for the defendant financial adviser before the Upper Tribunal in relation to limitation arguments under FSMA in the context of the closure of the British Steel pension scheme and a prohibition order.
- Acting for the defendant wealth management entity in High Court proceedings involving alleged failures to transfer out final salary entitlements in breach of COBS.
- Currently acting for a multi-national energy solutions entity in relation to the alleged misselling of complex derivative products.
- Acting for the defendant wealth management entity in High Court proceedings in relation to alleged misselling of international bond investments.
- Acting for an investment fund manager in a dispute involving alleged breaches of several of the SMR Conduct Rules and the fit and proper person test.
- Advising the CEO of a major wealth management firm with regard to his Senior Management Function responsibilities in the context of CASS breaches by the firm, and FCA whistleblowing.
- Advising a large trading entity in relation to financial promotions, and whether there was a breach of s.21 FSMA in the context of the (Financial Promotions) Order 2005.
- Advising the board of a major lending entity with regard to potential breaches of the Regulated Activities Order, and upon whether underlying loan agreements were consequently unenforceable under s. 28 FSMA.
- Advising a major private wealth management firm in relation to an ongoing investigation by the regulator with regard to advice given upon client transfers out of DB schemes and into SIPPS, and alleged breaches of COBS.
- Advising a major mortgage credit business on perimeter questions.

Michael is a contributing author to the publication *Encyclopaedia of Forms and Precedents (Financial Services)*, published by Lexis Nexis, and a previous contributing author to *Lissack & Horlick on Bribery*.

Professional Negligence

- Acting for the defendant actuaries in professional negligence proceedings involving historic drafting errors and alleged omissions in relation to the provision of "section 37" actuarial confirmations.
- Acting for the claimant trustee in negligence proceedings against solicitors alleging drafting errors arising from failing to spot / warn that an adjacent rule was impacted by a faulty principal rule.
- Acting for a Claimant company in professional negligence proceedings against a magic circle law firm for failing to properly ensure that the scheme's indexation and revaluation rules converted from RPI to CPI (and related loss of a chance arguments in the aftermath of those failings).
- Acting for the Defendant (actuaries and administrators) in professional negligence proceedings alleging a failure to warn about deficiently drafted equalisation rules (and whether the true loss was caused by the later actions of the trustees, thereby breaking the chain).

- Acting in professional negligence proceedings defending the actuaries and administrators of a large pension scheme in defence of historic allegations of faulty drafting regarding key scheme benefits, and associated loss of a chance arguments.

Commercial Litigation

Michael regularly acts in commercial disputes and frequently appears in the Business and Property Courts. He has significant experience of early matters such as questions of jurisdiction, interim injunctions (to include freezing injunctions), applications for strike out and disclosure disputes, through to substantive trials and contempt of court applications (including contempt of court trials themselves).

His experience includes:

- ***Barclays Bank v Dylan, Antrobus, Mason* [2024] EWHC 1994 (Ch)** – acting for the Third Defendant in an eleven day contempt of court trial arising from alleged breaches of freezing orders and the associated transfer of various shareholdings offshore to a BVI entity.
- ***Re: TR*** – Acting for the defendant building contractor (and its director) in High Court proceedings alleging deceit, unjust enrichment, breach of contract and an equitable proprietary claim for overpaid monies, arising out of several years of invoiced sub-contractor work for a major building project in East London.
- Acting for the defendant financial advisory firm and a leading wealth management entity in High Court proceedings relating to allegations of deceit and breach of Cobs in respect of valuable pension benefit transfers.
- Acting for a leading supply chain entity in a multi-million pound dispute involving a national logistics contract and the terms for daily product delivery to hundreds of national outlets (Commercial List, Michael successfully resisted injunctive proceedings at the outset of the dispute).
- ***Ceredigion Recycling & Furniture Team v (1) Pope (2) Cann & Ors* [2022] EWHC 1969 (Ch)** – appearing for the second defendant director during the recovery proceedings arising from a trial alleging disputed use of pension scheme investments.
- Acting for the Defendant wealth management firm and associated financial adviser in defending High Court litigation alleging deceit, unjust enrichment, and breach of fiduciary duty, arising out of the alleged misselling of an international bond product.
- Obtaining a freezing injunction (in the sum of approximately £3 million) and acting in the underlying breach of loan agreement claim, on behalf of an Indian marketing firm. The case settled shortly after the freezing injunction was obtained.
- Acting for a Dubai based trading entity in its claim for breach of contract and misrepresentation over the contractual terms applicable to a foreign exchange trading account, and a related decision to close out positions resulting in a multi-million pound loss for the Claimant.
- Acting for a major hotel food supplier in defending a high value claim involving the Commercial Agency Regulations and their disputed applicability to various commercial relationships with employees, fraudulent misrepresentation and unjust enrichment.
- A claim for a holiday letting company against a major bank for breach of contract, misrepresentation, and failure to exercise a contractual lending discretion in a loan agreement in good faith.

Civil Fraud & Asset Recovery

- **Barclays Bank v Dylan, Antrobus, Mason [2024] EWHC 1994 (Ch)** – acting for the Third Defendant in an eleven day contempt of court trial in the Chancery Division arising from alleged conspiracy, breaches of freezing orders, and the associated transfer of various shareholdings offshore to a British Virgin Islands entity (and onward tracing to a Delaware entity).
- **Re: TR** – acting for the defendant building contractor (and its director) in High Court proceedings alleging deceit, unjust enrichment, breach of contract and an equitable proprietary claim for overpaid monies, arising out of several years of invoiced sub-contractor work for a major building project in East London.
- **Re: a wealth management entity** – acting for a wealth management entity seeking to recover pension overpayments made to an offshore beneficiary in error. Unjust enrichment and jurisdictional questions arising out of conflicting probate laws.
- Acting in various contentious claims involving third party debt order applications attaching to valuable pension scheme benefits (and the *Blight v Brewster* / *Bacci v Green* line of case law).
- **Re: MD** – acting for a defendant entrepreneur in connection with contempt of court proceedings arising out of an alleged large scale insurance fraud.
- Acting for the defendant financial advisory firm and a leading wealth management entity in High Court proceedings in relation to allegations of deceit in respect of valuable pension benefit transfers.
- Acting for the Defendant wealth management firm and associated financial adviser in defending High Court litigation alleging deceit, unjust enrichment, and breach of fiduciary duty, arising out of the alleged misselling of an international bond product.
- Obtaining a freezing injunction (in the sum of approximately £3 million) and acting in the underlying breach of loan agreement claim, on behalf of an Indian marketing firm. The case settled shortly after the freezing injunction was obtained.

Trusts, Probate & Estates

Much of Michael's pensions work involves advising trustees as to their decision-making powers and how to exercise them, and his experience includes Beddoe applications and Public Trustee v Cooper applications for the court's approval. Recent experience involving private trusts includes:

- **Re: a US citizen** – advising the trustee in connection with a mistaken payment made from the wrong trust fund, to an offshore beneficiary, in error. Unjust enrichment and jurisdictional questions arising out of conflicting probate laws.
- **Re: a Jersey Scheme** – advising the Trustees of a Jersey based trust as to their investment powers and the applicable offshore regulatory framework.
- **Re: ESG** – advising the Trustees of a pension scheme in connection with their investment duties and associated ESG considerations.

International & Offshore

Michael's work frequently engages with proceedings abroad in offshore jurisdictions. His experience includes:

- **Barclays Bank v Dylan, Antrobus, Mason [2024] EWHC 1994 (Ch)** – acting for the Third Defendant in an eleven day contempt trial in the Chancery Division arising from the transfer of various shareholdings offshore to a British Virgin Islands entity (and onward tracing to a Delaware entity), and associated conspiracy and breaches of freezing orders.
- Acting for the trustee in connection with a mistaken payment made from the wrong trust fund, to an offshore beneficiary, in error. Unjust enrichment and jurisdictional questions arising out of conflicting probate laws.
- **Re: a Jersey Scheme** – advising the Trustees of a Jersey based trust as to their investment powers and the applicable offshore regulatory framework.
- Acting for a multi-national energy solutions entity in relation to the alleged misselling of complex derivatives by a Dubai based trading entity, and associated DIFC regulations.
- Acting for a Dubai based trading entity in its claim for breach of contract and misrepresentation over the contractual terms applicable to a foreign exchange trading account, and a related disputed decision to close out positions, resulting in loss (settled).
- Advising the Dubai International Financial Centre in relation to the introduction of new overriding pension regulations, applicable to entities operating in Dubai.

Publications

- *Encyclopedia of Forms and Precedents (Financial Services)*, published by Lexis Nexis
- *Lissack & Horlick on Bribery*

Professional Memberships

- COMBAR
- Chancery Bar Association
- Financial Services Lawyers Association

Michael is called to the Bar of Northern Ireland.

Awards & Accolades

Financial Services and Insurance Junior of the Year | Legal 500 Bar Awards 2025



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