

WILSON AND ANOTHER (JOINT TRUSTEES IN BANKRUPTCY OF MICHAEL BERNARD MCNAMARA) V MCNAMARA AND OTHERS [2020] EWHC 98 (CH) (NUGEE J)



This litigation concerns the bankruptcy of Mr Michael McNamara. Stefan Ramel represented the pension scheme trustees (Mr McNamara's wife and Marine House Trustees Ltd) of Mr McNamara's Irish pension at the hearing of a preliminary issue before Nugee J in November 2019. The issue concerned whether or not Mr McNamara's Irish pension had vested in his English trustees in bankruptcy, and specifically whether s. 11 of the Welfare Reform and Pensions Act 1999 should be 'read down' in accordance with EU treaties so as not to infringe Mr McNamara's rights of free movement. Nugee J decided to refer the issue to the CJEU.