

## DAVID READE QC

Silk: 2006 | Call: 1983



David is recognised as one of the Country's leading silks in commercial litigation and employment law. He has appeared in many leading authorities.

His approach to work is reflected by the quotations which appear from his clients in Chambers & Partners and the Legal 500. Legal 500 2019 describe David as **"superb in court with a magnificent presence, engaging advocacy and great on paperwork"**, **"a very creative lateral thinker; extremely accessible and down to earth"** and **"fearless, clear, polished and empathetic"**. Chambers & Partners 2013 describe David as a **"delightful guy who is very sharp-witted and highly approachable"**, **"imaginative in his thinking"** and his **"courtroom performances are extremely smooth and authoritative"** impressed sources say.

In the last two years the directories have quoted clients as saying of David that he was **"clear, practical and extremely effective"**. A **"robust and fearless presence"**, **"able to deal with really knotty issues"**, **"vivacious, bold and brilliant"**, **"pleasingly straightforward"** and **"helpful in getting you out of a tight spot"**.

He brings to his work experience across a broad spectrum of legal practice which has refined as his career has developed into his present fields of specialism. In dealing with clients he prides himself on being approachable and providing a service geared to the needs of the client for, as one of his clients said, **"he is not a 'one size fits all' type of practitioner; he tailors his approach to each client and case with great meticulousness."**

He is also an ADR qualified mediator.

### Restrictive Covenants and Confidential Information

- **Standard Life v Gorman** [2009] (CA) Garden leave injunctions
- **Pennwell Publishing v Ornstein** [2007] IRLR 700 (High Court) a confidential information injunction concerning the ownership of databases and related human rights issues for journalistic freedom
- **TFI Derivatives Ltd v Morgan** [2005] IRLR 246 (High Court)
- Team moves both for those looking to acquire a team and those seeking to prevent their recruitment

### Restrictive Covenants and Restraint of Competition

He has acted both for and against employees in team moves. In 2007 he represented the alleged leader of a 40 plus team move in the re insurance industry. The litigation included cross border issues and anti-suit injunctions. David is familiar with dealing with conflict of laws issues in the enforcement of covenants, "springboard relief" and related issues of competition law.

## Collective and Individual Employment Law

A few of David's reported decisions:

- **CWU v Royal Mail** [2010] Collective consultation in TUPE transfers
- **Redrow Homes v Buckborough and others** [2009]
- **Collidge v Freeport** [2008] CA compromise agreements and breach
- **UKCOAL Ltd v NUM and BACM** [2007] (EAT) Consultation on Collective Redundancy in connection with the closure of a coal mine
- **Redrow Homes v Wright** [2005] IRLR 720 (C.A) Status of workers under Working time regulations
- **Roper v Solectron** [2004] IRLR 4 (EAT) Group action for collective redundancy and Beckmann claims under TUPE
- **Foley v Post Office** [2000] IRLR 827 (CA) The range of reasonable responses test in unfair dismissal cases

David is a Member of Equality and Human Rights Commission panel of approved counsel.

## TUPE

David has been advising on the TUPE issues for a major UK company acting for the Official Receiver.

David advised a leading merchant bank on the TUPE issues in connection with the Brexit transfer of staff to Germany.

David is one of the authors of Sweet and Maxwell on the Law of Transfers.

Below are some examples of leading cases on TUPE the David has been involved in:

- **Mr Duncan Ferguson and others v Astrea Asset Management Ltd and others** [2018] UKET 2208175/2017 (11 December 2018)
- **Guvera Ltd v C Butler & Ors** [2017] UKEAT 0265\_16\_2111 (21 November 2017)
- **Crystal Palace FC Ltd & Anor v Kavanagh & Ors** [2013] EWCA Civ 1410 (13 November 2013)
- **Snr Denton UK LLP v Kirwan & Ors** (Transfer of Undertakings: Service Provision Change) [2012] UKEAT 0158\_12\_1007 (10 July 2012)
- **Royal Mail Group Ltd v Communication Workers Union** [2009] EWCA Civ 1045 (14 October 2009)

## Industrial Action & Trade Union Recognition

David has acted in many industrial disputes, both for employers and unions. Most recently he appeared for BA in its injunction application against Unite to prevent industrial action by its cabin crew. He succeeded at first instance in a decision overturned by a majority in the Court of Appeal the following day.

He is able to act with speed and efficiency in seeking or resisting injunctive relief. His approachable and pragmatic nature means that he is committed to working as part of a team in a field where team work is critical to success.

He is one of the co authors of "The Law of Industrial Action and Trade Union Recognition" (2004) OUP and has

acted and advised in many trade union recognition cases and is experienced at conducting cases before the CAC.

## Discrimination Law

- **ABN Amro v Hogben** [2010] (EAT) Age discrimination
- **Zeynalov v BP Exploration Caspian Sea** [2009] (EAT) Extra territorial jurisdiction in race discrimination
- **Barton v Investec** [2003] IRLR 332 (EAT) Burden of Proof in discrimination cases. A pivotal case in the development of UK discrimination Law
- **Power v Panasonic** [2003] IRLR 151 Disability discrimination psychiatric conditions and the definition of disability
- **Rhys Harper v Relaxion** [2003] IRLR 22 (HofL) Post termination discrimination
- **Harvest Time Circle Ltd v Rutherford** [2001] IRLR 599 (EAT) Indirect discriminatory effect of the age limits under the Employment Rights Act and the impact of Community Law
- **Dekeyser Ltd v Wilson** [2001] IRLR 324 (EAT) One of the earliest cases on the impact of the Human Rights Act upon employment Law with particular relevance to medical evidence in disability discrimination cases

Not of all of his work is, by its' nature, reported. Recent cases have included acting for a nationally known businessman in connection with an unfair dismissal claim against his eponymous company, advising the board of a leading PLC on sensitive issues surrounding its CEO, advising a number of well-known firms of solicitors on discrimination issues and on partnership questions. Acting for Baroness Greenfield in her claim against the Royal Institution.

He has advised on and is conducting equal pay litigation both in the private sector and in connection with local authority pay issues. He continues to act for Sunderland City Council in the continuing equal litigation it faces, he is shortly to appear for a fourth time in the case before the EAT. The case involves the first challenge to a job evaluation exercise under "Singles Status". David has also defended equal pay claims for Health Authorities under "Agenda for Change".

He has extensive experience of litigating issues in the context of local government and the health sector including acting in injunctions about disciplinary proceedings both in the Health Service and Education.

David has particular experience of TUPE having acted and advised in numerous transfers. Most recently he appeared in **CWU v Royal Mail** before the Court of Appeal on the issue of the information and consultation in TUPE transfers.

## Pensions Law

In the Pensions field he acted in connection with the issues surrounding the closure and variation of pension schemes and has litigated pension claims. He has advised on pensions deeds and scheme rules. Has had recently been advising various employers and employer's organisations on the issues facing them in connection with Age discrimination.

## Commercial

In addition to his employment practise David additionally practises in Commercial Law. The wide background of his commercial experience particularly compliments his employment work as he has acted in Minority Share Holder Disputes, Business Sale Agreements disputes, Company Law and Director's Duty disputes and partnership disputes.

David is therefore entirely comfortable in handling disputes which may have an employment element but extend into broader disputes. By way of example in 2007 he successfully defended a Company, and various shareholding family members, against claims in the Chancery Division which included claims for unpaid salary and attacks against family trusts by way of undue influence and or incapacity. He has also successfully pursued a claim for damages arising out of the misuse of confidential information by a proposed joint venturer.

He has a particular interest in issues arising from credit cards and has acted for and advised a number of leading Banks and card providers.

Recent cases include (it is in the nature of this litigation that much of it resolves without there being reported decisions and in circumstances where there is considerable sensitivity about the issues):

- **Lancore v Barclays Merchant Services** [2009]
- **Truman v Bank of Scotland** [2005] C.C.L.R Four party credit card arrangements and third party processing
- **Tuviyahu v American Express** (CA 12th July 2000) (acting for Amex) Payment Cards and the application of the Consumer Credit Act

He has recently successfully defended a number of other banks in substantial claims and acted for a leading bank in connection with the insolvency of a major retailer and the transaction and charge back issues which arose from the insolvency. He has particular experience of credit card transactions over the internet and of the issues surrounding "third party processing".

His commercial work embraces a wide range of issues examples of his work include:

- **Minter v Julius Baer** [2005] Pensions promise and the construction of a pension deed
- **Webb and Scarr v Silbury and Petroplas** [2005] Breach of warranty and valuation of the sale of a company
- **Modelboard v Outer Box** (In Liquidation) retention of title clauses and insolvent businesses
- **Phelps v Spon-Smith** [2000] BCLC Assignment of causes of action and professional negligence
- **Lawson v Coombes** [1999] Ch 373 constructive trusts

## Sports Law

David has experience of a wide variety of sports related litigation. He has advised and acted on a number of managerial issues in the world of football and has experience of contracts including achievement bonuses. On the wider commercial field he has experience of prize indemnity insurance in the field of sport.

He has additionally dealt with legal issues in a wide variety sports ranging from carriage driving to Karate. He has recently being acting against Chelsea PLC for a former senior employee.

David's knowledge and experience of issues such as restrictive covenants, disciplinary proceedings, competition

law and TUPE have all been brought to bear within the field of sports law. For example he acted in connection with the TUPE transfer of part of a Formula 1 team.

## Publications & Lectures

In addition to his work he is a frequent lecturer on employment law.

He is one of the co-authors of "The Law of Industrial Action and Trade Union Recognition" (2004) OUP.

He is one of the contributors to "The Transfer of Undertakings" Sweet and Maxwell.