

## David Reade QC

Silk: 2006 | Call: 1983

### Queen's Counsel

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Email: [dr@littletonchambers.co.uk](mailto:dr@littletonchambers.co.uk)

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Email Clerk: [Dan@littletonchambers.co.uk](mailto:Dan@littletonchambers.co.uk)

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Telephone Clerk: +44 (0)20 7797 8659

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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 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 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.

### AREAS OF LAW

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#### Commercial Litigation

David has extensive Commercial litigation experience (including issues related to banking, financial services, insolvency and consumer credit). That experience embraces litigation in the Courts and in Arbitrations. He has experience of litigating issues embracing English Law and that of other jurisdictions, for example he has acted in claims in the Cayman Islands and BVI.

His experience includes freezing, search, imaging and confidential information orders.

He has particular experience in litigating company law issues, particularly those associated with minority shareholder oppression, director's duties and wider fiduciary duties. He has acted in partnership disputes, including limited liability partnerships. He has acted against and advised a number of leading law and accountancy firms on partnership issues.

David has particular experience of banking litigation involving the sale of complex derivative and interest swap products; acting in *Hockin v RBS* (HC) one of the largest miss-sold derivative claims and in *Standish v The Royal Bank of Scotland* (HC). He additionally has experience of commercial property based litigation, successfully appearing in 2017 before the Supreme Court on an appeal on the correct basis for the assessment of business rates, *Newbiggin (valuation officer) v SJ J Monk* (SC).

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## Partnership and LLPs

Partnership: His work in this field includes extensive experience of partnership disputes and LLP disputes, including LPs in the private equity sector. He has acted on these issues in the civil courts, in private arbitrations and before the Employment Tribunals on those matters for which it has jurisdiction over partners

It is in the nature of his work in this field, particularly that involving arbitrations, that it is confidential.

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## Employment Law

David was Chambers and Partners UK Employment Silk of the year in 2014 and nominated for UK Employment Silk of the year for 2021.

Legal 500 UK Employment Silk of the Year in 2015 and shortlisted by Legal 500 for Employment Silk of the Year in 2016 and 2017.

David has appeared in numerous leading decisions in the field and appears in over 60 reported cases in the Industrial Relations Law Reports.

David has appeared as an advocate at all levels from Tribunal to the Supreme Court and before the CJEU.

Amongst the leading authorities in which he has appeared are: *Mencap v Tomlinson-Blake* (SC), *Hounga v Allen* (SC), *Efobi v Royal Mail Group* (SC), *Barton v Investec* (EAT), *NUM v UK Coal* (EAT), *Brennan v Sunderland* (CA), *Rhys-Harper v Relaxion* (HoFL), *Rutherford v Harvest Town Circle* (EAT), *Foley v Post Office* (CA), *Chesterton's v Nurmohamed* (CA).

He successfully acted for the employers before the CJEU in the collective redundancy case arising out of the collapse of Woolworths, *USDAW v WW Realisation Ltd and Lyttle v Bluebird* (CJEU).

Those authorities embrace the full spectrum of UK Employment Law.

He has wide experience of the interrelationship between insolvency and collective redundancy having acted in, amongst others, the insolvencies of Comet and Phones4You and presently in the litigation concerning Carillion. He also acts for the administrator in the criminal prosecution for failure to serve a HR1 form timeously, *R v Falsey and Palmer* (2021)(Div Court)

David has particular experience of urgent injunctive relief, including search orders, freezing orders and anti-suit injunctions. He has appeared in a number of leading cases in the field including *Ashcroft v National Theatre* (interim specific performance) *QBE v Dymoke* (springboard injunctions)(HC), *TFS Derivatives v Morgan* (restrictive covenants)(HC), *Pennwell v Ornstein* (confidential data and database misuse) (HC) and *Standard Life v Gorman* (garden leave injunctions) (CA).

David has experience of class action litigation, in particular equal pay litigation. His extensive experience of Equal Pay Litigation includes acting both on public sector and private sector claims. He is presently instructed in the litigation involving UK Supermarkets.

David has experience of confidentiality and privacy issues in the context of hearings recently having successfully resisted an appeal by *The Times* against a privacy order, *A v X* (EAT).

David has extensive experience of TUPE and collective redundancy claims; his appellant cases include *Kavanagh v Crystal Palace*. (CA), *Solectron v Roper* (EAT), *Ferguson v Astrea Asset Management* (EAT), *SNR Denton v Kirwin* (EAT) and *CWU v Royal Mail* (CA).

He has acted in many protected disclosure cases including in the Court of Appeal in the cases of *Day v HEE*(CA), *Simpson v Cantor Fitzgerald* (CA) and *Chestertons v Nurmohamed* (CA).

His practice includes collective labour law issues, acting for both Trade Unions and employers. He acted for British Airways before the Court of Appeal in the industrial action by its' cabin crew. His collective work has included advising and acting on recognition issues and in cases involving the restraint of industrial action. He successfully judicially reviewed the CAC on its

recognition decision against Boots PLC and defended that review in the Court of Appeal. He has appeared on other collective issues including issues related to domestic and European Works Councils. He acted for Uber in the litigation on the status of drivers and has advised and acted for others in the sector.

He has experience of pension and share option claims and has advised various companies on the pension and employment issues arising out of changes to final salary pension schemes. He has successfully judicially reviewed the Pensions Regulator on the issue of the transnational application of auto enrolment, *R v Pensions Regulator* (HC), and has experience of arguing cross border and jurisdiction issues, *Walker v Wallem Shipmanagement Ltd* (EAT).

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## **TUPE**

David has extensive experience of TUPE and is one of the co-authors of the Transfer of Undertakings (Sweet and Maxwell).

His appellant cases include *Kavanagh v Crystal Palace* (CA), *Solectron v Roper* (EAT), *Ferguson v Astrea Asset Management* (EAT), *SNR Denton v Kirwin* (EAT) and *CWU v Royal Mail* (CA).

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## **Pensions Law**

David has acted and advised on many pension issues. He has successfully acted on claims both for and against Companies alleging “golden promise” pension arrangements, for example in *Minter v Julius Baer*.

He has advised and acted in claims based upon the proper construction of pension deeds, for example before the Court of Appeal on issues arising out of the Mirror Group pension scheme. He is able to bring his employment and commercial experience together to bridge the gap that can exist between pure pension issues and employment disputes. His broad legal experience includes acting on contentious trust issues.

He has experience of pension and share option claims and has advised various companies on the pension and employment issues arising out of changes to final salary pension schemes.

He has successfully judicially reviewed the Pensions Regulator on the issue of the transnational application of auto enrolment, *R v Pensions Regulator* (HC).

He has particular experience of the impact of TUPE on pensions and has acted in a number of cases involving “Beckmann” issues under pension schemes post transfer.

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## **Industrial Action & Trade Union Recognition**

David has acted in many industrial disputes, both for employers and unions. He appeared for BA in the Court of Appeal 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” (3<sup>rd</sup> Edition 2019) OUP and has acted and advised in many trade union recognition cases and is experienced at conducting cases before the CAC.

He successfully judicially reviewed the CAC on its recognition decision against Boots PLC and defended that review in the Court of Appeal.

He has appeared on other collective issues including issues related to domestic and European Works Councils. He acted for Uber in the litigation on the status of drivers and has advised and acted for others in the sector.

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## **Sports Law**

David has wide experience of sport litigation and advisory work, including FA tribunals and agent and player disputes. Recent work includes acting for Jess Varnish in her claims against British Cycling, acting for Sunderland FC in the defence of commission claims by a former director and advising the club on various football issues. Acting for Aston Villa in the defence of a claim. He acted for Bristol RFC in connection with the recruitment by the RFU of Steve Borthwick and has advised in connection rugby disciplinary issues. He has experience in acting in FA arbitrations.

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