



## Paul Gott

**Call:**

1991

**Email:**

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### **Practice Areas:**

Employment and commercial law.

Industrial relations law - particularly injunctive work in relation to strike action.

### **Practitioners' Guides Recommendations:**

Listed as a leading junior in both **Chambers** and **Legal 500**

Comments in **Chambers** and **Legal 500** include:

*"Extremely practical and commercial"*

*"Fantastic with clients, as he makes the arguments straightforward"*

*"Exceptionally bright and able"*

*"Absolutely top-drawer"*

*"Clear, astute advice" and "Superb on his feet"*

*"Prepared to do the tough work to get the result"*

*"Brings in depth legal knowledge, an impressive understanding of the commercial realities and a sense of humour"*

*"An expert strike-breaker with an outstanding grip on the subject."*

### **Appointments:**

Reporter, Bar Council Report into Problems at the Young Bar, 1993

Appointed as Junior Counsel to the Crown, July 1999

Appointed to Treasury 'A' Panel, April 2005

Re-appointed to Treasury 'A' Panel, March 2010

Appointed as Board Member to the **Standards Board for England**, February 2006



Re-appointed as Board Member to the **Standards Board for England**, March 2009  
Appointed as Ambassador for Diversity in Public Appointments, November 2009

### **Memberships:**

Commercial Bar Association  
Industrial Law Society  
Employment Lawyers Association

### **Education:**

1979-86 Marple Hall Comprehensive, Stockport  
1986-89 MA Cambridge University, Downing College, Double First Class Honours  
(*Proxime accessit* Part 1(a) of Tripos; *Proxime accessit* Part II of Tripos)  
1989-90 BCL Oxford University, Brasenose College, First Class Honours

Rebecca Flower (Cambridge University) Scholarship 1987  
JC Platt Memorial Prize for Law 1987  
Downing College Tripos prizes: 1987, 1988 and 1989  
Downing College Law Scholarships: 1987, 1988 and 1989  
Joseph Squire (Cambridge University) Scholarship 1988  
Clive Parry International Law Prize 1988  
Harris Senior Scholarship (Downing College) 1989-1992  
Hardwicke Entrance Award (Lincoln's Inn) 1989  
Brasenose College (Oxford) Graduate Prize 1990  
Mansfield Scholarship 1990  
Denning Scholarship 1991

### **Professional Experience:**

Regularly advises in core practice areas identified above and has extensive advocacy experience in the Court of Appeal, High Court, EAT, Employment Tribunals as well as County Courts and the Coroner's Court. **Treasury "A" Panel** and instructed by Government Departments on a broad range of commercial and employment law cases. **Instructed by HMG in over 180 matters.**

### **Recent Practice:**

#### ***Employment:***

Junior Counsel for BA in ***British Airways plc v Unite [2010] IRLR 423*** (HC - injunction to prevent 12-day strike by BA cabin crew over Xmas 2009) and in ***British Airways plc v Unite (No.2) [2010] IRLR 809*** (HC and CoA - injunction application to restrain May/June 2010 cabin crew strike action). Junior Counsel for NWR in ***Network Rail v RMT [2010] EWHC 1084*** (injunction to prevent 4-day national rail strike, Easter 2010). Instructed by the ***Royal Mail Group*** in respect of industrial relations issues, strike action and injunctive relief, 1996 to present, including national postal strikes of 2007 and 2009. Junior Counsel for M in



**Metrobus v Unite [2010] ICR 173** (injunction against London bus strike, TULRA and Art 11 ECHR). Counsel for eJ in **Unite v easyJet [2010] TUR1/723** (CAC – application by Unite for statutory recognition). Junior Counsel for LUL in **London Underground Limited v ASLEF [2011] EWHC 7** (HC - injunction application to restrain Boxing Day 2010 London Underground strike). Counsel for N in **Network Rail v RMT** (2004 and 2008 national rail strikes). Counsel in respect of strike action injunctions/advice for: **Virgin Trains** (2005-present), **Scottish & Newcastle plc** (2006/2007), **Aviance** (2006/2007), the **Science Museum** (2008) and the **Telegraph Group** (2008/2009). Counsel for **Southern Trains** in respect of strike action, 1998 to present. Counsel for **SWT** in respect of strike action, 2000 to present, including **SWT v RMT [2000] IRLB 639** led by Andrew Clarke QC. Counsel for LSER in **London & South Eastern Railway v RMT** (injunction against rail strike – September 2008). Counsel for ML in **Merrill Lynch v Subbiah** (HC 2007 – enforcing restrictive covenants and protecting confidential information). Counsel for M in **News International v Mirror Group Newspapers** (HC - resisting enforcement of restrictive covenants). Counsel for NH in **Darbyshire v Nuffield Hospitals** (HC - injunctive relief in respect of hospital practice privileges).

Regular appearances in EAT and Employment Tribunals esp. for Treasury Solicitor and HMRC. Counsel for HMPS in **Muschett v HMPS [2010] IRLR 173** (CoA – race discrimination claims brought by temporary workers). Counsel for B in **Wheeler v Brixton plc** (ET, 2010 – Unfair Dismissal claim by dismissed CEO of plc during credit crunch). Counsel for RBH in **George v Royal Brompton & Harefield NHS Trust** (ET, 2010-2011 – alleged race discrimination, unfair dismissal and whistleblowing). Counsel for the DCA in **Jones v DCA [2008] IRLR 128** (ET, EAT and CoA 2006 to 2008 – Disability discrimination, statutory limitation periods and jurisdiction). Counsel for C in **Pincher v CrossRail** (ET and EAT 2008 – Whistle-blowing and unfair dismissal). Counsel for ML in **Ward v Merrill Lynch** (2008 – redundancy and alleged discrimination). Counsel for HMPS in **Ireland v HMPS** (2008 – Disability and religious discrimination). Counsel for M in **Scotchmer v Man GP Services** (2007 – City takeovers and TUPE). Counsel for HMPS in **Urbanowicz v HMPS** (2007 – extinguishing of dismissal and revival of employment contracts on reversed dismissal decisions). Counsel for DVLA in **Stubbs v DVLA** (2007 – Equal pay in the public sector). Counsel for HSE in **Fletcher v HSE** (2007 – individual challenges to imposed and collectively agreed terms). Counsel for the DCA in **Christie v DCA** (ET 2006 – Part-time judicial pension litigation). Counsel for HMPS in **Cooper v HMPS** (2006 - Misconduct in the workplace through the use of control and restraint techniques). Counsel for MOD in **Harman v MOD** (ET 2004, EAT 2006, disability discrimination, reasonable adjustment and justification). Counsel for HO in **Kuttappan v Home Office** (ET 2003, EAT 2004, striking out misconceived claims of race discrimination and victimisation). Counsel for HMPS in **Cheasty v HMPS [2003] All GR (D) 23** (Disability discrimination and perverse costs orders). Counsel for DETR in **Charles v DETR** (ET and EAT 2002/2003, Equal Pay Act 1970 and sex discrimination, led by Nicholas Underhill QC). Member of **Government Legal Advisors Equal Pay sub-committee**.

Regular employment and Industrial Relations advisory work, including **TUPE** and **Equal Pay**. Regular advice to Government Departments including: BERR (DTi), Cabinet Office, DCLG, DfT, FSA, Dept of Health, MoJ, DVLA, FCO, HMPS, HO, MHS, MOD and Regional Govt Offices.

#### **Commercial Litigation:**

Counsel for ISB in **ISA v ISB** (International Arbitration, 2009-2010: £50m dispute over internet sports gaming franchises in Spain and Latin America - led by Bankim Thanki QC). Counsel for D in **Farm Assist v DEFRA [2008] EWHC 3079** (TCC – economic duress, disclosure,



legal advice privilege and waiver). Counsel for B in **Polystar v Bogucki** (Commercial Court 2007 – judgments in default, ECHR and CPR Part 13). Counsel for S in **Hubbard v Sullivan** (HC 2006/2007 – joint ventures, loan contracts, interpretation and restitution). Counsel for V in **Baldwins Crane Hire v Vertec** (2006 – commercial contract interpretation, misrepresentation and fraud). Counsel for SWI in **Diadora v Sports World International** (Commercial Court 2005/2006 – sponsorship and merchandising contracts). Counsel for ODPM in **Squadron v ODPM** (Commercial Court 2005/2006, government contracts, partnership and estoppel). Counsel for P&G, **Maersk v Procter & Gamble** (Commercial Court 2002 - jurisdiction, demurrage, displacement of carrier’s standard terms and conditions). Counsel for WT in **Nyirenda v Wellcome Trust** (HC, 2002). Counsel in **Gilkes v Venizelos [2000] 1 LPr 487** (Commercial Court - anti-suit injunctions). Counsel for ESW in **Rudman v Essex & Suffolk Water** (HC - led by Christopher Moger QC). Counsel in **Fuerst Day Lawson v Givaudan Roure** (HC - insurance and jurisdiction). Counsel for WS in **Morris v Wilkinson’s Sword** (HC - led by Michael Brindle QC, commercial contract interpretation, misrepresentation and fraud). Counsel for CKL in **Hornsby v Clark Kenneth Leventhal** (HC - fraud, partnership, agency, negligence and vicarious liability, led by Michael Harvey QC). Counsel for SBAC in **Black & Edgington v Society of British Aerospace Companies** (HC – commercial contract construction). Counsel for UN General Assembly in **Abdullahi v Unisom II** (HC - sovereign immunity, immunity from suit and liability of UN organisations).

Regular commercial advice to private and public sector clients, including: BERR (DTi), SFO (on civil matters), MoJ, FCO, MHS, DCLG, MOD and Dept of Health.

### **Professional Discipline and Control of Vexatious Litigants:**

Counsel for AG in **Attorney General v Branch [2008] EWHC 2679** and **Attorney General v Branch No.2 [2009] EWCH 673** (vexatious litigants and *Noueiri* anti-suit injunctions). Counsel for AG in **Attorney General v McCluskey UKEAT/0118/09** (vexatious litigants in the Employment Tribunal service). Counsel for the AG in **Attorney General v Jubin** (HC April 2008 – committal for contempt for breach of injunctions against behaviour abusive of the administration of justice). Counsel for the **Law Society** (led by Tim Dutton QC and latterly unled) in the **Miners’ Compensation Cases** (High Court 2005/6) and in **Law Society v Nwokoro** (HC 2006 – Law Society intervention in sole practitioner practices). Advocate to the Court of Appeal in **Bhamjee v Forsdick [2004] 1 WLR 88** CoA (vexatious litigants and civil restraint orders). Counsel in **Tassell v Orme [2001] EWHC Admin 611** (judicial review of solicitors disciplinary proceedings and vexatious litigants). Counsel in **SIF v Sivananthan** (HC - solicitors’ undertakings, fraud and regulation of solicitors). **Advocate in the Investigatory Powers Tribunal.**

### **Banking & Finance:**

Counsel for Nat West in: **Nat West v Thomas** (HC - 2005/2006, duress, undue influence and UCTA), **Nat West v Field** (2003/2005, bank mortgages, deed execution and undue influence), **Nat West v Singh** (2002, bank mortgages, undue influence and solicitors’ negligence), **Nat West v Connolly** (HC - 2000, bank guarantees, misrepresentation, contractual interpretation), **Nat West v Nicholls** (Mercantile Court 2000, bank securities, undue influence, misrepresentation, fraud), **Nat West v Yardley** (HC 1999), **Nat West v Mos** (CoA, mortgage possession and bank securities), **Nat West v Kitch [1996] 1 WLR 1316 CA** (mortgage actions, bank securities, RSC Ord 88 (CPR Part 55)), **Nat West v Potter** (HC - freezing injunctions and civil fraud). **Instructed by Nat West on over 100 matters.**



Counsel for Lloyds Bank in: ***Carman v Lloyds Bank*** (2001/2002), corporate insolvency and cheque conversion), ***Lloyds Bank v Acharya*** (HC 2001, fraud, freezing injunctions and cheque kiting) ***Lloyds Bank v Marks*** (HC 1999, insurance, non-disclosure and banker's negligence).

***Insurance:***

2nd junior counsel to ***Cuthbert Heath*** Lloyd's names action group (Syndicate 404). Instructed as junior counsel on "long tail" issues in ***Clementson v Lloyd's***. Counsel for ML in ***Kaplan v Murray Lawrence*** (Lloyd's of London arbitration arising from Lloyd's R&R). Counsel for AGF in ***Total Graphics v AGF [1997] 1 Lloyd's Rep 599*** (Commercial Court, non-disclosure, Third Party Rights Against Insurers Act 1930, led by Charles Falconer QC). ***Advocate in the Insurance Brokers' Disciplinary Tribunal.***

***Sports, Media & Entertainment:***

Counsel for ISB in ***ISA v ISB*** (International Arbitration, 2009-2010: £50m dispute over internet sports gaming franchises in Spain and Latin America - led by Bankim Thanki QC). Counsel for SWI in ***Sunderland FC v Sports World International*** (HC 2005/2006 – sponsorship and merchandising contracts). Counsel for FW in ***Jones v Frank Warren*** (HC – Boxing promotion contracts, illegality and duress). Counsel for IMG in ***Coulthard v IMG*** (HC - Formula 1 driver/merchandising contracts, undue influence and duress). Advisory work in respect of boxing management/promotion and film/television licensing.

**Publications:**

***Oh Brother, Where Art Thou? – New Notification Requirements pursuant to Section 226A of the Trade Union and Labour Relations (Consolidation) Act 1992 – Chambers & Partners Employment Report – Jan 06.***