



# Adam Tolley KC

Call 1994 | Silk 2014

*"His written work is excellent and he is very kind so clients trust him. He is also very detailed, his drafting is good, and in his advocacy he is very precise with his language and he is very persuasive."*

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*Chambers & Partners*

✉ [clerks4@fountaincourt.co.uk](mailto:clerks4@fountaincourt.co.uk) ☎ +44 (0)20 7583 3335

Adam Tolley KC has a wide-ranging practice, specialising in commercial litigation, employment law and tax. His cases often involve issues which require cross-disciplinary expertise.

Adam's commercial practice covers the whole range of commercial litigation, including particular recent experience in contractual disputes, banking, financial services and professional negligence.

His employment practice encompasses both High Court and Employment Tribunal litigation. He has particular specialisations in issues of post-termination restrictions and confidentiality and, in relation to ET litigation, equal pay, discrimination and whistleblowing claims, as well as statutory rights (especially National Minimum Wage and annual leave).

Adam's tax work is primarily in the field of employment, with extensive experience in relation to IR35, employment agencies / businesses and employment status generally. His experience includes challenges to tax avoidance arrangements more generally and the operation of the GAAR.

In addition, Adam undertakes work in the fields of VAT, privacy and data protection.

## Recent Highlights

### Rt Hon Dominic Raab MP complaints

Appointed by the Prime Minister to investigate conduct complaints made against the Deputy Prime Minister and Secretary of State for Justice, the Rt Hon Dominic Raab MP.

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### Artcrafts v MOU

Acting for the licensee of 'MOU' brand footwear in a contractual dispute with the licensor. Application for interim injunction recently determined in Artcrafts' favour.

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### PA(GI) v CISEL

Acting for the defendant in a Commercial Court claim based on contractual indemnities in the context of PPI mis-selling. Trial listed April 2023.

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### **AB v XY**

Acting for the claimant in an action for breach of fiduciary duty and bribery to recover commissions obtained by defendant energy broker from energy suppliers. Settled on confidential terms (including as to publication of the names of the parties).

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### **Atholl House v HMRC**

Representing HMRC in the leading 2022 Court of Appeal case about employment status, in the context of the application of IR35 to a high-profile radio presenter.

## Expertise

### **Banking & Finance**

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#### Notable Banking & Finance cases

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#### **Latchworth v HSBC**

Acting for the claimant in proceedings involving the question of the bank's responsibility for fraud perpetrated on customer. Settled on confidential terms.

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#### **Scarborough Group v Lloyds and BoS**

Acting for the claimant in a LIBOR manipulation fraud claim which settled on confidential terms.

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#### **Royle v BoS**

Acting for the bank in defence of proceedings involving allegations of malicious presentation of a bankruptcy petition. Settled on confidential terms.

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#### **Zibandeh-Khoy v RBS**

Acting for the bank in defence of claims of race discrimination concerning the closure of bank accounts and the application of the international sanctions regime against Iran. Settled on confidential terms.

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## BCT v Scotland & Reast [2014] Bus LR 1079

Representing insurer in Court of Appeal decision as to the attribution of responsibility in 'unfair relationship' claims under the Consumer Credit Act 1974.

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## Parliamentary Commission on Banking Standards

Acting as counsel to the Parliamentary Commission on Banking Standards, with particular reference to the Sub-Panel on Mis-Selling and Cross-Selling.

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## Commercial Disputes

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### Notable Commercial Disputes cases

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#### Artcrafts v MOU

Acting for the licensee of 'MOU' brand footwear in a contractual dispute with the licensor. Application for interim injunction recently determined in Artcrafts' favour.

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#### PA(GI) v CISEL

Acting for the defendant in a Commercial Court claim based on contractual indemnities in the context of PPI mis-selling. Trial listed April 2023.

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#### Queensgate v Millet

Acting for the claimant in High Court proceedings to restrain the misuse of confidential information for the purpose of employment tribunal litigation. Confidential settlement.

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#### AB v XY

Acting for the claimant in an action for breach of fiduciary duty and bribery to recover commissions obtained by defendant energy broker from energy suppliers. Settled on confidential terms (including as to publication of the names of the parties).

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#### Ashraf v Sattar

Acting for the claimants in proceedings to recover losses arising from breaches of trust in respect of the management of crypto-assets, including the obtaining of a freezing injunction. Settled on confidential terms.

## Employment

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Adam is described in *Chambers & Partners' UK Bar Guide* as “an encyclopaedia of employment law.”

### Notable Employment cases

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#### Rt Hon Dominic Raab MP complaints

Appointed by the Prime Minister to investigate conduct complaints made against the Deputy Prime Minister and Secretary of State for Justice, the Rt Hon Dominic Raab MP.

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#### Atholl House v HMRC [2022] ICR 1059

Acting for HMRC in leading case about the test for employment status.

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#### Newby & others v HMRC

Acting for various government departments in defence of age discrimination claims about the operation of the Civil Service Compensation Scheme. ET Judgment January 2022.

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#### Confidential matter

Acting for claimant in Cayman Islands dispute involving issues of discrimination, jurisdiction and anti-suit injunctions.

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#### Kraiem v Jones International

Acting as English law expert in US proceedings involving claims of sex discrimination, victimisation and sexual harassment.

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#### Greene King v HMRC

Acting for a business in a successful challenge to National Minimum Wage enforcement notices, and the scope of the ‘living accommodation’ exception.

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#### Lock v British Gas [2016] ICR 503

Acting on behalf of central government in litigation about commission and holiday pay.

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#### Day v HRH The Prince of Wales

Acting for the respondent in the successful defence of tribunal proceedings alleging race and sex discrimination.

## Professional Negligence

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### Notable Professional Negligence cases

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#### Hardinge v St James's Place

Acting for the claimant in proceedings concerned with obtaining enhanced protection for the lifetime allowance in relation to pensions.

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#### Bindley v Cripps

Acting for the claimant in a claim against solicitors for negligent drafting of company articles, leading to loss of value of shares on termination of employment.

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#### Isaacs v Marks

Acting for the defendant in a claim arising out of advice concerning participation in a tax avoidance scheme.

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#### Zeon Consulting v PIFC

Acting for the defendant in a claim concerning management of a pension scheme.

## Tax

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### Notable Tax cases

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#### Wired Orthodontics v HMRC

Acting for HMRC in appeal concerned with a tax avoidance scheme to provide tax-free benefits to director-employees. Issues included the first FTT consideration of the GAAR. Judgment pending.

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#### Petrofac v HMRC

Acting for HMRC in appeal about liability for employer NICs in the North Sea oil and gas industry.

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#### Atholl House v HMRC [2022] STC 837

Acting for HMRC in leading case as to the application of IR35, in the context of a well-known radio presenter.

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## Tax Returned v HMRC

Acting for HMRC in judicial review proceedings relating to HMRC's dealings with High Volume Repayment Agents.

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## Reed Employment v HMRC [2015] STC 2518 - CA

Acting (with Malcolm Gammie KC) in appeal to Court of Appeal regarding salary sacrifice and deductibility of home-to-work travel expenses for temporary employees.

# Directory Quotes

*"Adam Tolley QC maintains a wide employment practice, advising employers, government bodies and senior executives on all aspects of employment law. He is particularly skilled at handling discrimination, unfair dismissal and holiday pay matters. His commercial experience renders him a sound choice for cases involving post-termination restrictions and injunctive relief."*

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Chambers & Partners

*"A good team player. The style of his written work is very impressive. Always clear, to the point and not over elaborate."*

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The Legal 500

*"Adam has a very authoritative manner that judges love. He is calm and persistent, and has an encyclopaedic knowledge of case law in the area of employment status."*

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The Legal 500

*"Charming to work with, highly intelligent and insightful." "He is able to grasp the most complex issues quickly."*

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Chambers & Partners

*"An excellent silk."*

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The Legal 500

*"Extremely intelligent, grasps the most complex issues quickly and also an expert on cross-border jurisdictional questions."*

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The Legal 500

*"He is an encyclopaedia of employment law."*

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Chambers & Partners

*"Adam has a ferocious legal brain. He is also very careful and precise."*

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The Legal 500

*"Adam is completely unflappable, very calm and reassuring."*

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Chambers & Partners

## Directory Rankings

Chambers & Partners

- Employment

The Legal 500

- Employment

## Education

- BCL, St Anne's College, University of Oxford
- BA (Jurisprudence), St Anne's College, University of Oxford

## International Bar / Court Appointments

- Ad hoc admission to the Cayman Islands Bar

## Appointments, Memberships and Prizes

- QC – 2014
- Junior Counsel to the Crown, 'A Panel' (2007-2012, reappointed 2013-2014)
- COMBAR
- PNBA
- ELBA
- ILS
- Reviewer for the Bar Pro Bono Unit

## Publications

- Co-author (with Simon Beckwith and Adam Temple) of the chapter on Financial Services in *Professional Negligence and Liability* (Informa, looseleaf).

## Languages

- French (competent)
- Hebrew (working knowledge)

## Awards

