

Adam Tolley QC

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."

Chambers & Partners



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Adam Tolley QC has a wide-ranging practice, specialising in commercial and employment law.

Adam's commercial practice covers the whole range of commercial litigation, including particular recent experience in 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).

In addition, Adam undertakes work in the fields of personal tax and VAT, as well as privacy and confidentiality.

Recent Highlights

Scarborough Group v Lloyds & Bank of Scotland

Acting for the claimants in high-value LIBOR manipulation fraud claim, including breaches of duty under joint venture agreements. The case settled on confidential terms.

A v B

Acting for a corporate provider of clerking services against a former head of chambers in a dispute arising from termination of a services agreement. The matter was dealt with by way of confidential arbitration.

Oscar Mayer v BIU

Acting for the claimant food producer in an action for breach of fiduciary duty and bribery to recover commissions obtained by defendant energy broker from energy suppliers.

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Atholl House v HMRC

Acting for HMRC in a 'IR35' dispute as to the employment status of a high-profile radio presenter.

Expertise

Banking & Finance

Notable Banking & Finance cases

Scarborough Group v Lloyds and BoS

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

Advising on regulatory issues, including in relation to crypto-assets, collective investment schemes, derivatives and contracts for differences.

Latchworth v HSBC

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

Royle v BoS

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

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.

BCT v Scotland & Reast [2014] Bus LR 1079

Acting in this matter regarding attribution of responsibility in relation to 'unfair relationship' claims under the Consumer Credit Act 1974.

Acting as counsel to the Parliamentary Commission on Banking Standards, with particular reference to the Sub-

Panel on Mis-Selling and Cross-Selling.

Commercial Disputes

Notable Commercial Disputes cases

Acting for the exclusive manufacturer and distributor of a fashion brand in a dispute with a licensor (details confidential).

In the matter of a Trust

Acting for the beneficiary in a complex contentious trust dispute in the Cayman Islands.

Acting in a wide variety of derivatives mis-selling litigation, including structured FX derivatives and the full range of interest rate hedging transactions.

Acting as an expert witness on English law in proceedings in the United States, Russia, Singapore and the Republic of Ireland.

Capita (Banstead 2011) v RFIB Group [2016] QB 835 - Court of Appeal

Acting in this dispute regarding the construction of an indemnity clause and the scope of a professional's continuing duty of care.

Allied Fort v Creation [2015] EWCA Civ 841

Acting in a summary judgment application in a breach of fiduciary duty claim in the context of insurance broking.

Tael One Partners v Morgan Stanley [2015] Bus LR 278 - Supreme Court

Acting in this dispute regarding the construction of standard Loan Market Association terms.

Employment

Notable Employment cases

Kraiem v Jones International (2020)

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

harassment.

JK v XYZ (2020)

Acting for the claimant in employment tribunal proceedings involving claims of whistleblowing dismissal and detriment, and sex discrimination – anonymity orders made / applications pending.

Greene King v HMRC (2019)

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

Christa Ackroyd Media v HMRC [2019] STC 2222

Acting in this matter regarding the application of IR35 to a contract between the BBC and a TV presenter.

Aquinas Education v Miller [2018] IRLR 518

Acting for the claimant to obtain springboard injunction.

Lock v British Gas [2016] ICR 503

Acting in this dispute regarding commission and holiday pay.

Sparks v DfT [2016] ICR 695

Acting in a dispute regarding the contractual incorporation of sickness absence management procedures.

Bear Scotland v Fulton [2015] ICR 221

Acting in this dispute regarding overtime and holiday pay.

Ashcourt Rowan v Hall [2013] IRLR 637

Acting in this dispute regarding garden leave and enforceability of restrictive covenants.

Day v HRH The Prince of Wales

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

Insurance

Notable Insurance cases

PA(GI) v GICL 2013 [2016] Lloyd's Rep IR 125

Acting for Cigna in a dispute regarding the interpretation of an insurance business transfer scheme, involving the application to PPI mis-selling claims and complaints to the FOS.

Hatton v Brit Insurance

Acting for the insurer in a claim by a householder regarding a serious injury suffered by an individual working on buildings at his home. The matter turned on the employment status of the victim and resulted in a success following trial.

Sharon's Bakery v Axa & Aviva [2012] Lloyd's Rep IR 164

Acting for the claimant in a dispute regarding issues relating to non-disclosure of moral hazard and fraudulent devices.

Professional Negligence

Notable Professional Negligence cases

Bindley v Cripps

Acting for the claimant in relation to a claim against solicitors for negligent drafting of company articles.

Isaacs v Marks

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

Zeon Consulting v PIFC

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

Tax

Notable Tax cases

Red White & Green v HMRC [2020] UKFTT 109

Acting in an IR35 dispute involving Eamonn Holmes' work for ITV.

Paya v HMRC [2019] STI 1615

Acting in an IR35 dispute regarding the employment status of BBC news presenters.

Reed Employment v HMRC [2015] STC 2518 - CA

Acting in this dispute regarding salary sacrifice and deductibility of home-to-work travel expenses for temporary employees.

Martin v HMRC [2015] STC 478 - UT

Acting in this dispute regarding the tax treatment of a payment due from employee to employer arising on breach of a 'golden handcuffs' clause – 'negative earnings'.

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."

Chambers & Partners

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

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."

The Legal 500

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

Chambers & Partners

"An excellent silk."

The Legal 500

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

The Legal 500

Directory Rankings

Chambers & Partners

- Employment

The Legal 500

- Banking & Finance
- 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

Memberships

- 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

