



## Katherine Apps KC

Year of call: 2006 | Silk: 2023

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*"She is a very strategic thinker, has exceptional in depth knowledge of her field with a very good client manner."* The Legal 500 2022

Qualified in England and Wales and Republic of Ireland, Katherine's practice spans public and human rights law, disciplinary/ regulatory, EU, employment and commercial law. She has particular expertise in appellate advocacy and in domestic and international equality law. Katherine's cases are often at the cutting edge of the intersection between public and private law.

Katherine is described in directories as *"the right person to go to with a difficult and novel point of law"* (The Legal 500); *"outstanding, confident, direct and eminently approachable"* (The Legal 500) who *"can think through cutting-edge issues of law in an impressive way"* (The Legal 500); *"very much in control of a complex brief"* (Chambers and Partners) with *"expertise that is so wide-ranging"* (Chambers and Partners); *"Professional, cooperative, experienced, and personally very kind"* (Chambers and Partners).

Katherine works for a wide range of clients: from government departments, HMRC and local authorities to trade unions; individuals to multinational companies, insolvency professionals and receivers. She is a graduate of Harvard Law School's LL.M programme and former stagiaire at the Court of Justice of the European Union.

Katherine was shortlisted for Public Law Junior of the Year at The Legal 500 UK Bar Awards 2019 and 2022.

## Areas of expertise

Administrative and Public

- Business and Human Rights
- Consultation
- Education
- Equalities
- EU Law
- Healthcare
- Civil Liberties and Human Rights
- Employment

- Immigration and Business immigration
- Inquiries
- Local Government
- Parliamentary and Public Affairs
- Procurement
- Public International Law
- Regulation
- Safeguarding
- Tax

Arbitrators

Commercial

- Commercial Contracts
- Company and Insolvency
- Competition

Energy and Natural Resources

Information and Media

Inquiries and Investigations

Regulatory and Disciplinary

Sport

## -- Employment

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*"She is a very impressive barrister, she is very much in control of a complex brief and I am very impressed with how she marshals all the details."* The Legal 500 2023

*"I am very impressed by her incredibly deft and forensic cross-examination skills. She is also thoroughly prepared and she knows her case inside out."* The Legal 500 2023

Katherine regularly appears in a wide range of employment cases in Tribunals, the EAT and has appeared (both led and unled) in the Court of Appeal and General Court and Court of Justice of the EU. She frequently advises employers, employees, trade unions and interest groups on both statutory and common law employment law issues including

- Statutory employment claims
- Common law/ High Court employment claim
- Trade Union law
- Pensions regulation
- The Pension Protection Fund
- Insolvency and Employment
- Cross border Employment disputes
- Human rights or public law employment claims
- Whistleblowing
- Safeguarding, systemic issues and governance
- Disciplinary and regulatory issues

- Immigration employment issues including the compliant environment
- Class action employment claims
- Lawfully improving diversity

Katherine has several published articles and has contributed to a number of leading text books in this field including a chapter on employer insolvency in Gore Brown on EU Company law (2015 and ongoing, Lexisnexis) The Equality Act 2010 (2010 the Law Society). She is a co-author of Bowers, Duggan Reade and Apps on Trade Union Recognition and Industrial Relations (2020) OUP.

In 2021 Katherine Apps was reported by the Lawyer as having between 2016-2021 more case days in the Employment Appeal Tribunal than any other female junior barrister.

Katherine is a member of the Equality and Human Rights Panel of Counsel. Attorney General's A panel and ELAAS.

#### Cases of note:

- ***Graysons Restaurants v Jones* [2019] EWCA Civ 725** - Leading Court of Appeal case on whether equal pay claims could be claims for arrears of pay under Part XII of Employment Rights Act 1996 and how it interrelates with the Transfer of Undertakings (Protection of Employment) Regulations 2006 ("TUPE").  
[Judgment](#)
- ***McCloud v the Lord Chancellor and Sargeant v the Lord Chancellor* [2018] EWCA Civ 2844** - Acted for the Ministry of Justice and Lord Chancellor in long-running class action discrimination and equal pay claims challenging the 2015 public service pension reforms. Acted at the Employment Tribunal (ET), Employment Appeal Tribunal (EAT) and Court of Appeal.  
[Judgment](#)
- ***Ince Gordon Dadds LLP v Tunstall* UKEAT/0141/19/JOJ** - Acted for a law firm in the context of employment claims brought against a firm in administration and various individuals and the transferee. The case considers the impact on legal professional privilege of the continuation of proceedings against the individuals and transferee during the stay of proceedings against the firm in administration.  
[Judgment](#)
- ***Govia Thameslink Railway Ltd v ASLEF* [2016] EWCA Civ 130** - Katherine Apps acted for ASLEF in the leading case on the scope of Trade Union liability under EU free movement law following the CJEU judgments of Viking and Laval.  
[Judgment](#)
- ***C 928/19 P and T-310/18 European Federation of Public Service Unions (EPSU) v European Commission*** - Action for annulment brought by a European public service union against the European Commission for refusing to propose a framework agreement on information and consultation of public service workers to the council for a decision. The challenge was the first under the Treaty of Lisbon concerning the status of the Chapter on Social Partners and institutional balance of the legislative procedures. The General Court confirmed the amenability to challenge of a decision to refuse to propose to the council and CJEU confirmed the special status of social partners agreements as capable of creating legal rights and obligations once adopted into a directive.  
[Judgment](#)
- ***Strickland v Kier* UKEAT /0062/15/DM** - Acted for an employee posted to Saudi Arabia in an appeal to the Employment Appeal Tribunal.  
[Judgment](#)
- ***Petter v EMC* [2015] EWHC 1498** - Acted as junior counsel in cross border High Court employment claim concerning the interpretation of the Recast Regulation.

### Judgment

- **Wentworth Wood v Maritime Transport Ltd (No 1) UKEAT/0316/15/** - Sole counsel for the employees in appeal in a class action holiday pay claim.

### Judgment

- **Wentworth Wood v Maritime Transport Ltd (No 2) [2018] UKEAT 0184\_17\_1701** - Successful EAT appeal of a costs and wasted costs judgment in the context of class action holiday pay litigation.

### Judgment

- **Panayiotou v Chief Constable of Hampshire Police [2014] UKEAT 0436/13/1604** - EAT Case establishing when detriment could be "separable" from whistleblowing and victimisation.

### Judgment

## Recommendations

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- *"A real strength and knowledge in intricate sporting disputes, in particular safeguarding."* The Legal 500 2023
- *"Very knowledgeable. Very wide practice encompassing employment, pensions, EU, public and associated areas."* The Legal 500 2023
- *"Excellent attention to detail, clear and concise advocacy, and able to maintain an overview of the most factually complex cases, never letting the detail obscure the big picture. A very engaging style that makes her very popular with judges and tribunal members."* The Legal 500 2023
- *"Incredibly bright with an exceptional breadth of legal knowledge."* The Legal 500 2023
- *"She is excellent - very, very responsive, thorough and sensible."* The Legal 500 2023
- *"She provides really good tactical advice." "She has a really strong reputation in the public law field."* Chambers and Partners 2022
- *"A real eye for detail, calm under pressure, and able to identify a practical solution to technical problems."* The Legal 500 2021
- *"She is a very strategic thinker, has exceptional in depth knowledge of her field with a very good client manner."* The Legal 500 2022
- *"She's very bright. A QC in all but name"* The Legal 500 2022
- *"One of the smartest barristers at the junior Bar"* The Legal 500 2022
- *"Incredibly deft and forensic cross-examination skills"* Chambers and Partners 2022
- *"Very much in control of a complex brief"* Chambers and Partners 2022
- *"She is able to address and think through cutting edge and novel issues of law in a very clear and impressive way, and fully understands her clients' needs and requirements."* The Legal 500 2021
- *"Katherine is very intelligent and extremely committed to the interests of her lay and professional clients."* The Legal 500 2021
- *"A barrister of extremely high intellect matched with common sense."* Who's Who Legal 2021
- *"Extremely intelligent, shrewd and thoughtful."* Chambers and Partners 2020
- *"She really is an expert on equality and discrimination and is incredibly hard-working."* Chambers and Partners 2020
- *"She is confident and straightforward in her advocacy and has a clear written style."* Chambers and Partners 2020
- *"Extremely intelligent, shrewd, thoughtful and very hard-working."* Chambers and Partners 2020
- *"She can think through cutting-edge issues of law in an impressive way."* Legal 500 2020

- *"Simply brilliant; one of the best juniors around."*The Legal 500 2020
- *"Extremely clever and the right person to go to with a difficult and novel point of law."*The Legal 500 2020

## Memberships

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- Attorney General's A Panel
- Equality and Human Rights Commission B Panel
- Premier League Judicial Panel
- Sports Resolutions Arbitration Panels; National Anti-Doping Panel (NADP), National Safeguarding Panel (NSP), Commercial, Discrimination and General panels.
- Administrative Law Bar Association (ALBA)
- Employment Lawyers Association (ELA)
- Employment Law Bar Association (ELBA)
- Bar European Group (BEG)
- UK European Lawyers Association (UKAELA)
- EAT Employment Law Advice and Advocacy Service (ELAAS)
- Association of Regulatory and Disciplinary Lawyers
- Called to the Irish Bar (2019)

## Qualifications

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### Education

- Oct 2019: Irish Barrister at Law degree, King's Inns. Call to the Irish Bar.
- Sept 2005- May 2006: Bar Vocational Course, Inns of Court School of Law, London: Outstanding.
- Aug – June 2004/5: LL.M, Harvard Law School, Cambridge, MA.
- Oct – July 2001/4: MA (Hons) Law New Hall College, Cambridge. Double First Class. 4th in year.
- In 2005-6 Katherine tutored tort law at New Hall (now Murray Edwards) and Kings College Cambridge and assisted teaching the EU syllabus of the Introduction to Law Course at the School of Oriental and African Studies, London

### Scholarships and Prizes

- 2007: BEG Phoenicia Scholar (to Bar European Group Conference in Rome).
- 2005: Gray's Inn Beddingfield Scholar.
- 2004: First recipient of Baker McKenzie Cambridge Harvard Law School Exchange Scholarship.
- 2003 and 2004: College Scholar, New Hall (now Murray Edwards) College, University of Cambridge.
- Judicial Assistance
- 2008: Judicial Assistant to the former Vice President of Civil Appeals, Waller LJ for the Michaelmas Judicial term.
- 2006: Stagiaire to the Cabinet of Judge Schieman at the European Court of Justice in Luxembourg

## Publications

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Katherine has contributed to the following books:

- Gore Brown on EU Company Law, a chapter on the Employment Insolvency Directive (2015 and ongoing Lexisnexis).
- Law of Industrial Action and Trade Union Recognition (OUP; 2018)
- The Equality Act 2010 (Law Society, 2010).

Katherine's journal publications and podcasts include:

- Can Human Rights Treaties require a "bright line" approach? The Supreme Court speaks in *R(AB) v Secretary of State for Justice* Lexis Nexis 2022
- Climate Change and Equal Pay 2021
- Speaker at the White Paper Pensions Conference 2020
- Where next for furlough: the Coronavirus Job Retention Scheme issues (2020)
- The legality of the ban on civil deathbed marriages during Covid 19 (2020)  
<https://www.39essex.com/til-death-do-us-part-legality-of-the-ban-on-civil-deathbed-marriages-during-covid-19/>
- Lexis Nexis Webinar: Equalities Duties and the Gender Pay Gap  
<https://www.39essex.com/lexisnexis-webinar-equality-duties-and-gender-pay-gap-reporting-legal-update-and-practical-tips-katherine-apps/>
- A Global Approach to Safeguarding in Sport (Sports Resolutions July 2019)
- Crowdfunding Councils
- A Calumny of Bankers: Who'd be a Senior Manager now? April 2017
- Voluntary overtime and holiday pay: the sting in the zero hours tail. *Practical Law* Sept 2017
- Brexit, Free Movement and Sports Law (podcast) (July 2016)
- A day in the life of an Attorney General's B-panel counsel: interview: 15 February 2016 Lexis Nexis PSL
- *Compass Group v Guardian News and Media*, [2015] *Tolley's Employment Law Newsletter*, 20(4) (32)
- A high stakes defence: immigration-related Illegality after *Hounga*, *ELA Bulletin* November 2014
- *Chhabra v West London Mental NHS Health Trust*, [2014] *Tolley's Employment Law Newsletter* 32
- Practical Pointers on the PSED 2014 Is there scope for "reasonable adjustment" in religious discrimination law? (with John Bowers QC), (2013) *Solicitors Journal* 157(29), 12-13
- *NetJets Management Ltd v Central Arbitration Committee* [2013] *Tolley's Employment Law Newsletter* 50
- Politics, rights and unfair dismissal: the BNP bus driver, (2012) *ELA Bulletin* (Dec) 3
- C-477/09 *Prigge v Lufthansa* [2011] *Tolley's Employment Law Newsletter* 32
- Making a Move, EU sporting cases since *Bosman* (2009) 153 *Solicitors Journal* 42/10
- Damages claims against trade unions after *Viking* and *Laval*, [2009] *European Law Review* 141
- Major Impact: the practical effect *Impact v MAFF* could have on employment cases, [2008] *New Law Journal* 875
- Nationality Discrimination in football: FIFA's 6 + 5 Rule, (2008) 152 *Solicitors Journal* Vol page 25, 18
- *Commission v Council*: "Pillars Askew: Criminal Law EC-Style," (2006) 12 *Columbia Journal of European Law* 625
- Good Faith Performance in Employment Contracts: A "Comparative Conversation" between the US and England, (2006) 8 *University of Pennsylvania Journal of Labor and Employment Law* 883 Six

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