



## 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

## -- EU Law

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Katherine is qualified and called to the Bar both in England and Wales and the Republic of Ireland (within the EU). Katherine has extensive experience of acting in cases involving EU law and appearing in the CJEU.

Katherine also regularly acts in cases post-Brexit which deal with questions of interpretation of the European Union (Withdrawal) Act 2018 and the European Union (Future Relationship) Act 2020. Katherine frequently advises on and acts in cases concerning retained EU law, relevant separation agreement law, relevance of free trade agreements and other international treaties, general principles of EU law and intersection with the Human Rights Act 1998.

Her areas of expertise span:

- EU treaty competences
- Free movement
- Fundamental rights
- Company law and cross border mergers
- Social security
- Employment protections
- Equalities
- State aid and competition
- Procurement
- Trade unions
- Cross border insolvency

- External relations

## Cases of note:

- ***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](#)
- ***HSBC Electronic Data Processing (Guangdong) Ltd and Others v The Commissioners for HM Revenue and Customs* [2022] UKUT 00041 (TCC)** - Upper Tribunal (Tax) case on relevance of consultation with the EU VAT Committee in the context of VAT grouping by HSBC as part of its offshoring of various functions.  
[Link](#) (will need to be re-added with link to new website news item)
- ***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](#)
- ***Easynet Global Services Ltd* [2018] EWCA Civ 10** - Katherine acted for the Secretary of State for Business Energy and Industrial Strategy in the first Court of Appeal case on cross border mergers.  
[Judgment](#)
- ***C-618/16 Rafal Prefeta v SSWP*** - Katherine Apps acted for the Secretary of State for Work and Pensions in this case concerning the interpretation of the Polish Accession Treaty to the EU  
[Judgment](#)
- ***C-322/17 Bogatu*** - Katherine Apps acted for the UK in this Irish reference concerning coordination of social security rights across the EU.  
[Judgment](#)
- ***C-423/15 Kratzer v R +V Allegmeine Versicherung AG*** - Katherine Apps acted for the UK in a reference from a German Labour Court to the CJEU concerning issues of equality law and the doctrine of abuse of right.  
[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.

## 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 Schiemann 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 Hounsa, 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 monthly sports law update for Solicitors Journal 2008-2009

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