

Year called 2006

katherine.apps@39essex.com



“Outstanding, confident, direct and eminently approachable”

Legal 500

“Very impressive she really grasps the complexities in a case”

Chambers and Partners

“Extremely clever and the right person to go to with a difficult and novel point of law”

Legal 500

“Simply brilliant; one of the best juniors around”

Legal 500

“She can think through cutting-edge issues of law in an impressive way”

Legal 500

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.

Described as **“incredibly bright,” “very good with clients”** and a **“pleasure to deal with”** who **“gives solid advice,”** Katherine has been appointed to the Attorney General’s A Panel of Counsel and the EHRC B Panel of Counsel. She

is an arbitrator for Sports Resolutions panels on Commercial Disputes, Integrity and Discipline, Discrimination and the National Safeguarding Panel.

Katherine works for a wide range of clients: from Government Departments, HMRC and local authorities to Trade Unions; individuals to multinational companies and Receivers. She is a graduate of Harvard Law School's LL.M programme and former stagiere at the Court of Justice of the European Union.

Her key cases include ***R(Coll) v Ministry of Justice*** on single sex provision of services, ***Govia Thameslink Railway and ASLEF***, on EU law and strike action (the Southern Trains Dispute) and ***W v M***, withholding and withdrawing treatment from a person in the minimally conscious state.

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

PRACTICE AREAS

- Administrative & Public
 - Regulatory & Disciplinary
 - Employment and Equality
 - Tax
 - EU Law
 - Inquiries & Investigations
 - Commercial
-

SECTORS

- Central Government
 - Health & Pharmaceuticals
 - Education
 - Local Government
 - Media & Entertainment
 - Sport
-

PRACTICE AREAS

ADMINISTRATIVE & PUBLIC

Katherine is ranked by the directories in Civil Liberties and Human Rights (Legal 500) and Administrative and

Public law (Chambers and Partners and Legal 500).

"She really is an expert and an incredibly hard worker." "She's the best 'undiscovered' public law junior out there and is very much liked by solicitors on both sides." Chambers and Partners 2020

"She can think through cutting-edge issues of law in an impressive way." Legal 500 2020

"Excellent public lawyer who has the trust of government in sensitive and complex cases." Legal 500 2019

"An excellent public lawyer. Professional, cooperative, experienced, and personally very kind." Legal 500 2019

"She is very good on the bigger picture of public law issues. She has a good feel for the politics." Chambers and Partners 2017

"One of the best juniors in her field." Legal 500 2015

"An incredibly bright public lawyer who is very good with clients." Chambers and Partners 2015

"An excellent public lawyer with a real feel for civil liberties and human rights issues." Legal 500 2014

Katherine has experience both bringing and defending judicial review challenges domestically and in the General Court and Court of First Instance, as well as advising on strategy. Katherine has a particular interest in cases where public law and other areas (particularly equality, employment EU and commercial law) intersect.

Katherine's recent cases involve issues including:

- Acting as leading counsel to the Secretary of State for Health and Social Care in joined Judicial Review and Part 7 claims relating to procurement of software for Covid-19 testing.
- Equality law and Public sector equalities duties including **R(Coll) v Secretary of State for Justice** [2017] UKSC 40.
- Government cuts including **R(Aspinall, Pepper and Bracking) v Secretary of State for Work and Pensions** [2014] EWHC 4134 (Admin).
- EU free movement and state aid including **C 618/16 RP v SSWP**: CJEU reference by the Upper Tribunal on EU Free movement law and scope of the Polish Accession Treaty.
- ECHR and Human Rights Act including **SG and CJ v Secretary of State for Work and Pensions** [2017] UKUT 324 (AAC) compatibility of DWP mandatory reconsideration with Article 6 ECHR.
- Public sector pensions including challenges to the transitional provisions to the judicial and firefighters pension schemes **Ministry of Justice v McCloud and others** [2018] ICR 1039 and **Sargeant and others v Home Office and Others** [2018] UKEAT 0116_17_2901.
- Trade union human rights including **Govia Thameslink Railway Ltd v ASLEF** [2016] EWCA Civ 1309.
- Procurement, outsourcing and government contracting.
- Television and equality.
- Advised a major non statutory review.
- Immigration and unlawful detention including **R(Muhammad) v Secretary of State for Work and Pensions** [2017] EWHC 745 (Admin).

Katherine is on the Attorney General's Panel of Counsel A Panel and on the Equalities and Human Rights Commission Panel of Approved Counsel (B Panel).

REGULATORY & DISCIPLINARY

Katherine advises across all areas of regulatory and disciplinary law. She focuses on the medical, education, financial and legal services sectors but also has experience beyond these sectors. Katherine also advises on Sports law.

"An excellent junior with experience above her level of call." Legal 500

Katherine's relevant experience in the disciplinary and regulatory field and in sports law includes:

- Her appointment as an Arbitrator for Sports Resolutions:
 - The National Safeguarding Panel (NSP).
 - Commercial.
 - Integrity & Discipline.
 - Employment & Discrimination.
- Advising on GDPR.
- Injunctions to restrain disciplinary proceedings.
- Acting for the Claims Management Regulator.
- Acting for a FOREX trader accused of wrongdoing.
- Advising a doctor on EU rights and GMC Registration.
- ***R (on the application of G) v X School and Y Council*** [2011] UKSC 30: Judicial review considering Article 6 of the ECHR in the context of a school internal disciplinary hearing.
- ***Dwain Chambers v British Olympic Association*** [2008] EWHC 2028 (QB): Sprinter Dwain Chambers' first challenge to rules preventing him from running in the 2008 Beijing Olympics.
- Advice to the Professional Interpreters Alliance.
- Advising a large accountancy firm in respect of procedural fairness requirements relating to the regulatory powers of the FSA, ACCA and ACA.
- Advising a barristers' chambers on the effect of the new professional rules for multi-disciplinary practices at the Bar, competition law and restraint of trade.

EMPLOYMENT AND EQUALITY

"Very bright, hard-working and hugely knowledgeable junior." "Very amiable and very responsive." Chambers and Partners 2019

"Very responsive in providing advice and input in a timely way. She is incisive and detailed in her analysis and anticipates issues." Chambers and Partners 2017

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.

Katherine has particular experience in cases involving:

- Pensions including the challenges to the transitional provisions for the judicial and firefighters pension schemes **Ministry of Justice v McCloud and others** [2018] ICR 1039 and **Sargeant and others v Home Office and Others** [2018] UKEAT 0116_17_2901.
- EU derived employment and equality law including **C-423/15 Kratzer v R+V Allgemeine Versicherung AG** [2016] ICR 967 on abuse of right in employment equality law and **Graysons Restaurants v Jones** [2019] EWCA Civ 725: on whether equal pay claims could be claims for arrears of pay under Part XII of ERA and how it interrelates with TUPE.
- Insolvency and employment including **Graysons Restaurants v Jones** [2019] EWCA Civ 725 (CA and EAT) and **Ince Gordon Dadds LLP v Tunstall** [2020] ICR 124.
- Class action litigation including holiday pay for example **Wentworth Wood v Maritime Transport Ltd** (No 1) UKEAT/0316/15/.
- Collective employment issues including strikes including **Govia Thameslink Railway Ltd v ASLEF** [2016] EWCA Civ 130 (the Southern Trains dispute).
- Immigration, employment and the hostile/ compliant environment.
- Overlapping professional disciplinary and regulatory issues.
- Freedom of religion and free speech in employment and service provision.
- High Court employment disputes and concurrent jurisdiction including **Halstead v Paymentsshield Group Holdings Limited** [2012] EWCA Civ 524; [2012] IRLR 586.
- Cross border and international issues including **Strickland v Kier** UKEAT /0062/15/DM and **Petter v EMC** [2015] EWHC 1498.
- Costs and wasted costs including **Wentworth Wood v Maritime Transport Ltd** (No 1 and No 2) 2018] UKEAT 0184_17_1701.
- **Whistleblowers including Panayiotou v Chief Constable of Hampshire Police** [2014] UKEAT 0436/13/1604: when detriment could be “separable” from whistleblowing and victimisation.

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 (2019 OUP forthcoming).

TAX

Katherine acts for the Revenue and taxpayers in litigation.

Her cases include:

- **Challenges brought by many of the major banks to HMRC decisions in relation to VAT Grouping.**
- **Kerrison v HMRC** [2017] UKFTT 322 (TC): bed and breakfasting CGT and Income Tax scheme.
- **Isle of Wight Council and others v HMRC** [2015] EWCA Civ 1303: Whether local authority off street

parking required VAT to be charged when charges were accountable to the general fund.

- Enforcement of National Minimum Wage.

EU LAW

“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.” Legal 500 2021

Katherine has a wide-ranging EU law practice, advising and appearing in domestic courts and the CJEU.

Her recent EU law cases include:

- ***T-310/18 European Public Service Unions v European Commission***; an action for annulment against the Commission concerning the interpretation of the “social” chapter, Title X TFEU, and the definition of legislative acts in EU law.
- The first Court of Appeal case under the Cross Border Mergers Directive and Regulations ***Easynet Global Services Ltd*** [2018] EWCA Civ 10.
- EU derived employment law including ***C-423/15 Kratzer v R+V Allgemeine Versicherung AG*** [2016] ICR 967 on abuse of right in employment equality law and ***Graysons Restaurants v Jones*** [2018] ICR 670: on whether equal pay claims could be claims for arrears of pay under Part XII of ERA and how it interrelates with TUPE.
- Collective employment issues including strikes including ***Govia Thameslink Railway Ltd v ASLEF*** [2016] EWCA Civ 130 (the Southern Trains dispute).
- EU social security law including ***C 618/16 RP v SSWP*** on the meaning of the Polish Accession Treaty and ***C322/17 Bogatu***, an Irish reference concerning conflicts of laws and coordination of social security law.
- EU immigration law and movement of self- employed individuals under the Ankara Agreement.

INQUIRIES & INVESTIGATIONS

Katherine accepts instructions both to conduct inquiries and investigations and to represent parties. Her experience includes:

- Her appointment to the Sports Resolutions panel of arbitrators for Integrity and Discipline, Commercial, Discrimination and the National Safeguarding Panel.
- ***R (on the application of G) v X School and Y Council*** [2011] UKSC 30: application of Article 6 ECHR to internal investigation and disciplinary process.
- Head Teacher at a 4-day school disciplinary hearing concerning child safeguarding and whistleblowing.
- Advising a major non statutory review.

See [Regulatory and Disciplinary](#).

COMMERCIAL

Katherine has particular expertise where commercial law overlaps with international law, EU law, public law the conflicts of laws or employment law.

Katherine carries out a variety of commercial work including advocacy, pleading and advice.

Her recent commercial work involves:

- *Joined Part 7 and Judicial Review proceedings in the TCC concerning procurement of software for use in Covid-19 testing.*
- **Easynet Global Services Ltd** [2018] EWCA Civ 10: the first Court of Appeal case considering the Cross Border Mergers Regulations.
- **Petter v EMC** [2015] EWHC 1498: one of the first applications involving the Brussels Recast Regulation and availability of anti-suit relief since it came into force.
- Pleading a complex claim relating to a non-disclosure agreement entered into between two businesses as part of take over discussions.
- Mediation in complex commercial agents' regulation dispute.
- Advising on potential causes of action from a complex Share Option Scheme.
- A case concerning issues of interpretation and misrepresentation in the context of an agreement for the sale of a valuable three-day eventing horse.
- A defence and counterclaim arising out of the collapse of a joint venture.
- Advising and pleading a contractual and debt claim involving complex contractual issues and interplay with Icelandic insolvency law.
- Advising and pleading for a multi-track trial in the Queen's Bench Division concerning breach of contract, debt and declarations.

SECTORS

CENTRAL GOVERNMENT

Katherine is on the Attorney General's A Panel of Counsel and the EHRC B Panel of Counsel. She is frequently instructed to act both for and against Central Government.

See:

Administrative and Public Law

EU Law

Employment

Tax

Regulatory and Disciplinary

Commercial

HEALTH & PHARMACEUTICALS

Katherine acts for medical professionals, trusts and healthcare providers, pharmacists, individuals and government departments in the health and pharmaceuticals sector.

Her work has included:

- Acting in joined Part 7 and judicial review proceedings in relation to procurement of software for the Lighthouse Laboratories for use in Covid-19 testing.
- Advising a large online pharmacy on data protection.
- Acting for a doctor facing and internal employment and GMC proceedings.
- Advice on GMC registration and mutual recognition of EU qualifications.
- Acting for the Official Solicitor for a person in the Minimally Conscious State **W (brought by her litigation friend B) v M** [2011] EWHC 2443.
- Acting for the Department for Work and Pensions in relation to sickness benefits.
- Powers of attorney.

EDUCATION

"Katherine is very intelligent and extremely committed to the interests of her lay and professional clients." Legal 500 2021

Katherine acts for schools, universities, colleges, the Department for Education and individuals in a wide range of education cases. She has a particular interest in:

- Equality issues
- University governance
- Schools governance

LOCAL GOVERNMENT

Katherine acts for and against local authorities. Her cases include:

- Safeguarding
- Health and Social care
- Employment
- Procurement and commercial contracting
- Schools and Education
- Voting and elections
- Pensions

MEDIA & ENTERTAINMENT

Katherine has long acted for clients in the media and entertainment sector. Her work includes:

- Developing guidance with EHRC and Ofcom on promoting equality in the broadcast television sector.

- Confidentiality injunctions and acting for individuals in the public eye.
- Redundancy selection by a national newspaper.

SPORT

“She has carved out a niche in sports safeguarding work” Legal 500 2019

Katherine is a member of 39 Essex Sports group.

- Katherine is a member of the Disciplinary Panel of the Premier League Judicial Panel.
- She is on Sports Resolutions Panels of Arbitrators for Integrity and Discipline, Commercial Disputes, Employment and Discrimination and the National Safeguarding Panel.
- She is a member of the Board of Appeal for Table Tennis England.
- She acted for Dwain Chambers in his 2008 bid to run for team GB at the Beijing Olympics ***Dwain Chambers v British Olympic Association*** [2008] EWHC 2028 (QB).
- She has presented to the Annual Player Contracts Conference on Child Safeguarding in Sport.
- Katherine was appointed to the Pro Bono Panel of the 2012 London Olympics.

RECOMMENDATIONS

“A real eye for detail, calm under pressure, and able to identify a practical solution to technical problems.” Legal 500 2021

“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.” Legal 500 2021

“Katherine is very intelligent and extremely committed to the interests of her lay and professional clients.” Legal 500 2021

“A barrister of extremely high intellect matched with common sense.” One source effuses that they “have never found her knowledge of the law other than exemplary.” 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

“She has marvellous organisational ability and is able to marshal the facts across a number of cases.” Chambers and Partners 2020

“Extremely intelligent, shrewd, thoughtful and very hard-working.” Chambers and Partners 2020

“She’s an incredibly hard worker and she produces ideal written material.” “Katherine is very pleasant to deal

with, a very fair and diligent lawyer.” Chambers and Partners 2020

“She really is an expert and an incredibly hard worker.” “She’s the best ‘undiscovered’ public law junior out there and is very much liked by solicitors on both sides.” 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.” Legal 500 2020

“She has a deep knowledge of employment, EU and public law.” Legal 500 2020

“Extremely clever and the right person to go with a difficult and novel point of law.” Legal 500 2020

“Hugely intelligent and hardworking junior – someone clients can rely on to get the right answer.” Legal 500 2020

“She has carved out a niche in sports safeguarding work.” Legal 500 2020

“Hard-working and bright.” Chambers and Partners 2019

“Very bright, hard-working and hugely knowledgeable junior.” “Very amiable and very responsive.” Chambers and Partners 2019

“Excellent public lawyer who has the trust of government in sensitive and complex cases.” Legal 500 2018

“An excellent public lawyer. Professional, cooperative, experienced, and personally very kind.” Legal 500 2018

“Emerging junior with a strong practice built around her twin public law and EU law skills, she excels at technical cases with hard legal problems at their core.” Legal 500 2018

“She is really brilliant at research and legal analysis.” “She is very good on the bigger picture of public law issues. She has a good feel for the politics.” Chambers and Partners 2017

“A very intelligent and articulate barrister.” (Legal 500 2016).

“One of the best juniors in her field.” Legal 500 2015

“An incredibly bright public lawyer who is very good with clients.” a “pleasure to deal with” who “gives solid advice.” Chambers and Partners 2015

“An excellent junior with experience above her level of call.” Legal 500 2016

“Well liked by her peers, she handles a mix of public law cases for claimants and government bodies. She specialises in cases involving equality, employment and commercial law.” Chambers and Partners 2016.

“An excellent junior and a real expert on discrimination law.” Legal 500 2015

“An excellent public lawyer with a real feel for civil liberties and human rights issues.” Legal 500 2014

Multiple sources have been **“very impressed with her,” citing her “great crossover knowledge.”** Chambers and Partners 2014

MEMBERSHIPS

2013 – present: Bar Council Disability Sub-Committee.

Member of ALBA, UKAEL, ELBA, ELAAS, Bar Pro-Bono Unit, the Free Representation Unit and BEG.

Member of the Comparative Anti-Discrimination study group at the UC Berkeley.

QUALIFICATIONS

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

2007: BEG Phoenicia Scholar (to Bar European Group Conference in Rome).

2005: Gray's Inn Bedingfield 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: Stagière to the Cabinet of Judge Schiemann at the European Court of Justice in Luxembourg.

ADDITIONAL INFORMATION

BOOKS AND LECTURES:

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 frequently lectures and conducts seminars. Recent topics include Immigration and Employment, Discrimination law and the hostile environment, Lawful positive action, Child Safeguarding in Sports; using European law in Employment cases; Human Rights and procedural fairness; cross border employment cases.

JOURNAL ARTICLES AND PODCASTS

Katherine's journal publications and podcasts include:

- [Where next for furlough: the Coronavirus Job Retention Scheme issues \(2020\)](#)
- 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 monthly sports law update for Solicitors Journal 2008-2009

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