

# Kate Gallafent KC

*“Where a complex case comes up, we go to Kate immediately. She takes these matters in her stride and I can't speak highly enough of her.”*

– CHAMBERS AND PARTNERS, 2025

Year of call: **1997**  
Appointed to silk: **2014**  
Degree: **BA Hons. (Cantab), Diploma in Law, University of Westminster**



Kate's practice covers all areas of Public & Regulatory work, and also includes considerable expertise of Civil Liberties & Human Rights, Employment, Professional Discipline, Sport and Data Protection, Freedom of Information & Privacy. Kate is also a CEDR trained mediator.

Before taking Silk, Kate was a member of the Attorney General's 'A' Panel.

Kate is recognised as a leading silk in the latest editions of both the leading legal directories, Chambers UK and The Legal 500. Recent comments include:

- "Where a complex case comes up, we go to Kate immediately. She takes these matters in her stride and I can't speak highly enough of her." - Chambers UK, 2025
- "Kate is in a class of her own. She is a tremendously gifted lawyer and also a uniquely brilliant asset as a team player. She has outstanding gifts of perception regarding witnesses and how to question them." - Legal 500, 2025

Previous comments include:

- "Kate is truly outstanding. She is a tremendous lawyer and advocate, and has a gift for dealing well with the most pressured and stressful matters." - Legal 500, 2024
- "Kate is simply brilliant. She is a really good advocate and a great person to work with." - Chambers & Partner, 2024
- "Kate is an excellent strategist and advocate." - Legal 500, 2023
- "She is intensely clever combined with pragmatism. A great advocate and a leader." - Legal 500, 2023
- "Kate is ferociously bright, she cuts through the issues with ease even in the most complex of cases, and her advocacy is such that she is able to adapt to the forum and instructions." - Chambers UK, 2023

Kate was appointed a Deputy High Court Judge in 2018. Kate is President of the National Anti-Doping Panel.

## EXPERIENCE

### Public & Regulatory

Kate has a broad-based public and regulatory law practice, with a particular emphasis on cases involving prisoners, child protection, broadcasting, art and gaming. She is regularly instructed by bodies such as the BBC, Ofcom, the General Medical Council, the Chartered Institute for Accountants in England and Wales and a number of Government Departments, as well as individual Claimants. In addition to her regular appearances in the Administrative and Appellate Courts, she appears before Coroners, the Parole Board, and a wide range of other Tribunals. She was junior counsel to the Bichard Inquiry into child protection procedures following Ian Huntley's convictions for murder.

***“Kate is exceptional and combines her fearless intellect with calm, measured authority. You want her in your corner.”***

– CHAMBERS AND PARTNERS, 2025

### Cases

#### **QSA & Ors v National Police Chiefs Council and Secretary of State for the Home Department**

[2021] EWHC 272 (Admin)

Kate acted for the Secretary of State for the Home Department in a challenge against the '100 year rule' policy whereby records of criminal convictions are retained on the Police National Computer until the convicted person turns or is deemed to turn 100. The challenge was brought by a number of women with historic convictions for soliciting, who argued that the rule was not in accordance with the law and / or disproportionate. The Divisional Court dismissed the claim.

#### **R (Elan-Cane) v Secretary of State for the Home Department**

(Administrative Court)

Kate is acting for Christie Elan-Cane in a claim challenging the legality of the UK Government's policy refusing to issue non-gender-specific "X" passports to UK nationals. The Administrative court granted permission for the claim to be brought on the 11th October 2017. The case will now proceed to a full judicial review hearing to determine whether the policy of Her Majesty's Passport Office (HMPO), which requires an applicant for a UK passport to declare their gender as being either male or female, and allows for a passport to be issued only identifying the bearer as either male or female is irrational, breaches the Article 8 ECHR private life rights of transgendered, intersex, non-gendered and non-binary individuals or constitutes unjustified discrimination contrary to Article 14 ECHR.

#### **R (English Bridge Union) v Sport England and others**

[2015] EWHC 2875 (Admin)

Appeared for Sport England and the other Sport Councils in a challenge to their adoption of a policy for the recognition of sports governing bodies which requires a "sport" to consist of a physical activity and therefore excluded so-called "mind sports" such as bridge and chess.

**Blast 106, Re Judicial Review**

[2015] NICA 16

Appeared for Ofcom in a challenge to their decision not to extend a community radio service licence following breaches of licence conditions, in the absence of an oral hearing. The case raised the important issue of the appropriateness of the court determining a matter for itself rather than remitting it to the statutory decision-maker for reconsideration following the quashing of a decision.

**British Telecommunications and others v Ofcom**

[2014] CAT 14

Kate was part of a team from Blackstone (including Pushpinder Saini QC, Hanif Mussa and Emily Neill) who represented Ofcom in three connected appeals against their determination in relation to British Telecom's over-charging of other communications providers in respect of Ethernet services. The appeals from the CAT will be heard in the Court of Appeal in March 2017.

**Utkan Alacakanat v General Medical Council**

[2013] EWHC 1866 (Admin)

Acted successfully for the GMC in resisting a challenge to its registration procedures brought by a Turkish national based on the 'standstill' provision in the Association Agreement between Turkey and the EU.

**R (Hindawi) v Parole Board**

[2012] EWHC 3894 (Admin); [2013] ACD 58

Kate acted for both the Secretary of State for Justice and for the Home Office in successfully defending a challenge brought by a terrorist of great notoriety (who had been sentenced to a term of 45 years' imprisonment for attempting to blow up an Israeli airliner using his partner, then pregnant with his child, as an innocent dupe) to the Parole Board's decision not to direct his release on the basis that, whilst the risk he posed in England could be managed if released here, it could not be so managed in Jordan to where he was due to return in accordance with the deportation order made against him by the Secretary of State for the Home Department. The situation had never previously been considered by the Parole Board or the Court.

**R (Camelot) v The Gambling Commission**

[2012] EWHC 2391 (Admin)

Kate was instructed together with Lord Pannick QC on behalf of Camelot, the current licensee of the National Lottery, in a challenge to the Gambling Commission's failure to take appropriate regulatory action in relation to The Health Lottery. The case concerned the proper construction of the Gambling Act 2005 in relation to "society lotteries" and the Commission's regulatory role.

**BBC v Sugar & Information Commissioner**

[2012] UKSC 4, [2012] 1 WLR 439 [2009] UKHL 9, [2009] 1 WLR 430

Kate was instructed on behalf of the BBC (led by Monica Carss-Frisk QC) in this important case concerning the circumstances in which the BBC falls within the scope of the Freedom of Information Act. The case went to the House of Lords (the first case to do so under that Act) on the issue of whether the Information Tribunal had jurisdiction to hear Mr Sugar's appeal against the Information Commissioner's finding that the BBC did not fall within the scope of the Act. Having held that it did, the matter was remitted to the High Court on the issue of whether the information requested by Mr Sugar fell within the Act (that is, whether it was held for the purposes of journalism, art and literature). The High Court allowed the BBC's appeal on the issue, which decision was upheld by the Court of Appeal and the Supreme Court.

**R (P) v Secretary of State for Justice**

[2017] EWCA Civ 321

Appeared for the Secretary of State in Court of Appeal in relation to challenge to the lawfulness of the criminal records disclosure regime following the decision of the Supreme Court in R (T), in which the claimant contended that the scheme remained incompatible with Article 8 ECHR despite legislative amendments following R(T). The case is now due to go to the Supreme Court.

**R (Assisted Reproduction and Gynaecology Centre) v Human Fertilisation and Embryology Authority**

(2017)

Acted for the Human Fertilisation and Embryology Authority in a challenge to the decision to suspend licenses of three clinics for non-compliance. Concurrent proceedings in the Administrative Court and the Appeal Committee. Issues of construction of the Human Fertilisation and Embryology Act and Appeal Rules, proportionality.

**Galdikas & Ors v D J Houghton Catching Services Ltd & ors**

[2016] EWHC 1376 (QB)

Acting for the Gangmasters Licencing Authority in the first claim of its kind brought by trafficked persons alleging that the GLA breached its duty of care towards them and violated Arts 4 (anti-slavery) and Art 8 of the ECHR by granting a licence to a gangmaster, and/or failing to revoke that licence sooner in circumstances where they suffered coercive and abusive behaviour at the hands of the gangmaster in the meantime.

**R (Assisted Reproduction and Gynaecology Centre) v Human Fertilisation and Embryology Authority**

[2016] EWHC 2240 (Admin)

Acting for the Human Fertilisation and Embryology Authority in a challenge to changes to the "Choose a Fertility Clinic" feature on its website which are alleged to confuse and mislead patients by focusing on single embryo transfer, brought by a clinic with high multiple embryo transfer and birth rates.

## Independent Inquiry into Child Sexual Abuse (IICSA)

(2017)

Kate acts for the Catholic Church and the English Benedictine Congregation in case study into child migration (Feb-July 2017 and Nov-Dec 2017), part of the national inquiry into child sexual abuse.

## Civil Liberties & Human Rights

Kate has a diverse human rights law practice, with a particular emphasis on cases involving prisoners, children, and the scope of the investigative obligations under Articles 2 / 3. As well as appearing regularly in the Administrative Court on these issues she has appeared before both statutory and arbitral tribunals, the Parole Board and the Coroners' Court, involving a wide range of subject matter.

***“Kate is an excellent leader and a thoughtful and measured advocate. She is sensible and trustworthy in court.”***

– CHAMBERS AND PARTNERS, 2025

## Cases

### QSA & Ors v National Police Chiefs Council and Secretary of State for the Home Department

[2021] EWHC 272 (Admin)

Kate acted for the Secretary of State for the Home Department in a challenge against the '100 year rule' policy whereby records of criminal convictions are retained on the Police National Computer until the convicted person turns or is deemed to turn 100. The challenge was brought by a number of women with historic convictions for soliciting, who argued that the rule was not in accordance with the law and / or disproportionate. The Divisional Court dismissed the claim.

### R (Elan-Cane) v Secretary of State for the Home Department

(Administrative Court)

Kate is acting for Christie Elan-Cane in a claim challenging the legality of the UK Government's policy refusing to issue non-gender-specific "X" passports to UK nationals. The Administrative court granted permission for the claim to be brought on the 11th October 2017. The case will now proceed to a full judicial review hearing to determine whether the policy of Her Majesty's Passport Office (HMPO), which requires an applicant for a UK passport to declare their gender as being either male or female, and allows for a passport to be issued only identifying the bearer as either male or female is irrational, breaches the Article 8 ECHR private life rights of transgendered, intersex, non-gendered and non-binary individuals or constitutes unjustified discrimination contrary to Article 14 ECHR.

**Galdikas & Ors v D J Houghton Catching Services Ltd & ors**

[2016] EWHC 1376 (QB)

Acting for the Gangmasters Licencing Authority in the first claim of its kind brought by trafficked persons alleging that the GLA breached its duty of care towards them and violated Arts 4 (anti-slavery) and Art 8 of the ECHR by granting a licence to a gangmaster, and/or failing to revoke that licence sooner in circumstances where they suffered coercive and abusive behaviour at the hands of the gangmaster in the meantime.

**R (P and A) v Secretary of State for Justice & Ors**

[2016] EWHC 89 (Admin)

Kate appeared for the Secretaries of State for Justice and the Home Department in the Divisional Court in a challenge to the lawfulness of the criminal records disclosure regime based on the meaning of the requirement that an interference under Article 8 must be "in accordance with the law". The Divisional Court's decision that it requires a mechanism where by the proportionality of the interference may be tested is currently on appeal to the Court of Appeal, together with R (G) v Chief Constable of Surrey & Ors [2016] EWHC 295 (Admin) in which the same issue arose.

**R (W) v Secretary of State for Justice**

[2015] EWHC 1952 (Admin)

Appeared successfully for the Secretary of State in a challenge to the lawfulness of the criminal records disclosure regime following the decision of the Supreme Court in R (T), in which the claimant contended that the scheme remained incompatible with Article 8 despite legislative amendments following R(T) on the grounds of proportionality.

**Football Association v Karl Oyston**

(May 2015)

Appeared for the Football Association in an arbitration concerning the issue of whether abusive and discriminatory text messages sent by the Chief Executive of Blackpool FC to a fan had been sent with a legitimate expectation of privacy such that the charge brought against him was in breach of the FA's policy. The case raised the issue of the application of the Human Rights Act and European Convention to the FA and the scope of the right to privacy under Article 8.

**RA & Anor v Secretary of State for the Home Department and Office of the Children's Commissioner**

[2015] UKUT 242 (IAC)

Appeared on behalf of the Children's Commissioner as intervenor in an important case concerning the scope of the obligation to have regard to the welfare of the child under s.55 of the Borders Act 2009, which reflects Article 3.1 of the United Nations Convention on the Rights of the Child, in the context of an asylum and human rights claim in which the child is a dependent.

**R (National Association of Probation Officers) v Secretary of State for Justice**

[2014] EWHC 4706

Acted for the Secretary of State for Justice in a challenge to his decision that it was safe to enter into contracts for the sale of the probation service, on grounds that the decision gave rise to unacceptable risks under Articles 2 and 3 both to probation staff and to the wider public as a result of inadequacies in the new structure and operation of the service.

**AB v Human Fertility and Embryology Authority**

[2014] EWHC 1528 (Admin)

Appeared successfully for the Human Fertility and Embryology Authority on an application to set aside an interim injunction permitting a hospital to extract gametes from a man in a persistent vegetative state. The case raised issues as to the scope of the HFEA's powers in such circumstances and the role of the Official Solicitor.

**R (Bright) & R (Keeley) v Secretary of State for Justice**

[2014] EWCA Civ 1628

Appeared for the Secretary of State for Justice in two cases in which prisoners in homosexual partnerships with other male prisoners alleged breaches of their Article 8 rights based on the lack of a policy specific to such prisoners.

**R (NM) v Secretary of State for Justice**

[2012] EWCA Civ 1182

Kate appeared successfully for the Secretary of State in both the High Court and the Court of Appeal in a challenge brought by a prisoner with learning difficulties who challenged the adequacy of a prison investigation into a sexual assault on him. The case raised several wide-ranging issues including disability discrimination, the scope of Article 3 of the Convention and the proper interpretation and application of a number of Prison Service Orders.

**Galdikas and ors v DJ Houghton Catching Services Ltd and others**

(2016)

Kate is instructed for the Gangmaster's Licensing Authority in proceedings brought by workers who were trafficked and allegedly abused by a gangmaster licensed at that time by it. The case raises complex issues as to alleged liability of the GLA under Article 4, and the availability of HRA damages in circumstances where civil claims have been brought against the gangmaster itself, as well as the existence of a duty of care by a regulator to the employees of an entity regulated by it.

**R (P) v Secretary of State for Justice**

[2017] EWCA Civ 321

Appeared for the Secretary of State in Court of Appeal in relation to challenge to the lawfulness of the criminal records disclosure regime following the decision of the Supreme Court in R (T), in which the claimant contended that the scheme remained incompatible with Article 8 ECHR despite legislative amendments following R(T). The case is now due to go to the Supreme Court.



## **Independent Inquiry into Child Sexual Abuse (IICSA)**

(2017)

Kate acts for the Catholic Church and the English Benedictine Congregation in case study into child migration (Feb-July 2017 and Nov-Dec 2017), part of the national inquiry into child sexual abuse.

## **Employment**

Kate has extensive Employment Tribunal, Employment Appeal Tribunal and High Court experience in a broad range of cases concerning race, sex and disability discrimination, unfair dismissal, redundancy, TUPE, and, restrictive covenants / garden leave and share options, including in particular in the legal and financial services sectors. She has particular expertise on the application of human rights and data protection in the context of the employment relationship.

Kate is a contributor to Employee Competition (edited by Paul Goulding QC) on the subject of garden leave and practice and procedure.

***“Kate is in a class of her own. She is a tremendously gifted lawyer and also a uniquely brilliant asset as a team player. She has outstanding gifts of perception regarding witnesses and how to question them.”***

— LEGAL 500, 2025

## **Cases**

### **An individual v A law firm**

(2016)

Kate is instructed for a law firm in a claim for age discrimination arising out of the decision not to offer the individual partnership.

### **An individual v A USA law firm**

(2016)

Kate was instructed for a law firm in a claim for sex, race and maternity discrimination, and equal pay arising out of the decision not to offer the individual partnership.

### **Mohideen v Royal Bank of Scotland**

(2014)

Kate was instructed for the claimant in an unfair dismissal and race discrimination claim concerning allegations of LIBOR-fixing.

### **An individual v HSBC**

(2014)

Kate was instructed for a claimant who had been suspended pending an FCA investigation into FX-fixing.



### **Redhead v London Borough of Hounslow**

[2014] UKEAT 0086

Appeared pro bono in the Employment Appeal Tribunal for a claimant in a long-running race discrimination claim that raised issues of the proper approach to permitting amendment where multiple allegations are sought to be raised, and the effect of an application to vary an order made without the parties first having had the opportunity to make representations.

## **Professional Discipline**

Kate is regularly instructed by a number of professional bodies in relation to disciplinary matters, including the General Medical Council, the Institute for Chartered Accountants in England and Wales, the Nursing and Midwifery Council, the Rugby Football Union and the Lawn Tennis Association as well as for individuals facing disciplinary charges. She is a member of the Association for Regulatory and Disciplinary Lawyers.

***“Kate is very impressively focused and provides sensible advice.”***

– CHAMBERS AND PARTNERS, 2025

## **Cases**

### **Health Care Professions Council v Beck**

Kate acted successfully for an individual charged with misconduct and/or lack of competence by the Health Care Professionals Council, which charges were held not to be well founded.

### **Solicitors Regulatory Authority v A Solicitor**

Kate was instructed by a solicitor in relation to threatened intervention by the SRA.

### **Yaacoub v General Medical Council**

[2012] EWHC 2779 (Admin), [2013] ACD 11; [2013] EWHC 860 (Admin)

Appeared for the GMC on a doctor’s appeal against erasure based on allegations of sexual misconduct and, following its remittal on the grounds of the inadequacy of reasons in the exceptional circumstances of the case, on his application to set aside the interim orders imposed upon his registration pending a further hearing before a panel of the Medical Practitioners Tribunal Service.

## **Safeguarding**

Kate was junior counsel to the Bichard Inquiry into child protection procedures following Ian Huntley’s convictions for murder. Since then she has advised and represented a number of sports national governing bodies and educational institutions in relation to safeguarding matters.

She is also regularly instructed by clubs or national governing bodies to conduct independent reviews into allegations of breaches of safeguarding policies and advise on best practice.

## Cases

### **An Individual v A National Governing Body**

Kate is currently instructed for a national governing body in disciplinary proceedings against a coach for alleged poor practice and breaches of safeguarding policies, involving allegations of sexual abuse.

### **A Law Firm v An Individual and A School**

(2015)

Kate appeared for a school in proceedings concerning the proposed disclosure to another educational establishment of information concerning criminal charges for child abuse which had been brought against a former pupil.

### **Lawn Tennis Association v An Individual**

(2013)

Acted for the Lawn Tennis Association in a case that turned upon the differences between safeguarding legislation in England and Scotland.

### **Lawn Tennis Association v An Individual**

(2011)

Kate was instructed by the Lawn Tennis Association in a substantial and complex case concerning historic allegations of sexual abuse against a coach.

## Sport

Kate has acted for and advised a wide range of clubs, governing bodies and individuals in such fields as tennis, athletics, cricket, rugby, snooker and canoeing. She has particular expertise in anti-doping, discrimination, child protection and disciplinary matters.

Kate was appointed President of the National Anti-Doping Panel in October 2023.

Kate was appointed via Sport Resolutions UK as sole arbitrator in Olympic selection disputes in 2012 in three different sports, and appointed as legal advisor to the appeal panel in a fourth, and appointed as sole arbitrator in a Commonwealth Games selection dispute.

She is a member of Sport Resolutions' arbitral panel, the National Child Safeguarding in Sport Panel.

***“Kate is superior in this area of practice. She is an absolute class act and a formidable advocate. She is very user-friendly, and client focused. She always offers sound advice and navigates complex matters with ease and skill. She is simply astounding.”***

– LEGAL 500, 2025

## Cases

### **The FA v Kieran Trippier**

(2020)

Successfully acted for the FA against Kieran Tripper in relation to charges of misconduct for alleged breaches of the FA's betting rules.

### **In the matter of Ahmad Al Kamali and the IAAF Code of Ethics**

(2020)

An independent Panel of the IAAF Ethics Board partially upheld charges against the President of the UAE Athletics Federation and former World Athletics (previously IAAF) Council member, Ahmad Al Kamali. The Panel imposed a sanction upon Mr Al Kamali of a ban from the sport for 6 months, fined him €5,000 and ordered him to pay €15,000 in costs. Kate acted as prosecutor in the subsequent adjudicatory proceedings before a Panel of the IAAF Ethics Board.

### **RFU Disciplinary FC Players**

(2020)

Kate acted for the RFU in relation to the charges brought against 13 players within the Barbarians camp for breaches of the Covid Code of Conduct, as well as charges arising from the players having deliberately misled the RFU's investigation into those breaches.

### **The FA v Peter Beardsley**

(2019)

Successfully represented the FA before an independent Regulatory Commission, which resulted in the suspension of Peter Beardsley from all football and football-related activity for a period of 32 weeks until 29 April 2020. It was held that Mr Beardsley had committed three breaches of FA Rule E3, relating to the use of abusive and/or insulting words and constituted an "Aggravated Breach" under FA Rule E3(2) due to reference of ethnic origin and/or colour and/or race and/or nationality, while employed as a coach of the club's Under-23s team.

### **In the matter of David Siya Okeyo**

(2018)

Acted as the prosecutor for the IAAF Ethics Board, which banned the former Athletics Kenya vice president, David Okeyo, from the sport for life, fined him \$50,000 and ordered him to pay \$100,000 in costs. Mr Okeyo was found to have diverted hundreds of thousands of dollars of Nike sponsorship monies for his own personal use over many years. The Panel found that this constituted conduct likely to bring the sport of athletics into disrepute.

### **Lancaster v Rugby Football Union**

(February 2016)

Appeared for the RFU in an appeal which considered for the first time the scope and effect of the new provision in the 2015 WADA for "plea bargains" between a national governing body and an athlete.

**Best v British Horseracing Authority**

(January 2016)

Appeared for the BHA in a civil claim in negligence brought by a bookmaker for alleged losses said to have been incurred as a result of the announcement of "Weighed In" before a Stewards' Inquiry had been concluded.

**Stoute v LTA Operations Ltd**

[2014] EWCA Civ 657

Appeared for the Lawn Tennis Association in an appeal concerning whether service could properly be effected by the court in circumstances where upon issuing the claim the claimant had expressly instructed that claim form should be returned to his solicitor for service. The underlying discrimination claim was remitted to the county court and resolved on the third day of a six week trial.

**Lawn Tennis Association v An Individual**

(2013)

Acted for the Lawn Tennis Association in a case that turned upon the differences between safeguarding legislation in England and Scotland.

**Football Association v Karl Oyston**

(May 2015)

Appeared for the Football Association in an arbitration concerning the issue of whether abusive and discriminatory text messages sent by the Chief Executive of Blackpool FC to a fan had been sent with a legitimate expectation of privacy such that the charge brought against him was in breach of the FA's policy. The case raised the issue of the application of the Human Rights Act and European Convention to the FA and the scope of the right to privacy under Article 8.

**Jonathan Spelman v Rugby Football Union**

(2012 - 2015)

Acted for the RFU in anti-doping proceedings against Jonathan Spelman (a) before an Anti-Doping Tribunal which imposed a fifteen month ban on him (b) before an Anti-Doping Tribunal which considered a further anti-doping charge of failing to provide a sample shortly before the expiry of the ban and the effect of his failure to provide whereabouts information in the meantime and (c) before an Appeal Tribunal considering UK Anti-Doping's appeal against the dismissal of the anti-doping charge based on his deemed retirement at the relevant time.

**Clive Peters v Rugby Football Union**

(29 January 2013 and 11 April 2014)

Acted for the RFU in an anti-doping case about the trafficking of prohibited substances by a rugby coach.

## Peter Harrison v The Football Association

(28 March 2014)

On behalf of the FA Kate successfully resisted an application for a Norwich Pharmacal order in relation to information about the transfer of Andy Carroll from Newcastle to Liverpool.

## Data Protection, Freedom of Information & Privacy

Examples of Kate's work in the data protection and freedom of information sphere include advising a law firm in relation to the extent to which the Legal Privilege protects disclosure of documents to the Information Commissioner, advising the GMC on disclosure of Case Examiners' names and sharing information about medical students, as well as a number of appearances in the Information Tribunal, both led and un-led, on behalf of various Government Departments, the BBC and Ofcom.

*“Kate's technical and strategic mind is second to none. She is able to analyze complex legal and factual information, before cutting to the heart of the matter quickly and effectively.”*

— LEGAL 500, 2025

## Cases

### Miller v BBC

[EA/2013/0253] (2014)

Appeared successfully for the BBC defending its decision not to release information held about “Test Match Sofa”, which offered an ‘alternative’ style of commentary to Test Match Special.

### Newbery v BBC

[EA/2009/0118] (2012)

Appeared successfully for the BBC defending its decision not to release information about a training event for journalists about climate change held under the ‘Chatham House’ rule.

### BBC v Sugar & Information Commissioner

[2012] UKSC 4, [2012] 1 WLR 439 [2009] UKHL 9, [2009] 1 WLR 430

Kate was instructed on behalf of the BBC (led by Monica Carss-Frisk QC) in this important case concerning the circumstances in which the BBC falls within the scope of the Freedom of Information Act. The case went to the House of Lords (the first case to do so under that Act) on the issue of whether the Information Tribunal had jurisdiction to hear Mr Sugar's appeal against the Information Commissioner's finding that the BBC did not fall within the scope of the Act. Having held that it did, the matter was remitted to the High Court on the issue of whether the information requested by Mr Sugar fell within the Act (that is, whether it was held for the purposes of journalism, art and literature). The High Court allowed the BBC's appeal on the issue, which decision was upheld by the Court of Appeal and the Supreme Court.

## Mediation

Kate is a qualified CEDR mediator and has acted as sole mediator in disputes involving a wide range of issues in the Employment, Sport, Public and Commercial sphere, such as the leaking of confidential information from a sporting organisation, re-integration of an individual into the work force following mental health issues, and assault by a solicitor of a law firm on a partner.

## ACHIEVEMENTS

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### Publications

Contributor to:

- Human Rights Law and Practice edited by Lester & Pannick
- Administrative Court: Practice and Procedure edited by Lang.
- Sport: Law and Practice (edited by Lewis and Taylor).

### Memberships

- Employment Lawyers Association
- Administrative Law Bar Association
- Human Rights Lawyers Association
- British Association for Sport and the Law
- Bar European Group

### Selected earlier reported cases

#### Public & Regulatory

- R (Meadow) v General Medical Council [2006] EWCA Civ 1390, [2007] QB 462
- R (Ann Summers Ltd) v Jobcentre Plus [2003] EWHC 1416 (Admin), The Times 14.7.03
- R (Matthews) v Ministry of Defence [2003] UKHL 4, [2003] 1 AC 1163

#### Civil Liberties & Human Rights

- R (AM and others) v Secretary of State for the Home Department [2009] EWCA 219, (2009) ACD 38, The Times 20 March 2009
- R (Roberts) v The Parole Board & Secretary of State for the Home Department [2008] EWHC 2714, [2005] UKHL 45, [2005] 2 AC 738, Harry Roberts (Parole Board, 22 July 2009)
- Gusinsky v Russia (European Court of Human Rights Appn. no. 70276/01, Judgment 19.5.04)

## Employment

- *Young & Rubicam v Eccleshare* - Kate was instructed together with Paul Goulding QC on behalf of a senior advertising executive in High Court proceedings concerning the enforceability of the restrictive covenants and garden leave provisions in his contract.
- *Bamsey v Albion Engineering Ltd* (2003) ICR 1224
- *Brennan v American Express Services Europe Ltd* [2003] EAT/0623/02

## Professional Discipline

- *Sharief v General Medical Council* [2009] EWHC 847 (Admin), (2009) LS Law Medical 389
- *Ethical Standards Officer v Patrick Joyce* (The Adjudication Panel for England, APE 0445, 17 December 2009)
- *R (Meadow) v General Medical Council* [2006] EWCA Civ 1390; [2007] QB 462

## Sport

- *International Tennis Federation v Richard Gasquet* (Court of Arbitration for Sport, 2009)
- *Lawrence Dallaglio* (2008)
- *IRB v Keyter* (CAS 2006/A/1067)
- *Hendry & Williams v The World Professional Billiards and Snooker Association* [2001] EuLR 770

## Data Protection, Freedom of Information & Privacy

- *Gerry Morrissey (BECTU) v Information Commissioner & Ofcom* (EA/2009/0067)
- *Civil Aviation Authority v Information Tribunal & Malcolm Kirkaldie* (Information Tribunal)

## Other Information

Kate was previously a Fast-stream Administrative Trainee in the Department for Education and Employment. She worked extensively on the passage through Parliament of the Disability Discrimination Bill and on Government policy for children with Special Educational Needs.

VAT registration number: 718689091

Barristers regulated by the Bar Standards Board