

Tim Welch

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Tim specialises in employment law and commercial litigation.

His practice includes the full range of statutory claims before the ET and common law actions in the High Court.

Tim is often instructed to act for or against banks and financial institutions. Recent work includes acting for a bank, led by Charles Ciumei KC in hard fought litigation in the EAT and Court of Appeal, acting against a large sovereign wealth fund in High Court proceedings and successfully representing a real estate investment fund and Canary Wharf finance company in strike out proceedings.

Tim also regularly acts for professionals, including medical professionals, teachers, bankers, journalists and accountants.

Tim has experience of international law and foreign jurisdictions. He holds a Masters Degree in International Law and prior to coming to the Bar, spent time working for the United Nations in a War Crimes Tribunal in Sarajevo.

In addition to his legal practice Tim also lectures and publishes. He is a guest lecturer at two London universities and has authored numerous articles on a range of legal topics.

Business Law

Tim specialises commercial litigation with a particular emphasis on contractual disputes, civil fraud and economic torts.

Recent Cases

High Court & Arbitration

- Acting as sole counsel against a large sovereign wealth fund in Kuwait Investment Office v Taylor & Hard; a case involving allegations of breach of fiduciary duties, conspiracy to procure a breach of contract and procuring a breach of contract (<https://www.ft.com/content/5477e3d9-5672-4457-8124-b0cb19b23bfb>).
- Acted as sole counsel in a multi-party conspiracy to procure a breach of contract claim against a leading KC (Pepe's

Piri Piri Ltd & Anor v Junaid & Ors [2019] EWHC 2097 (King's Bench Division).

- Acting in High Court proceedings for a successful online trading company in a complex banking dispute (King's Bench Division) (2023)
- Advising in a breach of contract (franchise agreement) claim (King's Bench Division) (ongoing).
- Acting for Claimant in LCIA arbitration proceedings in breach of contract claim involving interim application for security for costs (2022).
- Acting for Defendant in ICC arbitration proceedings in breach of contract claim involving recusal application concerning apparent bias (2021).
- Multi-party fraud claim involving multiple complex interim applications (Chancery Division).
- Successfully argued the Defendants were the real winners where Claimant awarded less than 1% of damages sought (Pepe's Piri Piri Ltd and Another v Junaid and Others [2019] Costs LR 1881) in conspiracy to procure a breach of contract and procuring a breach of contract claim.
- Successfully obtained an interim injunction acting for Dragon's Den's 'Chika's Foods' in a case involving employee misuse of social media (Chika's Foods & another v Jarratt 2018 (King's Bench Division).
- Successfully obtained an interim injunction in a complex company and partnership dispute.
- Application for contempt of court (C v H [2016] EWHC 2366 (King's Bench Division).

Employment Law

Tim's employment practice includes the full range of statutory claims before the ET and common law actions in the High Court.

Recent Cases

ET and EAT

Employment status

- Led by Edward Brown KC in the EAT in aviation employment status test case: Lutz v (1) Ryanair DAC (2) McGinley Aviation Limited (EAT) (2023).
- Acting as sole counsel instructed by Second Respondent in multi-party aviation employment status case: Boulton & Ors v (1) Storm Global Limited (2) Ryanair DAC (3) Parc Aviation (UK) Limited (ET) (2023).
- Advising national logistics company on employment status of drivers in business reorganisation (ET) (2023).
- Acting as sole counsel instructed by Respondent in Harrison v Lloyds Bank plc in employment status claim based on tripartite contractual arrangements (ET) (2022).

State/diplomatic immunity

- Led by Charles Ciumei KC in Taylor & Ors v Kuwait Investment Office; ET proceedings resisted on state and diplomatic immunity grounds; acting for former Vice President HR (2023).

- Acting as sole counsel in the HC against a large sovereign wealth fund in *Kuwait Investment Office v Taylor & Hard*; a case involving allegations of breach of fiduciary duties, conspiracy to procure a breach of contract and procuring a breach of contract (<https://www.reuters.com/article/kuwait-employment-litigation-int-idUSKBN2A321Q>; <https://www.ft.com/content/5477e3d9-5672-4457-8124-b0cb19b23bfb>) (2021).

Strike out/deposit orders

- Led by Charles Ciumei KC acting for Respondent bank in *John Plant v Bank of Beirut* UKEAT/0239/18/DA; successfully struck out whistleblowing and discrimination claims in proceedings in the ET, EAT, Court of Appeal and connected proceedings in the County Court 2018-2023 (ongoing).
- Successfully struck out whistleblowing and discrimination claims; acting for Respondent Canary Wharf finance company (2022).
- Successfully defended majority of claims (and obtained permission to appeal at the EAT in respect of the remainder); acting for multi-millionaire entrepreneur (ET: 2021) (EAT: 2022) (<https://www.law360.com/articles/1565518/russian-tycoon-can-appeal-lawyer-s-maternity-bias-win>).
- Successfully struck out a whistleblowing and discrimination claim; acting for the Respondent real estate investment fund (2021).
- Successfully struck out a disability discrimination claim; acting for the Respondent High Street Bank (2019).

Costs

- Led by Charles Ciumei KC in *John Plant v Bank of Beirut*; successfully obtained a costs order for the Respondent in the sum of £394,589.18 (2021) (enforcement proceedings in the County Court (2023)).
- Acting as sole counsel in *Miah v FIS Capital Markets UK Ltd*; successfully obtained costs following strike out of whistleblowing and discrimination claims in the sum of £15,619 (2022).

Tupe

- Acting and advising for Respondent Rail Infrastructure company in complex multi-party TUPE proceedings involving making strategic interim applications resulting in settlement of all claims on second day of trial (2020).
- Acting for Respondent in complex service provision change case involving outsourced cleaning company (2022).

Unfair dismissal

- Successfully defended complex unfair dismissal claim brought by employee dismissed for breaching COVID rules (2022).
- Advising well known news anchor in relation to discrimination and unfair dismissal claims with difficult jurisdictional issues (2022).

Miscellaneous

- Advising a BBC Journalist in relation to restructure and redundancy matters (2021).
- Acting for the Claimant in an appeal involving allegations of judicial bias (*Anderson v Royal Mail Group Plc*)

UKEATPA/1159/14/RN).

- Acting for the Respondent in an appeal on time limits (*Majid v AA Solicitors Limited* UKEATPA/0742/14/JOJ).

Restraint of trade & confidentiality

- Instructed in County Court proceedings in case on the application of restraint of trade and enforceability of recovery of training costs clauses (2023).
- Acting for recruitment agency in case involving employee breach of restrictive covenants; confidentiality; fiduciary duties and conspiracy to procure a breach of contract (2022).
- Acting for wealth management company in case involving breach of express and implied terms of confidentiality (2022).
- Acting for recruitment agency in application for contempt of court (2022).
- Successfully acted for Respondent tech company in *Bennett & Day v Geeks 2020* (on appeal to the EAT) in case on the application of restraint of trade and enforceability of recovery of training costs clauses (<https://www.ft.com/content/0164135c-0cfa-4efe-a78b-c2d0e8bdf937>) (2021).
- Advising haulage company in restraint of trade case (2021).

Cases involving healthcare entities and professionals

- Acting for a dental surgery in Covid related contractual claim in the County Court.
- Advising a dental surgery in relation to issues arising out of the Covid furlough scheme.
- Acting for a Consultant Cardiologist in ET proceedings.
- Advising a high net worth Consultant Psychiatrist in relation to a redundancy claim.
- Advising a Consultant Cosmetic Surgeon in relation to restraint of trade and restrictive covenants.
- Advising a Consultant Surgeon in relation to a constructive dismissal claim.
- Advising a GP in a partnership dispute.
- Acting for a Radiologist in a professional disciplinary hearing.
- Acting for a Pharmacist in a pregnancy discrimination claim.
- Acting for a Harley Street therapy clinic in litigation focused on restraint of trade and restrictive covenants.
- Acting for the Hospital Director of a private hospital in a case involving allegations of disability discrimination.