

Amy Stroud

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Introduction

Highly experienced in employment, property and trusts law, Amy appears in courts and tribunals and the High Court, as well as at appellate level in the Employment Appeal Tribunal and Court of Appeal. She advises and acts for the full spectrum of claimants and respondents/defendants. Her clients range from individuals to local authorities, local government bodies, private companies, charities, a wide variety of educational bodies, police constabularies as well as national chains and statutory corporations.

Amy is an adjudicator for airline disputes involving claims for the delay and cancellation of flights, discrimination of persons of restricted mobility, denial of boarding, lost luggage and other financial claims governed by *Regulation (EC) No 261/2004*, the *Montreal Convention 1999* and *Regulation (EC) No 1107/2006*.

Amy gives in-house talks and seminars on a breadth of topics and is a trained mediator. She is a member of the Gibraltar Bar.

Property Law

Amy has expertise in both commercial and residential property and housing work, appearing in the High Court, county courts and First Tier Tribunal. She has acted for clients in landlord and tenant matters, mortgage disputes, boundary and easement disputes, nuisance and right to light cases, disrepair and breach of covenant claims, forfeiture actions, business tenancy and residential possession proceedings, TOLATA proceedings, lease extension and enfranchisement proceedings as well as unlawful eviction and *devastavit* claims. She has advised on numerous disputes involving the misrepresentation of property to purchasers as well as cases involving trees. She has also advised extensively on a range of property disputes in Gibraltar and appeared in the courts in that jurisdiction.

Wills, probate and Inheritance

Amy advises on contested family trusts and co-ownership cases as well as disputes concerning the Inheritance (*Provision for Family and Dependants*) Act 1975. Her experience includes commercial chancery matters, both in

the UK and Gibraltar and she has appeared in the High Court as well as the county courts. She is a member of the Association of Contentious Trusts and Probate Specialists.

Employment Law

Amy acts for and advises both claimants and respondents across diverse spheres of work. Respondent clients have included multi-nationals, local government, schools, universities and colleagues, banks and financial institutions, limited companies, charities and associations and statutory corporations.

Amy appears regularly in tribunals and the Employment Appeal Tribunal and has appeared in the Court of Appeal. She covers a broad spectrum of employment work, including discrimination based on sex and maternity, age, disability, race, nationality, and religion and belief, ordinary and automatic unfair dismissal, redundancy, employment status, TUPE, equal pay, whistle-blowing, health & safety, breach of contract, stress at work, working time regulations, national minimum wage claims, holiday pay and trade union disputes. Her practice includes employment actions in the civil courts, where she has advised variously on restraint of trade and restrictive covenant proceedings and the wrongful dismissal of senior executives. She has also advised/represented clients in relation to employment disputes in Gibraltar and in Northern Ireland.

Amy has extensive experience of representing clients in both judicial and private mediations.

She is experienced at handling all stages of employment disputes, including case management and preliminary hearings to full merits hearings, remedy hearings, reconsiderations and appeals.

She assists with ELAAS work in the Employment Appeal Tribunal.

Recent cases

Amy recently secured a finding of harassment on behalf of a Crown prosecutor suffering from PTSD and is also acting for a company in a long-running dispute faced with claims of race discrimination and harassment. She obtained costs against a manager who had been dismissed by a pub chain for recruiting bar staff without following the proper procedures. In terms of her property work, she advised recently on the viability of obtaining relief against forfeiture of an apartment block at the centre of a proposed construction project in Gibraltar and, in the UK, on the enforceability of land options affecting neighbouring land subject to an easement.

Reported cases

- *Wardle v Credit Agricole Corporate and Investment Bank* [2011] ICR 1290 – representing the employee in the tribunal and EAT, and led by Simon Cheetham (now QC) in the Court of Appeal. Claim for discrimination on grounds of nationality, unfair dismissal, victimisation and whistle-blowing. Succeeded in the discrimination and unfair dismissal. Proceedings before the EAT and Court of Appeal concerned the tribunal's award, in particular the claimant's award for future loss of earnings and the calculation of career-long loss of earnings.
- *Valley Grown Salads v Bassini* [2013] EWHC 1304 – led by Nicholas Stewart QC, acting for the claimant in securing £4.2 million and a worldwide post-judgment freezing order. The proceedings concerned a dispute over whether monies paid by the claimant to the defendant had been loans or shares in Watford FC.

- *Caterham School Ltd v Rose* UKEAT/0149/19 – the respondent’s appeal of the tribunal’s ruling at a preliminary hearing that a sequence of pre-dismissal discriminatory allegations was in time despite hearing no evidence. Cross-appeal on the tribunal’s failure to acknowledge the existence of a harassment claim.
- *Dr L Tarn v Dr N Hughes & Others* UKEAT/0064/18 – concerning an interlocutory decision to require the claimant to restrict her claim to a certain number of allegations. The EAT considered the broad discretion of the tribunal judge to manage the case and the overriding objective as against the claimant’s fundamental right to prosecute her case.
- *Tan v Solihull Community Housing Ltd* UKEAT/0050/14 – concerning the impact of a debilitating road traffic accident on the claimant’s claim for loss of future earnings and the deficiencies in the tribunal judge’s consequent findings on the claimant’s future loss of earnings and pension loss.