

James Chegwidden

CALL: 2008

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Overview

James Chegwidden practices in employment, judicial review, the regulation of professional misconduct and general commercial instructions. He brings to his practice a wide range of domestic and international experience, having worked as a lawyer in London, Strasbourg, Australia and in delegations to the United Nations. Prior to call to the Bar, James worked as an Associate to Mr Justice Michael Kirby AC CMG of the High Court of Australia. He was appointed as Attorney General's B Panel of Counsel to the Crown in 2016 and acts regularly for governmental agencies.

James additionally acts in the private sector for a range of corporate clients, individuals, and charities. He is a registered provider on the Bar Public Access Scheme and is a panel member of the National Bar Pro Bono Unit. He speaks fluent French, advanced German and Spanish, and intermediate Polish.

Awards:

- Attorney General's B Panel of Counsel to the Crown (2016-2021)
- National Bar Pro Bono Unit - Panel Member
- Nursing and Midwifery Council - Approved Counsel
- Peter Duffy Human Rights Scholar (Lincoln's Inn)
- Lord Mansfield Scholar (Lincoln's Inn)
- Lord Hardwicke Scholar (Lincoln's Inn)
- Shelford Scholar (Lincoln's Inn)

Memberships:

- Human Rights Lawyers Association
- Lawyers for Liberty
- Anglo-Spanish Lawyers' Association

Education:

Inns of Court School of Law

Bar Vocational Course 2007-2008 Rank: "Outstanding"

University of Oxford

Bachelor of Civil Law (BCL) - 2005-2006
Magdalen College, Oxford

University of Sydney

Bachelor of Laws - 2001-2004 Hons First Class
Bachelor of Arts - 1996-1998 Pass

Employment & Discrimination

James represents a wide variety of claimants and respondents in the Employment Tribunal, the Employment Appeal Tribunal and the High Court in employment disputes. He has advised and appeared for and against corporate clients and for individuals in litigation including British Airways, Barclays Bank, the Ministry of Justice, the Home Office and the Foreign and Commonwealth Office.

James is an experienced advocate in:

- Unfair and wrongful dismissal claims
- Restrictive covenant claims

Expertise

- Administrative & Public Law
- Business & Commercial Law
- Commercial Law
- Education & Safeguarding
- Employment & Discrimination
- Finance
- Health
- Licensing & Trading Standards
- Professional Regulatory & Discipline
- Public Law

Recommendations

"He performs to a consistently high standard." The Legal 500 2018

"His written arguments are excellent and he has a way of marshalling complicated issues with tremendous force." The Legal 500 2020

"Old Square are my preferred set of chambers and have been throughout my career. They will always try to accommodate needs and the set are very down to earth and approachable. We have developed very good working relationships with the team over the years." The Legal 500 2021

Key contacts

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- Redundancy-related claims
- National Minimum Wage disputes
- TUPE (transfer of undertakings) disputes
- Unlawful wage deduction claims
- Tribunal jurisdiction and procedural disputes
- Discrimination and equality law claims under the Equality Act 2010

Notable cases include *RSS Wessex (Rubicon People) v Dawson and others* EWHC 2309 (QB), in which James obtained a High Court interim injunction in unusual circumstances against a former recruitment company manager believed to be competing with his former employer's business via the use of LinkedIn networking contacts; *Vaseer v Secretary of State for Health* UKEAT/0096/14/DM in which James successfully appealed against the decision of an Employment Tribunal judge to allow a claimant to add an entirely new claim under TUPE Regulations 2006; *Rawson v Robert Norman Associates* UKEAT/0199/13/RN on the correct approach to determining liability and remedy in employer's breach of contract claims in the Employment Tribunal; and *Ségor v Goodrich Actuation Systems* UKEAT/0145/11/DM in which James acted pro bono for a claimant previously working in the military technology industry, in an appeal determining the correct approach for tribunals to adopt where party seeks (or appears) to abandon a part of its claim.

Professional Regulatory & Discipline

James is a specialist advocate in the area of professional misconduct and discipline. James regularly acts as advocate in police misconduct tribunals (especially for the Ministry of Defence Police); as counsel for the Home Office in employer appeals under s.17 of the *Immigration Asylum and Nationality Act 2006* (illegal employment practices); and for the Immigration Services Commissioner in prosecuting immigration advisers operating illegally or providing unlawful services. James is also panel counsel for the Nursing and Midwifery Council.

James was instructed in two Court of Appeal matters concerning the correct interpretation of Part One of the *Immigration Asylum and Nationality Act 2006*, and one matter of police misconduct in Scotland involving an officer's discriminatory conduct towards fellow police officers.

James has successfully advised and acted for individuals in various professions – among them, teaching and medicine – in professional conduct disputes between the individual and their employer or regulator.

Business & Commercial Law

James has acted for a number of banks, insurance firms, corporate and government clients and individuals in a range of civil disputes in the High Court and County Court. Parties for whom James has appeared regularly include the Royal Bank of Scotland, Lloyds TSB and Zurich Insurance. James has acted in litigation against the BBC, British Airways plc, Barclays Bank, the Ministry of Defence and numerous London borough councils.

James regularly accepts instructions in the following areas:

- Breach of contract
- Misrepresentation
- Commercial debt
- Breach of statutory duty
- Misuse of confidential information
- Interim injunctions
- Negligence actions

Administrative & Public Law

James's practice focuses principally on judicial review challenges. As Attorney General's B Panel of Counsel, James is frequently instructed by government agencies including the Home Office, the Cabinet Office, the Ministry of Defence and the Ministry of Justice in defending judicial review claims brought against them, as well as by private individuals seeking to challenge government decisions.

Cases in which James has been instructed include *R(Hall) v Secretary of State for Defence* EWHC (Admin), a challenge by a sailor to a Defence Council decision under the *Armed Forces Act 2006* to uphold his administrative discharge; *R (Wildbur) v Secretary of State for Defence* EWHC (Admin), a judicial review by a former army captain of the lawfulness of a redundancy package offered to him; *R (Huang) v Secretary of State for Business Innovation and Skills* EWHC (Admin) on a challenge to the employability of aliens within the British civil service under

the *Aliens Employment Act 1955*; and *R (Rasool) v Tower Bridge Magistrates' Court* EWHC 4736 (Admin) in which James acted for a local borough in successfully resisting a challenge to the Food Hygiene (England) Regulations 2006 which imposes criminal and civil sanctions on food business operators. James also acted in 2015 for an NHS surgeon in his challenge to the NHS selection and appointment process for long-term surgical training positions.

In 2010, James was an *avocat stagiaire* in the UK Division of the European Court of Human Rights, Strasbourg.

Civil Liberties and Human Rights

James is a keen advocate for human rights. Prior to call to the Bar, James was Associate at the High Court of Australia to Mr Justice Michael Kirby AC CMG, Australia's foremost human rights advocate. In 2009, James was named Peter Duffy Human Rights Scholar by Lincoln's Inn. In 2010 James worked at the European Court of Human Rights, Strasbourg as *avocat stagiaire* for the UK Division of the Court. James was nominated as legal director of the charity Children's Rights Alliance for England and Wales in 2011 for his work on children's rights issues.

Cases in which James has been involved include:

- *Re L and B (minors)* EWHC 849 (Fam). James acted pro bono for the mother of two young boys whose father sought to obtain court approval for their forcible circumcision on grounds of his religious beliefs. The Court refused on autonomy grounds to allow circumcision to take place in such circumstances, ruling that the decision should wait until the boys could make it themselves.
- *Re Dvorzak* - A coroner's inquiry into the death in UK immigration detention of a Canadian senior citizen with mental health difficulties within weeks of his arrival in the United Kingdom. James acted for the Home Office.
- *R(Hassan) v Secretary of State for Defence* - A judicial review challenge to the interrogation protocols of British Army units while deployed in Iraq during UK operations in the second Iraq war. James was instructed by the Ministry of Defence.
- *AA v United Kingdom* 8000/08 ECHR 1345; INLR 1 - Case asserting Article 8 rights to privacy and home life of a foreign national convicted of a serious crime while under 18 and threatened with deportation, where indefinite leave to remain had already been granted.

Licensing & Trading Standards

James acts in a variety of regulatory proceedings in the Magistrates' Court, County Court and High Court. He has acted for local authorities, individual and corporate defendants in matters concerning:

- Trading Standards
- Business Rates
- Health and Safety
- Food Hygiene
- Advertising Standards
- Immigration Services

Notable Cases

- *Re L & B (minors)* EWHC 849 (Fam) - James acted pro bono for the mother of two young boys whose father sought to obtain court approval for their forcible circumcision on grounds of his religious beliefs. The Court refused, on autonomy grounds, to allow circumcision to take place in such circumstances, ruling that the decision should wait until the boys could decide the question themselves.
- *R (Wildbur) v Secretary of State for Defence* EWHC 1636 (Admin) - James successfully resisted, on behalf of the Ministry of Defence, a claim for over half a million pounds in compensation by a former army officer wrongly made redundant by administrative error, but who was offered reinstatement on terms which would restore him as fully as possible to army life.
- *Vaseer v Secretary of State for Health* UKEAT/0096/14/DM. James successfully appealed against the decision of an Employment Tribunal judge to allow a claimant to add an entirely new claim under TUPE Regulations 2006. The EAT found that the Tribunal judge had erred in the manner in which the new claim was added, and determined that the application needed to be re-heard. The TUPE claim was subsequently abandoned.
- *Rawson v Robert Norman Associates* UKEAT/0199/13/RN. James

successfully appealed to the EAT to quash a finding in favour of an employer's counter-claim. The EAT ruled on the correct approach to determining liability and remedy in employer's breach of contract claims in the Employment Tribunal, upon which the original Tribunal had fundamentally erred.

- *RSS Wessex (Rubicon People) v Dawson and others* EWHC 2309 (QB). James obtained a High Court injunction in novel circumstances against a former recruitment company manager believed to be competing with his former employer's business and/or soliciting or dealing with clients via the use of networking on the website LinkedIn. The High Court agreed that "adding" or requesting to add professional contacts could potentially amount to competing or soliciting/dealing.
- *R (Rasool) v Tower Bridge Magistrates' Court and anor* EWHC 4736 (Admin). James acted for a local borough as an interested party and successfully resisted a challenge to convictions under the Food Hygiene (England) Regulations 2006, which impose criminal and civil responsibility on "food business operators" irrespective of the operator's personal, corporate or other legal status.