

Spencer Keen

CALL: 1998

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Overview

Spencer Keen is an advocate with a broad practice. His main specialisms are employment, commercial law and European law. He appears regularly in the High Court, Employment Tribunal and appellate courts and tribunals.

Quotes from *The Legal 500*:

“He is an excellent advocate and a formidable opponent.”

“His forensic skills are second to none, and his delivery is incisive and polished.”

“His knowledge of disability discrimination is second to none.”

Recent and current work

- *Bamieh v European Union Rule of Law Mission in Kosovo* [2017] EAT. Whether an international organisation has personality for the purposes of domestic law and the effect of Article 10 ECHR on the territorial jurisdiction of an English Employment Tribunal.
- *Smith v London Borough of Bromley* [2017]. Lengthy tribunal hearing considering whether the Council had allowed the claimant sufficient time off for trade union duties under s.168 TULRCA or had afforded her a detriment under s.146 TULRCA.
- *Unison v Lord Chancellor* [2017] Supreme Court. The judicial review concerning Employment Tribunal fees. Instructed by the intervener, the Equality and Human Rights Commission, led by Michael Ford QC.
- *Hayden Leigh v Channel Four* [2017] EWHC. Interim injunction to prevent broadcast of television programme.
- *Zavahir v Shankleman & Ors* [2016] EWHC. Derivative claim alleging an unlawful distribution contrary to s.830 of the Companies Act 2006 and breach of fiduciary duty.
- *Wicksteed Leisure v Kompan* [2016] EWHC. Injunction to restrain an alleged theft of confidential information.
- *Decorus v Penfold & Ors* [2016] EWHC. Injunction to restrain an alleged theft of confidential information and breach of covenant.
- *Central Europe Business Development Ltd v Property Transfer Co-ordination Ltd* [2016] EWHC. Proprietary and freezing injunctions.
- *Boothe v Governing Body of Toynbee School* [2015] EAT : Whether the tribunal was correct to continue in the appellant’s absence and whether Article 6 ECHR was engaged.
- *Edwin v Avante Partnership* [2015] EAT. Whether a constructive dismissal required an express acceptance of a repudiatory breach.
- *Re-Use Collections v Sendall* [2014] EWHC. Claim for damages and an injunction rising out of an alleged breach of restrictive covenants and the duty of good faith.
- *Hamilton College London Ltd and another v Ahmad & Anor* [2013] EWHC. Case concerning a disputed transfer of a single issued share in the claimant company.
- *X v. Mid Sussex Citizen’s Advice Bureau & Anor* [2012] UKSC 59 (Supreme Court). The leading case on whether a volunteer was protected from discrimination under domestic and EC law.

Expertise

- Investigations
- Insurance
- Retail and Consumer
- Media and Entertainment
- Commercial Law
- Education & Safeguarding
- Employment & Discrimination
- Finance
- Health
- Judicial Review
- Professional Regulatory & Discipline
- Public Law
- Travel

Recommendations

“A real thinker, who is building a superlative practice and whose work is at the cutting edge of the law.” “A very good cross-examiner who gets to the heart of things and makes issues simple for clients.” Chambers & Partners 2020

“A strategic thinker who is able to identify the key issues at the heart of cases and who is forensic in his analysis.” “A measured yet persuasive presence in court with experience at every tier of court.” The Legal 500 2021

Key contacts

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- *King v. Health Professions Council* [2012] EAT. Whether an employment tribunal had jurisdiction to hear a claim brought by a person applying for a qualification as a health professional.
- *Shea v. Micros Fidelio* [2011] EAT. This case deals with how far a tribunal can intervene to assist a litigant in person.
- *Lisboa v. Realpubs* [2011] EAT. Whether the new owners of a famous gay pub had discriminated against a barman on the grounds of sexual orientation when trying to re-brand so that persons of all sexualities were welcome.
- *Gill v Humanware Europe* [2010] EWCA. The correct approach to awarding wasted costs against an advocate.
- *Power v. Greater Manchester Police* [2010] ET and EAT. Whether a belief that one could communicate with persons after death was a belief protected by the discrimination legislation.
- *Gill v Humanware Europe* [2009] EAT. Spencer appeared for the successful appellant who was alleged that a tribunal judge was biased.

Notable Cases

- [The Queen on the Application of UNISON v. The Lord Chancellor and EHRC \(Intervener\)](#)

The High Court (Moses LJ, Irwin J) today delivered judgment in the important judicial review proceedings brought by UNISON to challenge the fees regime introduced in the employment tribunal and...

- [Hamilton College London Ltd and another v. Ahmad and another](#)

Company Shares. In the course of proceedings between the parties, a preliminary issue arose for consideration namely, whether an alleged transfer a single issue share in the first claimant company...

- [X v. Mid Sussex](#)

The activities of a volunteer advice-worker did not constitute an "occupation" for the purposes of Directive 2000/78 art.3(1)(a). Such a volunteer thus fell outside the scope of the disability discrimination...

- [Lisboa v. Real Pubs Ltd \(1\) Pring \(2\) Heap \(3\)](#)

1. In September 2008 R1 acquired a public house then called the Coleherne. It had enjoyed a national and international reputation for being London's first 'gay pub'. However, at the...

- [Power v. Greater Manchester Police](#)

Employment Discrimination. The Employment Appeal Tribunal dismissed the employee's appeal against the tribunal's decision at a pre-hearing review that the employee's beliefs that there was life after death and the...