

## **Akhlaq Choudhury**

**Call: 1992, Inner Temple**

**Recorder: 2009**

Akhlaq is a specialist in employment & business protection, public and information law.

### **Employment and Business Protection**

Akhlaq is consistently recommended as a leading employment junior in Chambers & partners and the Legal 500. He has wide experience of all aspects of employment law and regularly acts for and advises individuals, city institutions, law firms, local and health authorities, government departments, corporations, trade unions and police authorities. He has particular experience in lengthy, multi-party litigation and is currently involved in some of the major equal value disputes making their way through Tribunals.

Akhlaq has particular experience of vigorously contested, high value discrimination cases and has acted for employers and employees in several multi-million pound claims. Recent claims include disability, race, sex and religious belief discrimination claims against Solicitors' firms, banks, religious institutions and local authorities.

Akhlaq also has a well-established High Court employment law practice, regularly acting for both employers and employees in obtaining and resisting interim injunctions (including search and freezing orders) and in conducting trials over bonuses and substantial damages claims. Recent cases have seen him act for inter-dealer brokerages (GFI v Tullett Prebon), insurance firms (Standard Life v SecureHealth) and others in team move and breach of confidence claims.

### **Public Law**

Akhlaq is consistently recommended as a leading public law junior in the Legal 500. He has a broad based public law practice ranging from judicial review applications to regulatory law and public procurement law. Recent cases have involved acting for local authorities in litigation against bus concessionary companies regarding state fare subsidies (Stagecoach v Treasury and others), acting for a private hearing aid company in a challenge to the regulator's policies (R(Hidden Hearing) v HAC), and acting for economic operators seeking to be party to framework agreements issued by central government and worth several billion pounds (B2Net v HM Treasury (t/a Buying Solutions)). Akhlaq is regularly instructed to obtain and resist interim injunctive relief in the context of procurement law.

### **Information Law**

Akhlaq is one of the leading practitioners in this rapidly developing field having already appeared in several of the landmark decisions in recent years. He appears regularly before the Information Tribunal on behalf of the Information Commissioner and a range of public authorities. Akhlaq's long running involvement in the *Ofcom v ICO* litigation, involving the disclosure of information about mobile phone mast litigation, continues with a recent Supreme Court decision (the first such case to consider the *Environmental Information Regulations 2004*) which has referred the matter to the ECJ. Other Freedom of Information cases include the MPs' expenses case (*House of Commons v ICO*) and the Al-Yamamah secret arms deal case. As well as *Freedom of Information Act 2000* matters, Akhlaq has very wide experience of advising and acting for parties in relation to the *Data Protection Act 1998* and *Computer Misuse Act 1990*, with recent cases including advice to a major law firm as to the extent to which information could be processed for the purposes of an overseas investigation into a bank's affairs, and advice to hedge funds, churches and local authorities as to the legality and potential criminality of investigating employees' private emails.

### **What others say about Akhlaq**

“Industrious, unflappable and highly resourceful,” he “can be relied upon to find solutions rather than identify problems”. “Effortlessly combines his technical and commercial acumen with great interpersonal skills.”

Chambers UK 2011

“Held in high regard for his work on equal pay and age discrimination matters”

“Really client friendly and inspires confidence with his excellent legal analysis and persuasive advocacy”

“An approachable lawyer with a brilliant mind ...”, he “...gets results where others wouldn’t due to his ability to keep a cool head in heated situations.”

He is “...a choice advocate for public authority work” with the “... ability to translate complex issues into layman’s terms”.

Has the ability to “make something out of nothing in a difficult case”.

Chambers UK 2003 to 2010

### **Areas of Practice**

#### **Employment**

- Confidential information and post-termination restraints
- Interim injunctions, Search Orders, Freezing Orders, Contempt Proceedings and High Court trial work
- Wrongful dismissal
- Pension, Bonus and PHI claims
- All aspects of statutory employment law including discrimination, unfair dismissal, redundancy, working time, TUPE and whistleblowing
- Human Rights including data protection and freedom of information issues
- EC Law
- Doctors’ and Dentists. Particular experience of employment issues relating to all staff from consultants to ancillary workers in the medical field.
- Professional Negligence including Solicitors’ and Doctors’ negligence in the employment context
- State Immunity, overseas employers, proceedings in other jurisdictions and Brussels Convention related proceedings

#### **Public Law and Human Rights**

- Public Procurement including interim injunctive relief
- Judicial review
- Central and Local Government advisory and court work on questions of *vires*, statutory interpretation, State Aid and EC law issues
- Human Rights including substantial experience of Article 5 (right to liberty), Article 6 (right to fair trial), Article 8 (right to privacy) and Article 9 (right to freedom of conscience, thought and religion) work in the contexts of mental health and the armed forces
- Mental Health

#### **Information Law**

- Freedom of Information and Data Protection
- Environmental Information Regulations 2004
- Computer Misuse Act 1990
- Akhlaq is regularly instructed by the Information Commissioner to represent the Commissioner on appeals to the Information Tribunal

## Recent Cases

### **Galloway v Barnet Enfield and Haringey Mental Health NHS Trust**

[2010] EWCA Civ 1368

*Employment Law.* Court of Appeal judgment in which Akhlaq successfully represented an NHS trust in resisting an appeal on the grounds of bias and procedural failures.

### **BGC Brokers v Goddard & others**

December 2010

*Business Protection / Employment.* Interdealer broker case involving a team move to GFI Holdings Ltd and applications for specific disclosure.

### **Humphreys v Norilsk Nickel International (UK) Ltd**

[2010] EWHC 1867 (QB); [2010] I.R.L.R. 976

*Business Protection / Employment.* A high-value High Court bonus action where Akhlaq successfully represented the Russian employer.

### **OFCOM v Information Commissioner**

[2010] UKSC 3; [2010] Env. L.R. 20

*Information Law.* An important case concerning the disclosure of information relating to mobile phone mast locations and the application of the public interest test under the *Environmental Information Regulations 2004*. Akhlaq represented the Information Commissioner before the Tribunal, the High Court, the Court of Appeal and the Supreme Court (where he was led by Clive Lewis QC of 11KBW). The matter is now before the ECJ.

### **B2Net Ltd v HM Treasury**

[2010] EWHC 51 (QB); [2010] Eu. L.R. 471.

*Public Procurement.* Application for an injunction to prevent conclusion of a framework agreement valued at £6bn pending determination of the legality of the contracting authority's Pre-Qualification Questionnaire.

### **Rudd v Eagle Place Services Ltd.**

[2010] I.R.L.R. 486

*Employment.* One of two appeals to the EAT in this disability discrimination complaint where questions of the proper application of *Malcolm v Lewisham BC* and the use of Ogden tables were considered

### **Burton & McEvoy v Curry**

UKEAT/0174/09, 21 April 2010

*Employment.* Akhlaq represented the successful employee in an appeal concerning the application of the band of reasonable responses test in cases of constructive dismissal.

### **Community Care North East v Durham CC**

QB 2009

*Public Procurement.* Akhlaq successfully obtained without notice injunctive relief so as to prevent a local authority from concluding a contract that had been tendered arguably in breach of the Public Contracts Regulations 2006

### **R. (on the application of Hidden Hearing Ltd) v Hearing Aid Council**

[2009] EWHC 63 (Admin); (2009) 106 B.M.L.R. 110 (QB)

*Public Law.* This was a challenge brought by a Hearing Aid supplier against the policies of the Hearing Aid Council on the grounds that they misapplied the relevant legislation.

### **R. (on the application of Salmon) v Feltham Magistrates' Court**

[2008] EWHC 3507 (Admin); [2009] R.V.R. 160

*Public Law.* Akhlaq acted for the local authority in defeating a challenge to its application of Housing Benefit Regulations as applied to properties in multiple occupation.

**British Union for the Abolition of Vivisection v Home Office and Information Commissioner**

[2009] 1 All ER 44

*Information Law.* This is a significant case concerning the disclosure of licence applications made by those engaged in work involving animal experimentation, and is only the second appeal from a decision of the Commissioner (here represented by Akhlaq) to reach the Court of Appeal. The Court upheld the Commissioner's decision that the information sought was exempt from disclosure by reason of the fact that it had been given to the Home Office in confidence.

**Camm v GFI Holdings Ltd,**

(2008) UKEAT/0321/08

*Business Protection/Employment.* Akhlaq successfully represented the employer in overturning a decision of the Employment Tribunal refusing a stay of Tribunal proceedings in circumstances where a High Court claim for a substantial discretionary bonus was outstanding.

**Corporate Officer of the House of Commons v Information Commissioner and others ('MPs' Expenses' case)**

[2008] EWHC 1084 (Admin); [2009] 3 All E.R. 403; [2008] A.C.D. 71 (2008) ACD 71

*Information Law.* Akhlaq was led by head of Chambers, James Goudie QC, acting for the Information Commissioner in this high profile case concerning the disclosure of information relating to payments made to MPs under the parliamentary Additional Costs Allowance Scheme.

**London Market Insurance Brokers v Mills**

(2008), QB

*Business Protection / Employment:* A speedy trial concerned with the enforceability of restrictive covenants where the covenants relied upon had been introduced subsequent to a TUPE transfer.

**R (D) v Independent Education Panel, London Borough of Bromley & Governing Body of Coopers Technonology College**

[2007] EWCA Civ 1010; [2008] B.L.G.R. 267; [2008] E.L.R. 12; (2007) 104(38) L.S.G. 36; (2007) 151 S.J.L.B. 1226; Times, November 20, 2007

*Public Law.* Where a local authority's Independent Education Appeal Panel had ruled that a pupil's exclusion was not justified, it was against the rules of natural justice to refuse to reinstate the pupil without asking the school the reasons for objecting to reinstatement as the parents of the pupil would not know what reasons they had to address.

**Tullet Prebon Group Ltd v Davis and GFI Holdings Ltd**

[2007] EWHC 2739

*Business Protection / Employment* An interesting interlocutory decision in a heavyweight speedy trial between two interdealer brokerages. The Court dealt with the scope of disclosure where disclosure is resisted on the grounds of confidentiality. Akhlaq was junior counsel for the successful applicant in this matter which settled at trial.

**Publications**

Contributor to *Tolley's Employment Handbook* (Disability Discrimination)

Contributor to *Tottel's Local Government Law* (Byelaws)

**Other**

Akhlaq has recently been voted one of the top 100 British Bangladeshis influencing the community and Britain today: <http://bbpower100.com>

Appointed Recorder on the SE Circuit in 2009

LLB with First Class Honours from School of Oriental and African Studies (1991), University of London  
BSc (Hons) in Physics, University of Glasgow (1988)



Member of Attorney General's 'B' Panel of Advocates from 1999-2005

Regular speaker on Employment and Public Law issues. Recent talks include "High Court Employment Claims" (February 2010) and "Procurement Case Study" (September 2010)

Committee Member of Employment Law Bar Association

Worked in US Intellectual Property Law firm in Washington DC (1994)