
Julian Milford QC

Julian Milford was called to the bar in 2000. His main areas of practice are public law, freedom of information/data protection, and employment law. Julian undertakes advisory and judicial review work in the field of public and constitutional law for central and local government, other public authorities, and individuals, and has been instructed for and against government on issues of major public importance. He appears regularly in the employment tribunal and civil courts in employment cases, where he has experience across the Tribunal's statutory jurisdiction, including extensive experience of acting in large-scale discrimination and equal pay claims and industrial action cases. He also frequently advises on and acts in data protection and freedom of information cases.



Professional Summary

Called 2000
Appointed QC 2020

Specialisms

Public Law & Human Rights

Julian undertakes public and constitutional law work for local authorities, central government, NHS authorities, individuals, public interest groups and others. That work includes general public law judicial review claims at all levels of Court up to the Supreme Court, including in particular judicial review claims connected with discrimination issues, information rights, surveillance, education, and high-value commercial judicial review cases. He also acts in regulatory cases (for example, concerning the health professions and the care of vulnerable adults). He has appeared on a number of occasions before the European Court of Human Rights. His recent and current work includes:

- Acting in various Covid-19 related challenges, including *R(Adiatu) v HMT and SSWP* [2020] IRLR 658 (judicial review of the Government's Job Retention Scheme on Human Rights and EU law grounds by the Independent Workers Union of Great Britain) and JR challenges to Care Allowance rules and provision for the self-employed who have taken maternity leave.
- Acting for HMG in current judicial review proceedings supported by the campaign group BackTo60, challenging changes to the state pension age for women (*R(Delve) v SSWP* [2020] 1 CMLR 35 (Divisional Court) and [2020] EWCA Civ 1199 (CoA), currently on appeal to the Supreme Court).
- Acting in the Supreme Court in judicial review proceedings challenging the lawfulness of guidance to Local Government Pension Scheme administrators on boycotts, divestments and sanctions (*R(Palestine Solidarity Campaign) v SSHCLG* [2020] UKSC 16, [2020] 1 WLR 1774; Times, May 11 2020).
- Acting in current judicial review proceedings challenging the compatibility of the Investigatory Powers Act 2016 and the legal framework for governmental surveillance powers generally with human rights and EU law (*R(Liberty) v (1) SSHD (2) SSFCO* [2020] 1 WLR 243, and [2019] QB 481).
- Acting in discrimination challenges concerning welfare benefit schemes including Universal Credit and State Pension Credit – see e.g. *R(TP) v SSWP* [2020] EWCA Civ 37, Times 3 April 2020.
- Acting for the Labour Party in internal disciplinary proceedings concerning Ken Livingstone and issues of anti-Semitism.
- Acting for the Prime Minister in proceedings challenging the make-up of the panel for the Grenfell Tower Inquiry.

Contact Details

Julian.Milford@11kbw.com
+44 (0)20 7632 8500
Clerk Christopher Smith
Clerk Tom Street
Contact Clerks

- Acting in current proceedings before the European Court of Human Rights concerning alleged breaches of the ECHR and the Regulation of Investigatory Powers Act 2000, arising from disclosures made by *Edward Snowden (Big Brother Watch and ors v United Kingdom, 10 Human Rights Organisations v UK, Bureau of Investigative Journalism v UK* (The Times, 23 November 2018), now on appeal to the Grand Chamber of the ECtHR).
- Acting in judicial review proceedings alleging discrimination within the Local Government Pension Scheme concerning the provision of survivor's benefits to cohabitantes: *R(Harvey) v (1) Haringey LBC (2) SSCLG* [2019] Pens LR 3.
- Acting for the Metropolitan Police in judicial review proceedings before the High Court and CA challenging their power to question foreign nationals on their immigration status: *R(Centre for Individual Rights in Europe) v Secretary of State for the Home Department and anr* [2019] 1 WLR 3002.
- Acting for the Labour Party in proceedings challenging the Labour Party's right to determine the eligibility of members to vote in the 2016 leadership election: *Evangelou v McNicol* [2016] EWCA Civ 817.
- Acting on behalf of the Attorney General in a judicial review of the Attorney General's decision to veto the release of letters between The Prince of Wales and Government Ministers (*R(Evans) v Attorney General*).
- Cases in the European Court of Human Rights about subject-matter including the compatibility with the ECHR of the stop and search powers in the Terrorism Act 2000 sexual orientation discrimination in the armed forces, and the compatibility with the European Convention of changes to the state pension age.

Employment

Julian regularly acts for both claimants and respondents in a wide range of employment tribunal disputes, where his clients include major national and international companies, banks, local authorities, police forces, unions, and healthcare providers. He has appeared before the High Court, the Employment Appeal Tribunal and the Court of Appeal on behalf of clients in employment cases. He has wide experience across the employment tribunal's statutory jurisdiction and in High Court employment issues, including industrial action and business protection cases. His recent and current experience includes:

- Current Employment Tribunal cases include acting for the BBC in equal pay cases brought by claimants including Samira Ahmed (presenter of *Front Row*, *Newsnight* and other programmes); and acting for London Heathrow Airport in large-scale holiday pay litigation addressing issues of holiday pay calculation in light of *Bear Scotland, British Gas v Lock and Dudley MBC v Willetts*.
- Strike injunctions in the High Court on behalf of British Airways, Virgin Atlantic Airlines, Thomas Cook Airlines, and Govia Thameslink Railway (the franchise holder for the Southern Rail network): see e.g. *British Airways v BALPA* [2020] IRLR 43, *Virgin Atlantic Airlines v PPU* [2018] EWHC 3645, *Thomas Cook Airways v BALPA* [2017] IRLR 1137, *Govia Thameslink Railway Ltd v ASLEF* [2016] IRLR 686, [2016] EWHC 1320 and *Govia Thameslink Railway Ltd v ASLEF* [2016] EWHC 985.
- Complex employment tribunal discrimination/whistleblowing claims (recent examples include acting in age discrimination proceedings brought by directors of Swansea City Football Club, acting for Amazon in complex disability discrimination proceedings involving an in-house lawyer, and *EF v AB* UKEAT/0525/13 [2015] IRLR 619, concerning alleged sexual harassment of a senior executive).
- Test cases concerning the National Minimum Wage, including *Governing Body of Binfield Church of England Primary School v Roll* [2016] IRLR 670 *Nambalat v Taher/Udin v Chamsi-Pasha*, and current proceedings involving multiple claimants in the care sector.
- A number of large-scale equal pay employment tribunal claims. Julian has extensive experience in equal pay claims, and has been instructed both by individuals and on behalf of local authorities, unions, NHS Trusts, non-departmental public bodies, large outsourcing companies, and major supermarkets.
- A claim in which he obtained the then highest ever employment tribunal award on behalf of

a client under the Disability Discrimination Act 1995.

Information Law

Julian has acted in a number of high-profile cases concerning freedom of information, data protection, and data/privacy rights more generally. Recent and current work includes the following:

- Cases in the Investigatory Powers Tribunal concerning the activities of the Intelligence Agencies in connection with large-scale collection of data under warrants or authorisations, and data sharing with foreign intelligence agencies. See e.g. current proceedings against MI5 brought by Liberty and Privacy International, arising out of disclosures made to the Investigatory Powers Commissioner concerning MI5's handling of warranted data (*Liberty and Privacy International v (1) Security Service (2) SSHD IPT/20/01/CH*). Julian has also acted in a number of cases both domestically and in the ECtHR concerning the Intelligence Agencies, arising out of allegations made by Edward Snowden. Those include current proceedings against HMG in the Divisional Court challenging the compatibility of all the 'bulk' powers in the Investigatory Powers Act 2016 with human rights and EU law: *R(Liberty) v (1) SSHD (2) SSFCO* [2020] 1 WLR 243, and in the ECtHR, *Big Brother Watch v United Kingdom* (The Times, 23 November 2018), currently on appeal to the Grand Chamber of the ECtHR.
- Acting for the Information Commissioner in current Tribunal proceedings concerning the Information Commissioner's investigation into AdTech and targeted advertising on the internet (*Veale and Killock v Information Commissioner*)
- *Ittihadieh v Cheyne Gardens RTM Co Ltd/Deer v University of Oxford* [2018] QB 256. Cases concerning the meaning of "personal data" under the DPA, the ambit of the duty to comply with subject access requests under the DPA, and the scope of the court's remedial discretion.
- Acting for HMG in the Upper Tribunal in an important current challenge addressing the scope of the exemption from FOIA for vexatious requests: *Cruelty Free International v (1) Home Office (2) Information Commissioner*.
- *Vidal-Hall v Google Inc* [2016] QB 1003. A case concerning the use of "browser generated information" held by Google to target adverts at persons using the internet. The case concerns issues regarding (i) the scope of "personal data" under the DPA; and (ii) the availability of a remedy under the DPA for breaches involving no financial loss.
- The release of letters between The Prince of Wales and Government Ministers including the Prime Minister (*Evans v Information Commissioner and Cabinet Office*, and subsequent proceedings concerning the use of the veto).
- Issues as to whether water companies, the Sovereign or the Royal Household are public bodies for the purposes of the Environmental Information Regulations (*Fish Legal and Shirley v Information Commissioner and ors* [2015] UKUT 52; *Cross v Information Commissioner and ors* [2016] UKUT 0153).
- The release of records of conversations between Tony Blair and George Bush related to the Iraq War (*Plowden v Information Commissioner and FCO*).
- The release of telephone conversations between Lord Lawson and George Osborne.
- The release of documents held by the Cabinet Office related to the Hillsborough football disaster.

Education

Julian has recently developed an education practice, with a particular focus upon the higher education sector. He acted successfully for Oxford University in the first full trial in the Courts of England and Wales of negligent teaching allegations at a higher education institution: *Siddiqui v University of Oxford* [2018] ELR 320 and [2018] 4 WLR 62. In addition:

- Julian acted successfully for Oxford University in recent High Court disability discrimination and breach of contract proceedings (*Needham v University of Oxford*).

- Julian is currently acting for Rhondda Cynon Taff CBC in proceedings in the Court of Appeal concerning the proper interpretation of the School Organisation (Wales) Act 2013 in the context of a major school reorganization.
- Julian is acting for Anglia Ruskin University in current High Court proceedings challenging its termination of franchise arrangements with an education partner in Malaysia.
- Julian is currently acting for an Oxford College in breach of contract and disability discrimination proceedings.
- Julian has recently redrafted the complaint and harassment procedures for another Oxford College.
- Julian acted on behalf of the London Oratory School in a successful challenge to the Schools Adjudicator's finding that the school's admission arrangements were unlawful: *R(Governors of London Oratory School) v Schools Adjudicator*.

Recommendations

"He's highly responsive and a pleasure to deal with; he has an exceptional ability to distil highly complex issues and is extremely practical"

"He's incredibly knowledgeable"

"He is extremely bright, has empathy for his clients and is willing to take on any challenge"

"He is a persuasive and effective advocate"

"He is meticulous and approachable."

"Absolutely on top of his game and has a really good grasp on the detail of a case. Someone who absolutely delivers results."

"He is really, really bright and extremely technically strong."

"Extremely clever and thorough, and very impressive in writing."

"Charming, technically excellent and very supportive."

"He combines razor-sharp intellect with an ability to think practically and creatively."

"He's extremely clever, very nice to deal with, extremely hard-working and conscientious."

"Extremely knowledgeable and a good communicator who cuts to the chase and puts people at ease."

"His advice is thoughtful, practical, accessible and really helpful."

"A skilful opponent and masterful tactician."

"Very meticulous in his approach and on a personal level he's always approachable and never too busy for a quick word of advice."

"He is very knowledgeable, hardworking and dedicated to achieving the best outcome."

"A calm, courteous and effective barrister."

"An all-round employment specialist, with particular expertise in complex discrimination cases."

"Utterly charming and clients love him. If you give him a seemingly impossible deadline, he comes up with the goods."

"He's very good on his feet, and has an excellent grasp of detail and a sharp intellect."

“Julian is especially good at understanding sensitivities and concerns. He’s honest and forthright with issues and problems, and will lay the legal issues out, and explain the best option to go forward.”

“His manner in conference is beautiful. He’s approachable, articulate and very good at dealing with clients and understanding their perspectives.”

Chambers & Partners

“An exceptional barrister, who is very bright and has excellent technical knowledge. He has a razor-sharp mind, and is able to unravel the most complex of factual and legal cases into concise and convincing submissions.”

“Julian is a very considered advocate. He strongly advocates for his client but he is not unnecessarily aggressive or combative, which is a real strength in my view in a public law barrister.”

“He has an exceptional mind as well as being extraordinarily good with all kinds of different clients.”

“He is meticulous and approachable.”

“He has detailed knowledge of the DPA, is hardworking, thorough and a good team player.”

“He is very efficient, a pleasure to work with and gives solid and clear advice.”

“He has good client skills and delivers meticulous advice.”

“A technical expert, who is strategic and client-friendly.”

“A strategic and technically expert advocate.”

“He is effective and charming.”

“He has an exceptional mind as well as being extraordinarily good with clients.”

“He is intellectually rigorous and works very well with clients, commanding their complete confidence.”

“Particularly strong in the field of information law, especially in cases involving national security or international relations.”

Legal 500

Recent Cases

R(Adiatu) v (1) Her Majesty’s Treasury (2) SSWP

[2020] IRLR 658

The Coronavirus Job Retention Scheme was not discriminatory contrary to the ECHR or EU law, on the basis that it excluded “limb b” workers from its scope. The lower earnings limit within, and rate of, statutory sick pay were not discriminatory contrary to EU law against BAME workers in the context of the Covid-19 pandemic. The Government had not failed to comply with the public sector equality duty in respect of any of the matters challenged, and the PSED did not apply to primary legislation.

R(Delve) v Secretary of State for Work and Pensions

[2020] 1 CMLR 35 (Divisional Court), [2020] EWCA Civ 1199 (Court of Appeal)

Legislation which raised the state pension age for women born on or after 6 April 1950, with the aim of equalizing the state pension age between men and women, did not discriminate directly

or indirectly against women, either on the ground of sex or age, or sex and age combined. Nor had women born in the 1950s received inadequate notice of the changes: they had no legitimate expectation that they would be given individual notice of the changes affecting them.

R(Palestine Solidarity Campaign) v Secretary of State for Communities and Local Government

[2020] UKSC 16, [2020] 1 WLR 1774; Times, May 11 2020

The Secretary of State's guidance to local government pension scheme authorities, to the effect that they were not entitled to take into account non-financial factors in their investment decisions where this was contrary to UK foreign or defence policy, was contrary to the Padfield principle. Julian acted for the SoS in the Supreme Court, CoA and Administrative Court.

R(Jackson) v Secretary of State for Work and Pensions

[2020] 1 WLR 1441

The provision of the Pensions Act 2014 allowing higher rate bereavement support payment to be paid to surviving spouses or civil partners only was incompatible with the ECHR

R(TP) v Secretary of State for Work and Pensions

[2020] EWCA Civ 37, The Times 3 April 2020

The transitional scheme for moving from legacy benefits to Universal Credit unlawfully discriminated in certain respects against persons moving from one local authority area to another, contrary to Article 1 Protocol 1 and Article 8 read with Art 14 ECHR.

British Airways v BALPA

[2020] IRLR 43 CoA

The High Court had been right to decline to grant an injunction preventing a pilots' trade union from inducing strike action against British Airways, because the ballot notice had not breached TULRCA in respect of its categorization of pilots. Julian acted for British Airways.

R(Liberty) v (1) SSHD (2) SSFCO

[2020] 1 WLR 243

Liberty challenged a range of surveillance powers in the Investigatory Powers Act 2016 ("the Snooper's Charter") on the basis that they are inconsistent with EU law and Articles 8 and 10 ECHR. The challenge was listed by "The Lawyer" as one of the 20 most important cases of 2018. The Divisional Court determined parts of the EU law challenge in 2018 ([2019] QB 481), and gave judgment in HMG's favour on Liberty's Human Rights Act claim. Julian acts for HMG.

R(Harvey) v (1) Haringey LBC (2) SSCLG

[2019] Pens LR 3

This judicial review claim challenged rules in the Local Government Pension Scheme for survivors' pensions, on the basis that they were contrary to Art 14 and A1P1 ECHR, because they applied to spouses and not cohabitants. Julian acted successfully for HMG.

Virgin Atlantic Airways v PPU

[2018] EWHC 3645 (QB)

PPU's ballot for industrial action, to induce pilots working on VAA to take industrial action over Christmas 2018, was unlawful. Julian acted for VAA.

R(Centre for Individual Rights in Europe) v Secretary of State for the Home Department and another

[2019] 1 WLR 3002

The police were entitled under Operation Nexus to question suspects detained in police stations as to their immigration status, since they (i) had the same powers as any natural person to engage in non-coercive questioning; and (ii) in any case, assisting the Home Office on matters of immigration was within police functions. Julian acted for the Metropolitan Police Commissioner in the High Court and Court of Appeal.

Big Brother Watch and others v UK

(ECtHR, November 2018)

These applications arose from allegations made by Edward Snowden about the activities of the UK Intelligence Services. They challenged (i) the regime for bulk interception of communications in the Regulatory Powers Act 2000 (ii) the regime for acquisition of communications data in Chapter 2 Part 1 RIPA and (iii) the regime for intelligence sharing

between the UK and foreign states, on the basis that they were contrary to Arts 6, 8, 10 and 14 ECHR. The ECtHR (First Section) found that the regimes for bulk interception and acquisition breached Article 8 in certain specific respects, but the regime for intelligence sharing was compatible with the ECHR. The case has been referred to the Grand Chamber of the ECtHR. Julian acts for HMG.

Siddiqui v University of Oxford

[2018] ELR 320, [2018] 4 WLR 62

This was the first full trial of negligent teaching allegations against a higher education institution, brought by a former undergraduate who alleged that teaching on his history course was negligent. The claim was dismissed: the Court also gave guidance on qualified one-way costs shifting. Julian acted for the University.

Ittihadieh v 5-11 Cheyne Gardens RTM Co Ltd/Deer v University of Oxford

[2018] QB 256

Cases concerning the scope of the definition of “personal data” in s.1 DPA; who is a “data controller”; what constitutes a subject access request; whether the duty to comply with a SAR is limited to a duty to carry out a reasonable and proportionate search; the extent of the exemption from data protection duties for data processed for the purposes of personal, family or household affairs; and the extent of the court’s discretion to order a data controller to comply with a SAR. Julian acted for the Information Commissioner.

Thomas Cook Airlines Ltd v BALPA

[2017] IRLR 1137

BALPA’s ballot for industrial action by airline pilots was lawful, because the voting paper did not infringe new legislative provisions about the period of industrial action contained in s.229(2D) Trade Union and Labour Relations (Consolidation) Act 1992. Julian acted for Thomas Cook.

Evangelou v McNicol

[2016] EWCA Civ 817, Times 7 September 2016

The decision of the Labour Party’s NEC to restrict voting rights in the Labour Leadership election to those persons who had joined the party before 12 January 2016 was not in breach of the claimants’ contracts for membership of the party.

Govia Thameslink Railway Ltd v ASLEF

[2016] EWHC 1320 QBD, 2 June 2016; [2016] IRLR 686

Interim injunction granted to prevent union from inducing train drivers employed on Southern and Gatwick Express services from taking part in industrial action, where GTR was likely to succeed at trial in showing (i) there had been a prior call by the trade union to take part in industrial action to which the ballot related; and (ii) the ballot had been extended to workplaces to which there was no union member directly affected by the dispute.

Govia Thameslink Railway Ltd v ASLEF

[2016] EWHC 985, QBD 22 April 2016

Interim injunction granted to prevent union from inducing train drivers employed on Gatwick Express from breaking their contracts by taking part in industrial action for which no ballot had been held.

Appointments

Julian is a member of the Equality and Human Rights Commission’s A Panel of Counsel.

News, Articles and Publications

Contributor to Tolley’s Employment Handbook and Butterworth’s Employment Service.

Education

Julian read English Literature at St. John’s College, Oxford, and studied piano and piano

accompaniment at the Curtis Institute of Music in Philadelphia and the Guildhall School of Music. He subsequently spent a number of years as a professional pianist, becoming one of Britain's leading young chamber musicians.



ADDRESS

11KBW

11 King's Bench Walk

Temple

London

EC4Y 7EQ



CONTACT US

T +44 (0)20 7632 8500

F +44 (0)20 7583 9123

OUT OF HOURS CLERK

T +44 (0)7824 365 991



EMAIL

clerksroom@11kbw.com

DX NUMBER

LDE 368
