

**CITY OF LONDON LAW SOCIETY**

**EMPLOYMENT LAW COMMITTEE**

**MINUTES OF A MEETING HELD AT  
STEPHENSON HARWOOD, 1 FINSBURY CIRCUS, LONDON EC2M 7SH  
ON 12 DECEMBER 2012**

**In attendance:-**

Gary Freer (Chairman)	Pinsent Masons
Elaine Aarons (Vice Chairman)	Withers
Elizabeth Adams	DAC Beachcrofts
Catherine Brearley	Stephenson Harwood
Oliver Brettle	White & Case
William Dawson	Farrers
Anthony Fincham	CMS Cameron McKenna
Sian Keall	Travers Smith
Michael Leftley	Addleshaws
Jane Mann	Fox Williams
Mark Mansell	Allen & Overy
Laurence Rees	Reed Smith
Nicholas Robertson	Mayer Brown

**Absent with apologies:-**

Paul Griffin (Secretary)	Norton Rose
Helga Breen	Lawrence Graham
David Harper	Hogan Lovells
Ian Hunter	Bird & Bird
Charles Wynn-Evans	Dechert

**1 Minutes of Last Meeting**

These were approved.

**2 Matters arising from the Minutes**

There is as yet no date announced for the beginning of the Government's proposed Formal Consultation on the TUPE Regulations, to which the Committee will wish to contribute.

**3 New Members**

There are two vacancies. It was agreed that the Chairman would contact the CLLS reps of city firms and would advertise in the Newsletter to invite candidates to apply.

**4 Recent Cases**

*Cook v Liddell's Coaches*

This is another decision in which the EAT has chipped away at the service change provisions of "new TUPE" - thus introducing so much uncertainty that the law now appears little more certain than it was before it was enacted.

*Imam-Sadeque v Bluebay Asset Management*

Judgement in this case had been given by Popplewell J earlier this week. Mark Mansell, who acted for the successful Defendant, summarised the decision, which may be of

considerable practical importance - particularly in relation to issues concerning the relevance of the contractual doctrine of penalties to deferred consideration arrangements.

*Coulson v News Group Newspapers*

The Court of Appeal had overturned the High Court's decision on the scope and enforceability of the indemnity given by a newspaper group to its Editor. Mark Mansell summarised the key points of the decision.

**5 Dates and Venues of Meetings for 2013**

These will be notified separately. Sian Keall, Mark Mansell, Liz Adams and Oliver Brettle kindly volunteered to host meetings.