



## Harry Sheehan

Year of Call: 2017

Harry has a busy practice which covers all of Chambers' core practice areas including personal injury, employment, and tax. Harry's practice also encompasses consumer credit litigation.

Harry has been instructed as junior counsel in a number of large and complex cases. He was instructed in the Supreme Court in the case of *Cape Intermediate Holdings Ltd v Dring* [2019] UKSC 38 as junior counsel to Robert Weir QC and in the Court of Appeal as junior counsel to Jonathan Peacock QC in the case of *Kickabout Productions Limited v HMRC*. He regularly acts as sole counsel in both the civil courts and employment tribunals.

Prior to commencing Pupillage, Harry read Philosophy at Cambridge and obtained a masters from UCL where he studied the nature of promises.

### Recommendations

"Harry is a trusted advisor. He's highly intelligent and technically sound. The best thing is that he gives an honest and impartial view of a case – and provides a clear strategy, together with practical and client-focused solutions" - *Stephen Hall, Lawyer, BT Legal*.

"From a Solicitor's perspective, Harry is a great barrister to work alongside. Harry is flexible in his approach and takes on board the level of support and advice requested by the client and/or Instructing Solicitor." - *Bronya Greatrex, Solicitor, Hempsons*

"Harry strikes an incredibly important balance between robust and persistent when necessary whilst being respectful, charismatic and unprovocative and understands how to subtly tweak this balance to suit the preferences of the Judge he is before and based on the progress of the hearing" - *Bronya Greatrex, Solicitor, Hempsons*.

### Employment

Harry has a broad practice covering all areas of employment law and acts for both claimants and respondents. Harry has also received instructions in the Employment Appeal Tribunal and is comfortable with complex appellate litigation.

He has acted in cases involving a wide variety of issues and is particularly familiar with cases of unfair dismissal, discrimination, whistleblowing and pay claims.

Harry's recent instructions in the Employment Appeal Tribunal include:

- *British Telecommunications plc v Robertson* (UKEAT/0229/20/RN) - Harry acted for the successful Respondent, appealing against the decision of the Employment Tribunal that the employee had been both unfairly dismissed and subjected to s.15 discrimination arising from disability. Auerbach J accepted that the Tribunal had failed to properly apply the test for causation under for the purposes of s.15 after reaching an

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unexpected finding in relation to disability. He also found that the Tribunal had erred in relation to the claim for failure to make reasonable adjustments, and dismissed that aspect of the claim without remitting it to the Tribunal.

- *Johnson v Latchman* (UKEAT/0239/19/OO) - Harry acted for the successful Claimant, responding to an appeal against a decision to extend the time for a Claimant to bring a claim for disability discrimination. Tucker J found that the ET's findings were open to it, and that, in any event, she would have made the same decision.
- *Godwin Jumbo v Zonal Retail Data Systems* (UKEAT/0275/19/LA) - Harry acted for the Respondent and responded to an appeal against a decision not to allow the Claimant to amend his claim to add four new causes of action where the Claimant had argued the ET had misapplied both the tests for extension of time and the balance of hardship test for applications to amend.
- *Le Page v East London NHS Foundation Trust* (UKEAT0161/19/OO) - Harry represented the Respondent who successfully applied for costs following withdrawal of the Claimant's appeal. Eady J accepted the Respondent's submissions and awarded costs having found that the appeal was both unreasonable and misconceived.

Harry has recently been instructed in the following matters in the Employment Tribunal:

- *Wignall v Wincanton Group Ltd*  
– Harry acted for the Respondent in a four-day hearing opposing a claim for disability discrimination. The majority of the Claimant's claims were found to have been brought out of time and the Claimant's claim for deduction from wages succeeded only in respect of a single day.
- *Bhogal v The Culture Trip Ltd*  
- Harry acted for the successful Respondent in a three-day hearing opposing a claim for unfair dismissal following a redundancy exercise involving collective consultation with 115 at-risk employees.
- *Sterling v Genesis Research Trust and Professor Lord Winston* - Harry acted for the successful Respondents opposing an application for interim relief on the basis that the redundancy exercise leading to the Claimant's dismissal was likely genuine.
- *Singh v M&S plc*  
- Harry acted for the Respondent in a seven-day hearing dealing with numerous allegations of discrimination arising from the Claimant's disability which alleged to culminate with forcing the Claimant to resign. Harry successfully defended the Claim in its entirety.
- A claim for discrimination and harassment on the basis of the claimant's race in which an employee was subjected to racial bullying throughout his employment. The employee has suffered psychiatric injuries which remain unresolved and make it impossible for him to return to work. Harry is acting for the Respondent.
- A highly contentious whistleblowing case (acting for the Respondent) in which anonymisation orders have been made and the disclosures are said to have been made in bad faith which was listed for an 8 day hearing prior to settlement. Harry was successful in defending the anonymisation order despite challenge by the Claimant.
- *Black v FCO Services* - A ten day trial for constructive unfair dismissal and disability discrimination in which the Harry acted for the Respondent (led by Christopher Stone) and successfully restricted the scope of the Claimant's claim to the month prior to dismissal although the claim related to events that took place several years beforehand.
- *Voronov v University Hospital Southampton NHS Foundation Trust* - Harry acted for the Respondent in a four-day hearing dealing with the Claimant's allegation that he had not been hired because of his race, age or sexual orientation. Harry successfully defended the Claim in its entirety.

- *Robertson v British Telecommunications plc* - Harry acted for the Respondent in the two-day remedy hearing, dealing with issues of pensions loss and loss of earnings over a period of two years following dismissal, and was successful in obtaining judgment in the sum contended for by the Respondent which was roughly half the sum that the Claimant was seeking.

In addition to regular appearances in the Employment Tribunal and the Employment Appeal Tribunal, Harry's practice includes drafting witness statements, assisting in grievance and disciplinary investigations, and advising clients both in writing and in conference.

## Personal Injury

Harry has experience in a wide range of personal injury matters. He regularly acts as sole counsel in personal injury cases on the multi-track and has appeared in a large number of trials of matters allocated to the fast track. He also has experience in attending inquests in matters where fatal accident claims are in prospect. Harry predominantly represents Claimants but also accepts instructions to act on behalf of Defendants.

Harry was instructed as junior to Robert Weir QC in a case concerning access to court documents and appeared in the Supreme Court (as junior counsel) in the matter of *Cape Intermediate Holdings Ltd v Dring* [2019] UKSC 38. Harry acted for the successful Respondent.

Harry's recent instructions include:

- A case in which the Claimant was hit by a vehicle travelling at speed while using a zebra crossing, resulting in permanent injuries to her back, neck and hip as well as substantial scarring.
- A two day inquest into the death of a person resulting from a pulmonary embolism whose prescription for anticoagulation medication ended after a review appointment was cancelled due to the Covid 19 pandemic. Harry was instructed on behalf of the bereaved family.
- A case in which the Claimant was struck in the head by a falling wooden plank, causing him orthopaedic, neurological and ophthalmic injuries as well as a consequential diagnosis of chronic pain.
- A case in which the Claimant suffered multiple lacerations to the face and a subcutaneous haematoma in her shin. The Claimant has been left with scarring in 3 locations, requiring extensive plastic surgery to resolve.
- A case in which the Defendant's unsafe working practices are alleged to have caused a serious spinal injury to the Claimant which renders him unable to work for the rest of his life. The Claimant requires ongoing pain management as a result of his symptoms.
- A case in which the Claimant suffered a severe Orthopaedic Injury after which he was diagnosed with dementia, leading to issues with lack of capacity and potential Court of Protection involvement in the management of damages.

Harry's areas of expertise include:

- Road traffic accidents
- Motorcycle accidents

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- Accidents overseas
  - Employers' liability cases
  - Occupiers' liability cases
  - Tripping and slipping cases

As pupil to Jonathan Butters, Harry also gained experience in clinical negligence and asbestos related diseases.

## Tax

Harry has a broad practice in tax. He has experience in both contentious and non-contentious matters and acts on behalf of both taxpayers and the revenue. He has experience in Capital Gains Tax, Inheritance Tax, Stamp Duty Land Tax, and overseas issues such as the Transfer of Assets Regime. Harry has acted in several appeals in the Tax Tribunal and is familiar with the procedural aspects of challenging decisions by the Revenue.

Harry's recent appearances in the Upper Tribunal (Tax Chamber) include:

- *Daarasp and anor v HMRC* which concerned the application of the *Ramsay* principles to determine whether expenditure was 'incurred on' the acquisition of software rights as well as the construction of a closure notice for the purpose of determining the jurisdiction of the First-tier Tribunal (led by Aparna Nathan QC).
- *HMRC v Kickabout Productions Limited* which concerned the correct application of the *Ready Mixed Concrete* test in IR35 cases (led by Georgia Hicks).

Harry's recent advisory work includes:

- Providing comprehensive advice concerning the repayment of an interest free loan by an offshore trust, giving rise to issues under the Transfer of Assets Regime and the repayment of a debt, and the meaning of a "debt on a security" under the TCGA 1992.
- Advising (as junior to Marika Lemos) on the unwinding of a structure involving multiple offshore trusts, sub-trusts and companies, giving rise to numerous issues including the application of part 7A of ITEPA, the Transfer of Assets Regime, Capital Gains Tax and SDLT.

Harry has recently been instructed in a number of tax cases on behalf of the revenue (led by Marika Lemos) including:

- An alleged tax avoidance scheme which sought to dispose of trust property in the UK and acquire similar trust property offshore to avoid a charge to inheritance tax of around 2.4 million pounds.
- An alleged tax avoidance scheme which sought to artificially engineer capital losses to reduce a charge to capital gains tax of around seven hundred thousand pounds.

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- An alleged tax avoidance scheme intended to circumvent capital gains tax in which the issues involve the identification of a "qualifying option" under s.143 TCGA 1992 and application of the Penalties Regime under both the Finance Act 2007 and the Taxes Management Act 1970.
  - Harry is currently instructed on behalf of the revenue (led by Chris Stone) in relation to an alleged tax avoidance scheme which sought to avoid capital gains tax by relocating a trust shortly before and after disposing of valuable assets.

### **Insurance & Reinsurance**

Harry is developing a practice in insurance litigation.

### **Commercial Litigation and Disputes**

Harry accepts work in a variety of commercial matters and regularly receives instructions from large UK based service providers.

Harry is also regularly instructed in cases involving matters of consumer finance, including claims under section 75 of the Consumer Credit Act 1974 and allegations of mis-selling.

During the course of pupillage, Harry gained experience of litigation in UK courts involving jurisdictional issues posed by non-domestic parties, and disputes arising from international arbitration.

### **Financial Mis-Selling and Consumer Credit**

Harry regularly accepts instructions in consumer credit claims and is principally instructed on behalf of the consumer. His recent instructions include:

- Secret Commissions claims in a number of different industries including the non-status lending market.
- Timeshare mis-selling claims brought against the creditor pursuant to sections 56, 75 and 140A of the Consumer Credit Act 1974.
- A claim against a bank for breach of its "Quincecare" duty to prevent fraud.
- PPI mis-selling claims on the basis of the non-disclosure of excessive commission rates. Harry's experience in this area include issues involving limitation, compromise, and the transitional provisions in the Consumer Credit Act 2006

### **Off-payroll working (IR35)**

Harry acted for the taxpayer in *HMRC v Kickabout Productions Ltd* in the Upper Tribunal and the Court of Appeal (led by Jonathan Peacock QC). The case concerned a number of issues including the proper application of the *Ready Mixed Concrete* test and the proper construction of hypothetical contracts of employment for the purposes of IR35.

Harry has previously assisted Marika Lemos on behalf of a taxpayer in preparing pre-action correspondence in relation to a dispute with HMRC over the application of the IR35 provisions.

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Harry also has experience of worker and employee status issues in the context of Employment Tribunal litigation and is able to draw upon experience of disputes in both revenue and employment cases.

### **Academic**

City University, Bar Professional Training Course (very competent)

City University, Graduate Diploma in Law (Distinction)

University College London, MPhil Stud. Moral and Political Philosophy

University of Cambridge (Selwyn College), MA (Double First Class Honours Degree) Philosophy

### **Awards & scholarships**

Dawes-Hicks Scholarship

Inner Temple Major Scholarship

Lifetime scholar of Selwyn College

### **Memberships & Associations**

PIBA; ELBA; ELA; RBA

### **Mooting**

Quarter-finalist - City University GDL Mooting competition

Semi-finalist - National Speed Mooting competition

Quarter-finalist - Crown Office Chambers Mooting Competition