
NIRAN DE SILVA

Call: 1997



General

Described by Chambers and Partners as being “very bright”, “clear and concise” and “tenacious”, Niran de Silva specialises in employment-related disputes involving issues of discrimination, directors’ duties, shareholder rights or restrictive covenants. He regularly appears in the High Court, the EAT and the Employment Tribunal and he was also Counsel to the Metropolitan Police in the Morris Inquiry into Professional Standards in the Metropolitan Police Service.

He also acts in commercial disputes between companies, including having appeared in the leading cases on the entitlement of utility companies to recover the costs of repairing and installing their networks.

His education work, which focuses in particular on discrimination claims, has seen him act for universities, schools and examination bodies in the county court and in the Special Education Needs and Disability Tribunal.

He is also the sub-editor of Parker on Election Law, the leading textbook on the subject, and advises and acts for returning officers and petitioners in election petitions.

He lectures on a range of topics (through chambers, to professional organisations such as ELA and through MBL Seminars) including Restrictive Covenant Injunctions, Electronic Disclosure in Commercial Litigation and Litigating High-Value Employment Claims.

Employment

Chambers and Partners acknowledges Niran’s “forte” in discrimination claims and restrictive covenant injunctions, in which he regularly appears in the High Court.

He has represented companies and individuals in high-value wrongful dismissal and bonus claims in the High Court, the Employment Tribunal and the EAT.

Niran was Counsel to the Metropolitan Police Service in the Morris Inquiry into professional standards in the police and has an expertise in claims involving the police and other public bodies, including in equal pay.

He is acting (led by Antony White QC) in multi-claimant sex discrimination and equal pay litigation in the North East of England including *Allen v UNISON*; *Brennan v Sunderland & Others* and *Appleby v Gateshead & Others*.

Notable recent cases include:

Verdin v Harrods Ltd [2006] IRLR 339, concerning issue estoppel when running concurrent claims in the High Court and the Employment Tribunal.

Nationwide v Niblett [2009] UKEAT 524, addressing the correct approach to the question of constructive unfair dismissal.

A v B [2009] UKEAT 421, concerning employment and worker status of PhD students.

Barkas v Metropolitan Police Service [2010] UKEAT 0149/09 on the correct approach to addressing limitation issues at Pre-Hearing Reviews.

Commercial

He acted for British Telecommunications in the High Court and the Court of Appeal a series of tests cases concerning the quantification of compensation and damages in statute and in negligence where BT's network was damaged, including *Gwynedd Council v BT* [2004] EWCA 942 (Independent 22 July 2004), on the recoverability of costs under the New Roads and Street Works Act 1991 and *BT v Geraghty & Miller* (2004) LTL 21 September on the recoverability of fixed overheads in tortious claims. His commercial work covers a range of court and advisory work. Recent cases have included acting for a film distribution in injunctive proceedings arising from alleged breaches of its licence, appearing for the defendant company in a case concerning disputed sums said to be owed to a lender and advising the purchaser in dispute arising from the sale of an insurance brokerage.

Education

Niran acts for colleges, universities and examination bodies in the county court, in particular where there are allegations of race, sex or disability discrimination. He also appears for schools in discrimination claims the Special Education Needs and Disability Tribunal.

He appeared for the successful respondent (led by John Bowers QC) in the Court of Appeal in *Ahmed v Oxford University* [2003] 1 WLR 995, the leading authority on the role of assessors in discrimination claims heard in the courts.

In addition, he regularly acts for and advises teachers and head teachers in internal disciplinary hearings and related court and tribunal proceedings.