

Antoine Tinnion

Call 2004

"He is concise, a superb draftsman, and a very able Advocate. He will go the extra mile with clients directly, inevitably puts them at ease, and is very effective at managing expectations."

Legal 500

EXPERTISE

Employment

The Legal 500 has listed Antoine as a leading Employment barrister every year since 2011. He has broad experience in all the main ET jurisdictions (discrimination, unfair and wrongful dismissal, wage disputes, breach of contract, TUPE, pregnancy/maternity claims, whistleblowing, equal pay) as well as some of the lesser known jurisdictions (appeals against industrial training levies). He advises individual, corporate and public sector clients in High Court and County Court disputes involving Employment law (restrictive covenants, breach of confidence). Antoine is an experienced appellate advocate (12 full EAT appeals, 1 Court of Appeal appeal), and has appeared in ETs in England, Wales, Scotland and Northern Ireland.

In 2020 Antoine was appointed an Employment Judge in Scotland, and in 2021 as an Employment Judge in London Central ET. He continues to act for claimants and respondents in all ETs where he does not sit as a judge.

Commercial/Chancery

The Legal 500 has listed Antoine as a leading Commercial barrister since 2011. Antoine has specialised in business disputes since qualifying as a solicitor at Slaughter and May in 1996. In 1997 – 2004, he practiced Commercial Litigation in New York at two major US firms (Debevoise & Plimpton, Skadden Arps).

Antoine's Commercial practice involves advising and representing sole traders, partnerships, companies, shareholders, directors and those in dispute with them (customers, lenders, investors) in (1) contract disputes (2) debt collection (3) directors duties/disqualification (4) shareholder disputes (5) mis-selling (6) commercial landlord and tenant (7) corporate and personal insolvency (8) professional negligence (esp. involving solicitors) (9) construction (10) fraud/embezzlement (11) sale of goods (12) partnership disputes (13) breach of confidence (14) insurance.

Antoine has substantial experience drafting and arguing urgent interim applications, and obtained numerous interim freezing orders. His Commercial practise aims to combine technical expertise with pragmatic advice aimed at achieving the best commercial outcome at lowest cost. Antoine is experienced in the use of mediation/ADR to resolve commercial disputes.

Property

Antoine has a keen interest in disputes concerning land law and landlord and tenant matters (commercial and residential). He advises commercial and social landlords, tenants, banks and other lenders, developers, vendors, purchasers, agents, neighbours and those dealing with them.



Expertise

Employment

Business & Commercial
Litigation

Consumer Law & Professional
Negligence

Inheritance, Probate & Trusts

Property

Insolvency & Restructuring

International & Offshore

APPOINTMENTS

- Antoine was appointed an Employment Judge in Scotland in 2020 and in London Central ET in 2021.
- Antoine is on the Attorney General's Regional B Panel of Counsel, and is regularly instructed by the Government Legal Department in Employment and Commercial/Insolvency-related matters.

MEMBERSHIPS

- Northern Business & Property Bar Association
- Employment Law Bar Association
- North East Circuit

ARTICLES & PUBLICATIONS

"Selection Box: Employers Enjoy High Degree of Flexibility When Choosing Redundancy Selection Criteria", New Law Journal, 16 November 2012

EDUCATION, HONOURS, AWARDS, QUALIFICATIONS

- Cambridge University – BA in Law (1st Class Honours), Sidney Sussex College Scholar, Tripos Prize
- Oxford University – MA in Politics Philosophy & Economics
- Harvard Law School – Masters degree in Law, financial scholarship
- Admitted to New York Bar (1998)
- Admitted to Roll of Solicitors of England and Wales (1996)

DIRECT ACCESS

Antoine is able to consider instructions direct from members of the public. Any requests should be directed to his clerks in the first instance.



Clerking team



Steve Walker
Lead Civil Clerk
0191 245 9589



Josh Stewart-Tilling
Lead Employment Clerk
& Civil Clerk
0191 300 9359



Paul McNab
Civil & Criminal Silks'
Clerk
0113 3235 955



Aimee Bloxham
Civil Clerk
0191 245 9556



Chris Gibbin
Clerk
01642 247 569

What Others Say

66

"He demonstrates good knowledge and quickly grasps the key issues. A responsive junior."

Employment, Legal 500 2022

"He is concise, a superb draftsman, and a very able Advocate. He will go the extra mile with clients directly, inevitably puts them at ease, and is very effective at managing expectations"

Commercial Litigation, Legal 500 2021

"A no-nonsense and well-respected advocate who sees the angles quickly"

Employment, Legal 500 2021

"A superb draftsman who is also excellent with clients"

Commercial, Banking, Insolvency & Chancery, Legal 500 2020

"Someone you want in your corner and not on the other side"

Employment, Legal 500 2020

"Tenacious on his feet"

Commercial, Banking, Insolvency & Chancery, Legal 500 2019

"His practice includes restrictive covenants and discrimination matters"

Employment, Legal 500 2018

"His attention to detail is truly mind-boggling"

Legal 500 2017

"Mr Tinnion was called to give expert evidence on the law of the State of New York. He is very well qualified to do so, having qualified at the New York Bar and practised with two of the most reputable firms in New York over seven years, as well as having a Master's Degree from Harvard. He is also qualified as a Barrister and Solicitor in England. I found him to be an impressive witness who properly discharged his duty to the tribunal; indeed his evidence on the issue of whether under New York law the employer has a right of suspension without pay, his evidence directly contradicted the Second Respondent's case and led to the Claimant's claim for unpaid wages against the Second Respondent being conceded at a late stage in the proceedings. I accept Mr Tinnion's evidence in its entirety."

Employment Judge Wallington Q.C. Martin v Poseidon Systems Ltd and Poseidon Systems LLC, Employment Tribunals(Scotland) May 2017

"Has an interesting depth of experience to draw upon, having accrued legal expertise in domestic and international matters in his long tenure as an advocate. He frequently represents respondents and claimants across the full spectrum of matters, including discrimination, unfair dismissal, wage disputes and TUPE matters. He is also a leading authority in the area of restrictive covenants." "Very thorough and good at identifying issues and focusing on the ultimate objective."

Chambers & Partners 2017

"A robust advocate, whose client service is second to none"

Commercial, Banking, Insolvency & Chancery, Legal 500 2016

"A hardworking practitioner with an excellent attention to detail"

Employment, Legal 500 2016

"His preparation is very thorough and his submissions to the Tribunal are excellent"

Employment, Chambers & Partners 2016

"He is happy to go the extra mile and is particularly good in more complex cases"

Employment, Chambers & Partners 2016

"Bold and incisive"

Commercial, Banking, Insolvency, Legal 500 2015

"One of the sharpest minds practising employment law today"

Employment, Legal 500 2015

"Fiercely combative and intelligent"

Legal 500 2014

"commended for his 'tremendous work ethic and forceful advocacy'"

Legal 500 2013

"Names of note at Trinity Chambers include Antoine Tinnion, who has 'excellent legal knowledge' and pays 'high attention to detail'"

Legal 500 2011

"impressed" with the "excellence" of Antoine Tinnion's advocacy (para. 5 of *Link Lending Ltd. v. Bustard* [2010] EWCA Civ. 424)"

Court of Appeal

Notable Cases

Employment

- *Brought v ACAS* (Case: 1805305/2022) successfully defended ACAS against a claim in the Leeds ET of 'philosophical belief' discrimination brought by a former employee under the Equality Act 2010.
- *DWP v Boyers* [2022] EAT 76 (2nd appeal re: s.15 Equality Act 2010 proportionality defence)
- *Sec of State for Justice v Johnson* [2021] UKEAT/0173/20 (resisting former employee's claim for disability-related harassment, EAT appeal re: jurisdiction/time limits)
- *DWP v Boyers* [2020] UKEAT/0282/19 (resisting former employee's claims of unfair dismissal and disability discrimination, EAT appeal re: s.15 Equality Act 2010 proportionality defence)
- *Linsley v HMRC* [2019] IRLR 604 [2018] UKEAT/0150/18 (acting for disabled employee in ET and EAT pursuing reasonable adjustments claim based on failure to provide dedicated parking space)
- *Harpham v (1) Mansfield Community & Voluntary Services (2) Newton* (2018, Nottingham ET) (12 day case resisting claims of unfair dismissal, whistleblowing, victimisation)
- *Gainford Care Homes Ltd v. (1) Tipple (2) Roe* [2016] All ER (D) 112 [2016] EWCA Civ. 382 (appeal against strike-out order under Rule 18(7) (c); tribunal's duty to give reasons)
- *GM Packaging (UK) Ltd v. Haslem* [2014] All ER (D) 209 [2013] UKEAT/0259/13 (unfair dismissal for misconduct: identifying 'principal reason' for dismissal; substitution; perversity; whether dismissal outside range of reasonable responses)
- *LLDY Alexandra v. UNITE THE UNION* [2014] UKEATS/002/14 (acting for union at ET and EAT resisting appeal against ET's finding that TUPE transferor and transferee breached duty to state reasons for transfer, failed to give employees information in advance of transfer)
- *Gainford Care Homes Ltd v Kennedy* [2014] UKEAT/0155/14 (acting for employer in appeal against ET's finding of fact alleged to breach rules of natural justice)
- *Swinburne & Jackson LLP v. Simpson* [2013] UKEAT/0551/12 (appeal against unfair dismissal for redundancy: misdirection; perversity; substitution; failure to give reasons)
- *Executive Training Solutions Ltd v. Howe* [2011] EWHC 2031, ChD (resisting claim by former employer to account for sums earned during/after employment; duty to account; illegality defence)

Commercial

- *Bibby Invoice Discounting Ltd v (1) Thompson Facilities and Project Management Services Ltd (2) Thompson Power Tool Services UK Ltd* [2021] EWCA (resisting debt claims by assignee)
- *A1 Alpha Properties (Leicester) Ltd v Mezzino Ltd* (2018, Newcastle County Court) (acting for landlord asserting £500,000 claim against former agent, defending £500,000 counterclaim)

- New Horizon Holdings, Inc. v. Edwards (2018, High Court – Leeds) (acting for US company seeking to enforce US\$37 million judgment against British defendant in prison in Nevada; freezing injunction)
- Nova Payroll Management Services Ltd v (1) Field (2) Nurtured Care Ltd (2017) (acting for former employer seeking injunctive relief against former employee and new employer based on breaches of contract committed prior to termination of employment contract)
- Morris v The Highland Group Int'l GmbH (2017, High Court – Leeds) (acting for Swiss company in liquidation in Switzerland resisting petition for winding up order in England)
- Pitilla v. Pitilla (2017, Newcastle County Court) (acting for beneficiary asserting claim against executor based on his failure to pay testamentary inheritance)
- McAskill v (1) Fulton (2) Fulton (3) Total Solutions Direct Ltd [2015] LTL 28/4/2015 (Ch.) (application for leave to bring a derivative claim in company's name against directors/shareholders under s.261 of Companies Act 2006)
- Secretary of State for Business, Innovation & Skills v. Doherty [2014] All ER (D) 75 [2014] EWHC 2816 (Ch) (7 day High Court trial re: application to disqualify defendant as company director)

Property

- Cutting v McGough (2017, Newcastle County Court) (acting for claimant against former partner asserting he owned 50% beneficial interest in former home under a constructive trust)
- Begum v (1) Issa (2) Issa [2014] LTL 12/11/2014 (resisting claim under Trusts of Land and Appointment of Trustees Act 1996 premised on non-execution of documents, overriding interest)
- Link Lending Ltd v. Hussein [2010] EWCA Civ.424, [2010] All ER (D) 161 (leading case on meaning of "actual occupation" for purpose of creating an overriding interest under Land Registration Act 2002)
- Ruddick v. Ormston [2005] EWHC Civ. 2547, ChD [2006] 1 P&CR DG 21 (validity of contract for sale of land under s.2(1) of Law of Property (Miscellaneous Provisions) Act 1989)