



Bianca Venkata

Year of Call: 2014

Direct Access: Yes

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Bianca accepts instructions in **commercial litigation**, private client & trusts, **pensions, employment & discrimination, financial services**, insolvency, and **international** related matters.

Her advocacy experience includes High Court, County Court, Employment Appeal Tribunal hearings and multiday Employment Tribunal work.

She is a former solicitor, having qualified at Magic Circle firm Slaughter and May in 2012. Prior to starting pupillage, Bianca was a judicial assistant to the Lord Chief Justice, Lord Thomas at the Court of Appeal from April to July 2014. She was a research assistant at the **Law Commission** in the Common Law and Commercial Team in 2013-2014. She undertook a stage at the European Court of Human Rights in 2012.

She is ranked in Band 4 by the Legal 500 for her employment work.

Bianca speaks German and French and is licensed to undertake public access work. She is registered as a foreign lawyer under article 28 BGFA and is entitled to appear before the Swiss courts.

Areas of Expertise

Commercial & Chancery

Bianca has appeared as Counsel in the High Court and County Court for businesses, not-for-profit organisations, financial institutions and individuals. She has advised and drafted pleadings in relation to injunctions, arbitration, breach of trust, undue influence and fraud claims.

- Bianca is very interested in international work. She was instructed as junior counsel by the Dubai Commissioner for Data Protection in the DIFC Courts.
- She has advised the DIFC in relation to their Data Protection Laws.

London (Main Office)

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Abu Dhabi

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- Bianca successfully contested the jurisdiction of the Courts of England and Wales in an insurance dispute and achieved full costs.

Notable Commercial & Chancery cases

R v CRC

High Court, Queen's Bench Division, representing the claimant in resisting an injunction for allegedly breaching a restraint of trade provision in the IT sector.

Griffin v Ray Nixon & Ors

High Court Chancery division, successfully representing a Defendant to strike out claims of professional negligence and fraud. This case was discussed in the Law Gazette.

Commissioner for Data Protection v Dubai Financial Services Authority

Instructed as junior counsel for the Commissioner of Data Protection before the Dubai International Financial Centre Court of First Instance in a summary judgment application, appeal and judicial review

PH v English Bridge Union

High Court Queen's Bench Division, advising and drafting defence in resisting the claimant's application to appeal an arbitration award to the High Court

C v H

High Court Chancery Division, successfully representing the Claimants in striking out the First and Fourth Defendants' amended defence.

K v K

High Court, successfully representing the Respondent in resisting the Applicant's application to extend time to apply for permission to appeal out of time

Private Client & Trusts

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Bianca represents clients in the High Court and County Court in a variety of contentious and non-contentious trust cases.

Notable Private Client & Trusts cases

B v Others

High Court ,Chancery Division, representing the principal beneficiary of a large family trust in bringing claims for the disclosure of information under CPR 64.2 against the trustees.

Re M

High Court, Chancery Division, representing the executors in a complex contentious probate dispute. Successfully obtaining an order to service out of jurisdiction and for Beddoe Relief.

Re R

County Court, acting for a brother and sister in making a statutory trust claim in relation to their late father's Estate.

Re AJ

Advising on a contentious probate dispute involving a Syrian will.

Re Hale

Considering the value of the claim of a son who had not been named in his father's will under the Inheritance (Provision for Family and Dependants) Act 1975.

Garvey v Chamberlain and Others

County Court, successfully obtaining an unless order against a Defendant in relation to the service of a Defence and Counterclaim and an order to move the Claim forward to a summary judgment application.

Financial Services

Bianca advises public regulators and private clients in relation to financial services matters.

Bianca previously undertook a secondment to the FCA where she advised on the Freedom of Information Act 2004,

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investment, pension, and FCA handbook matters.

She has advised start-up cryptocurrency currencies in relation to their registration with the FCA. Recent cases include:

X v FCA, County Court

- Successfully obtaining the strike-out of a claim in relation to FCA registration costs

Insolvency & Restructuring

Bianca has appeared in a number of bankruptcy and insolvency matters at the High Court and the County Court, including bankruptcy petitions, applications for a charging order and applications to wind-up insolvent companies. Recent cases include:

B v B, High Court, Family Court

- Successfully obtaining an order to replace a receiver with another receiver in return for a security of shares over a valuable property being granted.

Bianca updated the salary sacrifice chapter in Tolley's Pensions Law Service and is a contributor to Atkins Pensions Court Forms.

Pensions

Bianca represents clients in public and private sector pension disputes in relation to misrepresentation, repayment of benefits.

Transfer of pensions and negligence actions. She has advised in relation to the Firefighters Pension Schemes, the NHS Pension Schemes and the Local Government Pension Schemes.

Notable Pensions cases

Beattie & ors v 20-20 Trustees 2022

Bianca, acting as junior counsel led by Andrew Short QC, represented 17 members of a pension fund in an appeal regarding whether post Brexit the members had the right to rely on the EU general principle of non-age discrimination.

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Bianca assisted The Pensions Regulator in a relation to a high-profile pension fraud (Friendly Pensions Limited) which resulted in the High Court ordering the fraudsters to repay £13.7 million to their victims.

She delivered a presentation to the pension lawyers of the Royal College of Nursing regarding negligent misstatement and pensionable status during career breaks.

Employment & Discrimination

Bianca appears as Counsel in the High Court, Employment Appeal Tribunal and Employment Tribunal for both claimants and respondents in a variety of cases including injunctions, interim relief and in relation to claims of harassment, victimisation, disability discrimination, race discrimination, sexual orientation, pregnancy, maternity, age and sex discrimination claims. She also acts in unlawful deduction of wages, breach of contract claims, TUPE, whistleblowing, unfair dismissal and redundancy claims. She drafts pleadings and has advised on a variety of employment claims including litigation strategy, instructing experts and settlement offers.

- Instructed as junior counsel in the High Court in a claim resisting an injunction and summary judgment. She assisted as junior counsel in McCloud & others v The Lord Chancellor & others (the judicial pensions' litigation), one of The Lawyer's top 20 cases of 2016.
- Instructed regularly in the Employment Appeal Tribunal in appeals relating to the adequacy of the tribunal's reasoning, the tribunal's failure to make reasonable adjustments for a claimant suffering from mental health difficulties, privilege and fairness.
- She delivered a talk on the topic of "Dismissal or Resignation" as part of the 28 barristers in 14 days webinar series.
- She has written in the Solicitors Journal about the impact of the Covid-19 pandemic on employment law. contributed to the Employer Liability chapter in Tolley's Looseleaf Employment Law.

Notable Employment & Discrimination cases

Beattie and others v 20-20 Trustees and Federal Mogul

Acted as junior counsel for the claimants, who were pensioners of a pension scheme that had entered into an assessment period of the Pension Protection Fund ("PPF"). The Trustee had made deductions to the claimants' pensions depending on the age of the claimants at the date the scheme entered PPF assessment.

The case was of legal significance to other schemes in PPF assessment in determining whether a number of pensioners had suffered unlawful age discrimination.

The Secretary of Work and Pensions v Beattie 20-20 Trustees and Federal Mogul [2022] EAT 163

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Acted as junior counsel for 17 scheme members who were Respondents to the appeal. The case is of legal significance in determining the availability of EU law rights following Brexit.

Mr B Wyrzyszcwski v British Airways Plc, EAT

Acted as counsel for the Respondent, whom she had also represented before the ET. The case is of legal significance regarding the following matters

- whether a race constructive dismissal claim can succeed if one of the acts relied upon is tainted by race discrimination but does not itself constitute a repudiatory breach or a last straw.
- whether the reasons in the ET judgment or in a subsequent reconsideration by the ET under the Burns/Barke procedure take precedence.

Tijani v The House of Commons, EAT

Acted as counsel for the Respondent, whom she had also represented in the ET. The case was of legal significance regarding:

- The extent of the ET's obligation to assist litigants in person in gathering evidence.
- Whether persistent lateness may constitute misconduct leading to dismissal even if it is not mentioned in the employer's handbook

B v BA (appeal outstanding)

Representing the Respondent in resisting an appeal regarding the adequacy of reasons at the Employment Appeal Tribunal

R v The Orders

Successfully acting for a claimant in obtaining an order for interim relief to continue her employment and receipt of her salary until the hearing of her claim.

G v BA

Successfully representing the Respondent in a 8 day hearing resisting claims of disability discrimination, whistleblowing and unfair dismissal.

T v House of Commons

Successfully representing the Respondent at the EAT in resisting an appeal regarding fairness

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H v Abbeyfield Appeal No. EA-2020-001089-JOJ

Successfully representing the Claimant in the EAT in an appeal regarding litigating privilege.

H v One Call Ltd

Successfully representing the Claimant in establishing disability for the purposes of the EqA.

JJ v British Airways

Successfully representing the Respondent in a 5 day hearing involving claims of disability discrimination and harassment from a first class cabin crew

Khawaja v TFL

Successfully representing the claimant in a three day race discrimination and whistleblowing claim. The case has received much commentary in relation to an employer's duty towards employees who speak English as an additional language.

Nyathi v Secretary of State for Justice [UKEAT/0229/17]

Representing an appellant in the EAT in relation to the duty to make reasonable adjustments.

Memberships

- Associate Member of the Association of Pension Lawyers ("APL")
- Associate Member of the Chartered Institute of Arbitrators (CIArb)
- Commercial Bar Association
- Chancery Bar Association
- Contentious Trusts Association
- R3 member
- Employment Law Bar Association
- Financial Services Law Association
- London Very Young Arbitration Practitioners

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Languages

- German (advanced)
- French (advanced)

Awards

- International Court of Justice Grant, Lincoln College, 2013
- Drucker Prize, Lincoln College, 2012
- BCL from Lincoln College, University of Oxford
- First-class law degree from the University of Manchester

Recommendations

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