



# Elizabeth Grace

**Year of Call:** 2017

**Direct Access:** Yes

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Elizabeth joined Chambers in September 2018 upon successful completion of her pupillage. She regularly appears in the County Court and the Employment Tribunal, and has also appeared in the High Court on complex interlocutory matters. She has appeared in the Court of Appeal, and has advised on civil procedure in relation to appeals in both the Court of Appeal and the Supreme Court.

Before being called to the Bar, Elizabeth lectured in Japanese History at the University of Newcastle. She holds a PhD in Japanese and Korean cultural history (Trinity College, University of Cambridge), a Master of Studies in Modern Japanese Literature (Pembroke College, University of Oxford), and a Master of Arts in Japanese and Korean (St. Hilda's College, University of Oxford, first class). She has also spent time at several universities in Japan and Korea, including Keio University in Tokyo and Sungkyungwan University in Seoul.

In her spare time, Elizabeth She also sits on the steering committee of Byw Nawr/Dying Matters Wales. She is an alumna of the United Word College of the Atlantic (UWCAC), where she was also previously a governor. Elizabeth mentors [Crankstart Scholars from the University of Oxford](#) who are interested in pursuing careers in law.

## Areas of Expertise

### Employment & Discrimination

Elizabeth has a broad [employment practice](#), and undertakes the full range of Chambers' employment work for both Claimants and Respondents. She is adept at handling complex preliminary matters, as well as multi-day trials and appellate work, and has a particular interest in claims involving discrimination and whistleblowing.

Elizabeth has specific expertise in Civil Restraint Orders ("**CROs**"), having obtained CROs against vexatious litigants in a number of cases both led and as sole counsel, including [London Underground v Mighton \[2020\] EWHC 3099](#) (led by Lydia Seymour) one of the leading cases CROs in the employment context.

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Elizabeth also has experience of springboard injunctions, and has advised on related contractual matters including breach of restrictive covenants and breach of confidentiality.

## **Notable Employment & Discrimination cases**

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### **McInerney v Nottingham Healthcare NHS Foundation Trust**

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Successfully represented a consultant forensic psychiatrist in a complex multi-week trial raising issues of constructive dismissal and victimisation.

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### **London Underground v Mighton [2020] EWHC 3099**

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Led by Lydia Seymour. Successfully obtained a General CRO.

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### **Ash v ISS Facility Services Limited [2020] UKEAT/0098/20/OO**

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Successful appeal turning on the construction of s18A Employment Tribunals Act 1996.

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### **Ibrahim v HCA International Ltd [2019] IRLR 690 (sole counsel)**

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Sole counsel. Dealing with defamation as a breach of a legal obligation in the context of the public interest test in whistleblowing claims.

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### **Network Rail Infrastructure Ltd v Crawford [2019] EWCA Civ 269 (led by Naomi Ling)**

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Led by Naomi Ling. On the interpretation of "equivalent period" of compensatory rest.

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### **Ms Paul v The Black E 2414602/2018 and Ms Connell v The Black E 2410451/2018**

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Successfully defending a charity against multiple whistleblowing and unfair dismissal claims.

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### **Mr G Hurley v Suffolk County Council 3304428/2018**

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Successfully representing the Claimant in a complex unfair dismissal claim where the Claimant had been wrongly accused of harming a child.

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## Pensions

Elizabeth regularly advises on occupational **pension** schemes in both the private and public sector in relation to complaints of maladministration and discrimination. Her advisory work spans complaints to the Pensions Ombudsman, appeals from the Pensions Ombudsman to the High Court, and claims brought in the Employment Tribunal.

Elizabeth has also advised on negligent misstatement, rectification, construction, and the equitable doctrine of laches in the pensions context. She has particular expertise in pensions misselling and advice to transfer out of defined benefit schemes.

She co-authors, with Jenny Seaman, the LexisPSL note on the principles governing the construction of pension trust deeds and rules, and has spoken on a range of pensions topics, including appeals to the Pensions Ombudsman and the Financial Ombudsman, and ill-health retirement in the LGPS.

### Notable Pensions cases

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Secretary of State for the Home Department and Others v Sargeant and Others [2019] EWCA Civ 2844; [2019] ICR 1489

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Currently instructed on matters arising from the decision in Secretary of State for the Home Department and Others v Sargeant and Others [2019] EWCA Civ 2844; [2019] ICR 1489 (led by Lydia Seymour and Andrew Short KC)

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CMG Pension Trustees Ltd v CGI IT UK Ltd [2022] EWHC 2130 (Ch)

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Led by Andrew Short KC: on the construction of forfeiture rules.

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Successfully assisted former members of the British Steel Pension Scheme to recover compensation against as a result of advice of pension transfer specialists to transfer out of a final salary scheme.

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Courage

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Advising on Courage fetters in relation to a former public-sector defined benefit scheme.

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Advising former members of a public sector pension scheme on pension rights following multiple-generation transfers and Fair Deal/New Fair Deal.

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Booth and Jones v Mid and West Wales Fire Rescue Authority [2019] EWHC 790 (Ch)

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Led by David Grant. A case which turned on the meaning of "pensionable pay" across the three Welsh statutory schemes

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for firefighters.

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Advising on an appeal to the High Court from the Pensions Ombudsman following refusal of the scheme trustees to reinstate an ill-health pension.

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Advising on a complaint to the Pensions Ombudsman for negligent misstatement in relation to benefits.

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Advising on recovery and recoupment of overpayments.

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## Commercial and Financial Services

Elizabeth has a growing **Commercial** practice, which includes a regular court appearances for cases involving contractual matters, including breach of contract and misrepresentation, debt claims, and property and regulatory compensation claims.

Elizabeth has also advised on contracts of insurance, second-charge mortgages, and regulation of Islamic mortgages.

Elizabeth is currently instructed as part of the junior counsel team to the **Dame Linda Dobbs Review**, a review into whether Lloyds Banking Group investigated and appropriately reported issues arising from the HBOS Reading Fraud following their acquisition of HBOS in 2009.

## Notable Commercial and Financial Services cases

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**Illumina v TDL Genetics Ltd and others [2019] EWHC 1497 (Pat)**

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Advising on the Japanese aspects of the case for trial.

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**Jones & Anor v Roundlistic Ltd [2018] EWCA Civ 2284**

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Led by David Grant. On whether a term in a lease preventing sub-letting was an unfair term for the purposes of UTCCR.

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**BMS v Mercantile International Ltd (unreported)**

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Successfully obtaining damages for breach of contract on the basis that the Defendant had ostensible authority to enter

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into the relevant agreements.

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Successfully assisting former members of the British Steel Pension Scheme in pension mis-selling claims for advice contrary to the FCA Conduct of Business rules.

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Being part of a legal team advising on tort and trust-based liability for cryptocurrency ransom.

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## Insolvency & Restructuring

Elizabeth is instructed in matters of both personal and company **insolvency**. She appears in the Companies Court on a regular basis in relation to aspects of company insolvency, and has experience of winding-up petitions (including injunctions to restrain) and validation orders. She also assists litigants in person as part of the Company Law Pro Bono Scheme (COIN), providing representation for applications in the Insolvency and Companies List.

Elizabeth also has experience of matters arising out of corporate insolvencies, including wrongful trading, shadow directorship, and misfeasance.

### Notable Insolvency & Restructuring cases

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Kidbrook Homes v Bevin 2020-004195

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Represented the Respondent to an injunction to restrain in the High Court, successfully avoiding an order for indemnity costs.

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ATN Marketing v HMRC

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Successfully defended the company from a winding-up petition based on disputed VAT invoices; successfully obtaining a validation order.

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Gain Capital v Ava (No. 240 of 2019)

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Representing the petitioning creditor in prolonged bankruptcy proceedings (ongoing).

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Successfully resisting an application to set aside a statutory demand on behalf of a liquidator.

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## Private Client & Trusts

Elizabeth has a keen interest in **private client** work, which overlaps with her interests in end of life planning. She has advised on a number of areas, including inheritance tax and potentially exempt transfers, and removal of executors. Elizabeth also has experience of aspects of personal insolvency, including setting aside statutory demands.

Elizabeth volunteers as part of the **Chancery Litigants in Person (CLIPS) Scheme**.

## Notable Private Client & Trusts cases

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Advising on a beneficial ownership dispute arising from a dispute over the construction of a trust and the beneficial interest of the legal owners.

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Advising on undue influence where P is alleged to have lacked capacity in relation to historical financial transactions.

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Advising on a disputed will.

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MN v OP [2019] EWCA Civ 679

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Assisting Claire van Overdijk. On anonymity orders in variation of trusts cases.

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## International

Elizabeth has a strong interest in work with an **international** element, and welcomes instructions in any of the languages she speaks. She was instructed to advise on Japanese elements of **Illumina v TDL Genetics Ltd and others** [2019] EWHC 1497 (Pat), and has also advised on cases the evidence is in Spanish.

Elizabeth has worked on cases involving a number of international organisations, including:

- The European Bank for Reconstruction and Development Administrative Tribunal (EBRD)
- The Pan American Health Organisation (PAHO)
- NATO
- The World Bank

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## Personal Injury and Clinical Negligence

Elizabeth has a busy practice in this area, which includes drafting pleadings and advice on both merit and quantum alongside regular court hearings and inquests. Her current caseload consists largely of fast-track and multi-track **clinical negligence** work, and she has a particular interest in the application of the Human Rights Act to **bereavement claims**.

Elizabeth undertakes work for both Claimants and Defendants.

Examples of current work include:

- Advising on quantum, including provisional damages, in an unnecessary surgery case;
- Advising on liability and quantum in a complex cholesteatoma case against multiple defendants;
- Advising on liability in a psychiatric harm claim as a result of VTE in an informed consent case.

She is currently instructed on behalf of Claimants injured in the 2017 Grenfell Tower Fire, led by Harry Trusted and Christopher Wilson-Smith KC.

## Professional Associations

- APL
- FSLA
- COMBAR
- ChBA
- ConTrA
- ELBA
- British Japanese Law Association
- Association of London Welsh Lawyers

## Languages

- Japanese
- Korean
- French
- Spanish
- Welsh

## Awards

- Inner Temple Major Scholarship – awarded for both the GDL and BPTC courses.

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- City University Postgraduate Law Scholarship – awarded for both the GDL and BPTC courses.
- Domestic Research Studentship (DRS), University of Cambridge, competitive research studentship awarded to fund promising research projects across all disciplines (2009 – 2012).
- Japan Foundation Endowment Committee (JFEC) Research Grant
- Rouse-Ball Fund Research Grant, Trinity College, University of Cambridge (awarded twice for doctoral research)
- College Prize, St. Hilda’s College, University of Oxford
- Lee Yun Taek Korean Studies Scholarship, University of Oxford
- Mitsubishi Trust Yamamuro Memorial Scholarship, Keio University
- Allen Scholar in Oriental Studies, St. Hilda’s College, University of Oxford
- Moberly Exhibitioner, St. Hilda’s College, University of Oxford
- Great Britain Sasakawa Fund Scholarship
- Kathleen Major Prize, St. Hilda’s College, University of Oxford

## Recommendations



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## Privacy Policy

Read Elizabeth's [Privacy Policy](#).

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