



Naomi Ling

Year of Call: 2001

Direct Access: Yes

	naomi.ling@outertemple.com
	+44 (0)20 7353 6381



Naomi Ling has over twenty years' experience as an advocate and is sought after as a specialist in both **employment law** and **pensions law** and in particular the area of cross-over between the two.

Her practice covers a wide range of fields. In the employment tribunal she deals with cases including multiparty discrimination, equal pay and holiday pay claims, and complex and sensitive discrimination and whistleblowing claims.

In the High Court she is instructed on black letter pensions trusts issues, and other commercial matters in the pensions and employment spheres including liability for TUPE issues and employment related entitlements.

She is also experienced in Human Rights, **public law** and **professional negligence** issues across her areas of specialism.

She appears regularly in the Employment Appeal Tribunal and the Court of Appeal.

Naomi was appointed to the Attorney General's A Panel of counsel in September 2020.

She was shortlisted for 'Employment Law Junior of the Year' in the Chambers and Partners Bar Awards 2022.

Recent highlights include:

- Pensions v Beattie, concerning the interpretation of the European Union Withdrawal Act, and the temporal limitation regarding service prior to 1 December 2006 for discrimination claims against pension schemes;
- representing over 800 claimants in the case of Turley v Felixstowe Port in a claim for holiday pay, regarding the circumstances in which pay for voluntary overtime falls to be calculated as part of holiday pay.
- defending the Department of Transport as specialist pensions counsel within an 11-strong team against a claim by Stagecoach and others in respect of the 2019 Rail Franchising procurement process.

Naomi has been described as 'a brilliant legal mind', 'tenacious and driven' and 'fearless in litigation'. She is also said to have 'great client care skills' and enjoys working as part of a team and forging a mutually supportive relationship with professional and lay clients alike.

London (Main Office)

The Outer Temple, 222 Strand
London WC2R 1BA

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DX: LDE 351 (Chancery Lane)

Abu Dhabi

24th Floor, Al Sila Tower
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Al Maryah Island
Abu Dhabi, UAE

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Dubai

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Areas of Expertise

Employment

Naomi is an experienced and sought after barrister, instructed by claimants and respondents in individual and multiparty claims, across a broad range of employment law issues. She regularly appears led and unled before the ET, EAT and Court of Appeal.

Notable Employment cases

Turley v Port of Felixstowe

Representing over 800 dockworkers in multiparty claim for holiday pay which is expected to involve a challenge to the Court of Appeal's judgment in *Flowers v East of England Ambulance Trust*.

Secretary of State for Work and Pensions v Beattie [2023] IRLR 13:

acting for the trustee of a pension scheme in this important case on the interpretation of the European Union Withdrawal Act 2016. The EAT found that claims against the trustee of a pension scheme, invoking fundamental principles of EU law, could not be made in respect of the age discrimination legislation after IP completion date.

Abdar v Morrisons

Representing retail employees in a claim for equal pay against a major supermarket chain, led by Andrew Short KC.

Page v Lord Chancellor and Lord Chief Justice [2021] ICR 912:

successfully represented the respondent in this claim by a former magistrate complaining of victimisation and breach of his right to freedom of speech. A case of public importance given the implications for the judiciary and freedom of belief/expression.

Kunjuraman v Zaha Hadid Ltd

Represented in house legal counsel in her whistleblowing claim against an international legal practice. The issues in the case explored the relationship between protected disclosures and legal professional privilege.

Corsham v Essex Police and Crime Commissioner [2020] ICR 268

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Represented the claimants in this important case regarding the common law duty of care owed to employees by employers and pensions administrators in providing accurate information about their pensions rights. This was a rare result in favour of the claimants in an area of law where the courts are reluctant to extend liability.

Network Rail Infrastructure Ltd v Crawford [2019] ICR 1206

Represented the Claimant in this appeal to the Court of Appeal about the definition of 'compensatory rest break' of twenty minutes and whether it was acceptable to provide it in multiple discontinuous chunks.

Lord Chancellor v McCloud [2019] ICR 1206

Successfully represented 200 judges in an age discrimination challenge to the legality of protecting all those within 10 years of retirement from public sector pensions reform, pursuant to the Public Sector Pensions Act 2013. Led by Andrew Short KC. Naomi also acts unled for groups of teachers and doctors in related claims.

Ball v First Essex Buses (ET)

Successfully represented the claimant in a claim for unfair dismissal for having failed a drugs test. The case received some attention in the general and legal press.

Pensions

Naomi is an experienced and sought after barrister, acting for members, employers, trustees, local authorities and central government in a wide range of pensions issues. She has a particular interest in statutory pension schemes and employee entitlements and is also experienced in trust based part 8 claims, claims for rectification and professional negligence. She has considerable expertise in the developing area of human rights law relating to pensions, via Article 14 and A1P1 of the ECHR.

Notable Pensions cases

Secretary of State for Work and Pensions v Beattie [2023] IRLR 13:

acting for the trustee of a pension scheme in this important case on the interpretation of the European Union Withdrawal Act 2016. The EAT found that claims against the trustee of a pension scheme, invoking fundamental principles of EU law, could not be made in respect of the age discrimination legislation after IP completion date.

Places for People

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Instructed to represent the Representative Beneficiary in complex part 8 proceedings in which numerous issues arise as to the validity of trust documentation over two decades. Issues include validity of deeds, construction, rectification, severance, equitable relief, estoppel, s37 Pensions Act. Led by Keith Bryant KC.

Merger v Secretary of State for Work and Pensions UA-2021-001262-RP

Represented the Secretary of State, led by Julian Milford KC, in a A14/A1P1 HRA challenge to the statutory requirement for women to make claims for Category B pensions where the entitlement arose prior to 2008.

2019 Rail Franchising [2020] EWHC 1568

Instructed as specialist pensions counsel in this claim brought by Stagecoach and others against the Department of Transport. The claimants alleged that the DfT had breached domestic and EU principles of procurement law. The pensions issues involved the Pensions Regulator's approach to funding and enforcement powers, and the actuarial risks arising out of the procurement process.

Corsham v Essex Police and Crime Commissioner [2020] ICR 268.

Represented the claimants in this important case regarding the common law duty of care owed to employees by employers and pensions administrators in providing accurate information about their pensions rights. This was a rare result in favour of the claimants in an area of law where the courts are reluctant to extend liability.

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

Represented the claimants, led by Andrew Short KC, on an appeal from the Pensions Ombudsman in relation to the interpretation of the FPS as to the meaning and treatment of pensionable pay.

Lord Chancellor v McCloud [2019] ICR 1489 Led by Andrew Short KC

ICR 1489 Led by Andrew Short KC. Successfully represented 200 judges in an age discrimination challenge to the legality of protecting all those within 10 years of retirement from public sector pensions reform, pursuant to the Public Sector Pensions Act 2013.

Merry v Ministry of Justice [2018] EWCA Civ 2461

Represented the respondent in an appeal to the Court of Appeal as to the meaning of 'basic pay' in the Principal Civil Service Pension Scheme.

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CGI Ltd & Ors v Radcliffes

Instructed unled to represent the claimants in a professional negligence claim arising out of a failure validly to effect changes to a pension trust deed and rules. Professional negligence proceedings stayed pending resolution of Part 8 proceedings.

Memberships

- Attorney General's A panel of Counsel
- Employment Law Bar Association
- Employment Law Association
- Industrial Law Society
- Association of Pension Lawyers

Awards

- Middle Temple Queen Mother's Scholarship

Recommendations

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Outer Temple Chambers



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Privacy Policy

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

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