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Ghazan Mahmood

Year of Call: 1997

Position: HEAD OF THE EMPLOYMENT GROUP

Ghazan Mahmood has been consistently ranked as a leading barrister in both the **Legal 500** and **Chambers and Partners**. Some of the more recent comments are as follows:

"The "very promising" Ghazan Mahmood has established a niche in medical disciplinary hearings." **Legal 500 (2007)**

"With a thorough grasp of the facts and equal pay expertise Ghazan Mahmood joins this year's ranking. Ghazan Mahmood has been involved in some large race discrimination employment claims, including Chaudhary v BMA and Chaudhary v Secretary of State. Most recently he was instrumental in the Court of Appeal, acting for Jan de Rijk Transport in the case of Sandhu v Jan De Rijk Transport (2007). It is expected to help clarify the difference between a resignation and a dismissal." **Chambers and Partners (2008)**

"Ghazan Mahmood is an accomplished hand in EAT instructions" **Legal 500 (2008 and 2009)**

"Ghazan Mahmood displays 'tenacity, common sense and a constructive approach' in all he does. In addition to contractual disputes, he has handled a number of race discrimination claims." **Chambers and Partners (2009)**

"Has had a very successful year in and out of the Court of Appeal, representing unions and individual claimants in some widely reported cases, most notably Chaudhary v Secretary of State on issues arising from the Race Relations Act 1976." **Chambers and Partners (2010)**

TYPE OF PRACTICE:

Employment law: Both Claimant and Respondent.

Commercial Law: including hire purchase, consumer credit, contractual, finance disputes of all kinds. Special emphasis on issues relating to the Consumer Credit Act





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PARTICULAR SPECIAL INTEREST

Employment: experience in employment related contractual disputes (including claims for commission and bonuses), restrictive covenants, disputes arising out of the termination of employment, illegal contracts, public interest disclosure (whistle blowing), redundancy and unfair dismissal claims. Appears in the employment tribunal, EAT, Court of Appeal, County Court and High Court.

Particular experience of race, sex (including Equal pay) and disability discrimination cases acting for claimants and respondents. Appeared in the EAT and the Court of Appeal on several occasions. Junior Counsel in several leading decisions including:

- **BMA v Chaudhary (2007) IRLR 800; (2007) 97 BMLR 15; (2007) LS Law Medical 554;** Led by J Hendy QC. Appeal lasted 11 days in the Court of Appeal and involved consideration of several issues arising out of the RRA 1976, including the impact of s,57(3) on the issue of damages.
- **Chaudhary v Secretary of State (2007) EWCA Civ 789;** 3 day appeal before the Court of Appeal (following a 10 day trial led by G Millar QC) on several issues arising out of the RRA 1976 (including comparators, disparate impact, justification etc)
- **Sandhu v Jan De Rijk Transport Ltd (2007) IRLR 519 : (2007) ICR 1137;** Court of Appeal: appeal on the distinction between a forced resignation and a dismissal.
- **Chaudhary v Secretary of State [2006] EWCA Civ 1648;** appeal concerning the admissibility of without prejudice material obtained in an action involving different parties.
- **Chaudhary v Royal College of Surgeons (2005) EWCA Civ 282;** Appeal on the issue of the limits imposed by s.54(2) RRA 1976;
- **Dr Phatak v STA Panel (2004) 80 BMLR 151;** 2 day appeal on jurisdictional issues arising under the RRA 1976.
- **Dr Jhadav & others v BMA (2004);** 6 week ET hearing. Class action involving a number of doctors. Resulted in a 6 figure settlement.
- **Dr Bera v West Midlands Deanery (2003);** 10 day trial. Resulted in a 6 figure settlement;
- **Malkan v West Midlands Deanery (2002);** Led by D Berkley QC; Court of Appeal;





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- **Dr Abdul Baten Jalal Ahmed v General Medical Council (2001) UKPC 49; (2002) 66 BMLR 52; Privy Counsel**

Mr Mahmood has been involved in a number of large discrimination claims, lasting between 5-30 days. He is, at present, involved in an appeal to the Court of Appeal from the High Court on the issue of the requirements imposed by s.68(4) of the RRA 1976 (the requirement to sit with lay assessors) and the requirements imposed by the CPR in terms of pleading a complaint of discrimination in a civil court.

Mr Mahmood is presently involved in a petition to the **European Court of Human Rights** in the case of **Thomas Crompton v UK (2009)**. The case involves consideration of Article 6 in the context of a delayed judgement and the internal resolution of a complaint.

Commercial Litigation: experience includes all types of commercial/finance disputes. Mr Mahmood has considerable experience of dealing with Consumer Credit/Hire Purchase related arguments (etc). He has extensive experience of dealing with contractual disputes and is formerly a Contract Law Lecturer (Brunel University). He has been led in several trials over the last few years. The following cases are of note:

- **Kenfil Construction Limited v Caldwell (2005)**; 3 day High Court trial before Mr Justice Patten, the Vice-Chancellor of the County Palatine of Lancaster; claim for rectification of a written agreement, injunction and substantial damages.
- **Bimal Kumar & Anor v United Bank Ltd (2001) LTL 27/9/2001**; Led by D. Berkley QC; regarding the duty of care owed by a bank in relation to the acceptance of bills of exchange.

VAT Tribunal: Mr Mahmood has been involved in several trials/hearings on VAT related claims, both for and against HM Customs & Excise. The following cases are of note:

(a) **MDA v HMRC (2007)**; Led by P Lasock QC. Judicial Review involving a substantial claim for repayment of VAT.

(b) **Powell Thorne v Commissioners for Customs & Excise (2004)**; VAT Tribunal; claim for restoration of a vehicle.

(c) **Hanaan Ltd v Commissioners for Customs (2004)**; Successfully represented HM Customs & Excise on a 2 day appeal against a substantial VAT assessment.





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(d) **Harding v Commissioners for Customs (2003) LTL 4/8/03**; claim for restoration; issues re Human Rights Act.

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Membership:

Northern Circuit Commercial Bar Association.

Awards:

Sweet & Maxwell Law Prize (1996);

Duke of Edinburgh Entrance Scholarship (1996)

Inner Temple Scholarship (1996)

Leonard Sainer Legal Education Scholarship by Titmus Sainer Dechert (1997)

Jardine Studentship (1997)

Positions:

Visiting Fellow of Brunel University. Formerly a part-time lecturer in Contract law.

Part-time Advocacy Tutor on the Bar Vocational Course at MMU.



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