

## Ian Wright

Called: 1983  
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Ian Wright is an experienced barrister with recognised health and safety expertise. He possesses a biochemistry background which adds a helpful edge to his work in cases involving construction, engineering and energy companies. He is regularly instructed in notice appeals. 'Ian is absolutely first class in enforcement proceedings.' (Chambers and Partners 2023).

'Fantastic advocate on his feet, works incredibly hard and leaves no stone unturned, great strategist. Above all, the clients have the upmost respect for him.' (Legal 500 2021) The Legal 500, 2020 and Chambers and Partners, 2020



### PROFILE

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Ian is the Joint Head of the Business Immigration and Regulatory Team with Satinder Gill. Ian is a specialist regulatory, employment and business immigration practitioner. He is recognised in the Legal 500 (2021) as a Leading Junior (Tier 2) and Chambers and Partners (2021) (Tier 3) for health and safety.

He is described in the current Legal 500 as a 'compelling and persuasive advocate who remains calm under pressure.' He has a reputation for working extremely hard to achieve commercial outcomes for his clients through legal proceedings or settlement.

### EXPERTISE

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#### Regulatory

Ian's health and safety work is for both regulators and duty holders and he has a niche specialism on appeals under section 24 HSWA. Ian's other regulatory work is in financial services, Care Quality Commission work and professional disciplinary proceedings.

Ian's regulatory health and safety work has lead to him being instructed in both the Supreme Court (2017) and the Court of Appeal (2015) in cases which established the test for an employment tribunal hearing a section 24 HSWA appeal. He has been on Part A of the Combined Regulatory List of Approved Counsel for more than 15 years and believes he has been instructed in more notice appeals than any other Barrister in England

and Wales.

He regularly cross-examines expert witnesses and his opponents are often QC's. He has been on Part of the List A of Specialist Regulatory Advocates in Health and Safety and Environmental Law for more than 15 years.

In March 2019 he represented a national stakeholder at an Inquest following a fall from the Pontcysyllte Aqueduct (a World Heritage Site). The Jury concluded the fatality was a 'misadventure.'

In May 2019 he was instructed in a notice appeal against a prohibition notice served under the CDM Regulations because of an unsafe excavation. The tribunal's judgment considered for the first time the meaning of 'control' of construction works by a Principal Contractor.

He is currently instructed by a duty holder in a notice appeal and Inquest following an explosion in a fireworks factory. Ian is also instructed by the regulator in an appeal against a notice served after the fatality of a worker cleaning the traveller at Waterloo Station.

Most recently he has been instructed in an appeal against a notice served following the collision in October 2021 between trains outside the Fisherton Tunnel, Salisbury.

From 2017-2019 he has represented an Authorised Individual before the Financial Markets Tribunal in Dubai hearing a substantive regulatory challenge in a financial services matter for the first time. Ian also successfully challenged the refusal of a subject access request by a Data Controller in Dubai to the Commissioner of Data Protection (June 2018).

Recent work/cases:

- Network Rail Infrastructure Ltd v Leftly (ORR)- an appeal against an improvement notice served following the collision between two trains outside the Fisherton Tunnel, Salisbury.
- SCD Group v Thompson (HSE) (ET 1801226/21)- an appeal against a prohibition notice served due to concerns about the release of silica dust during a pavement cutting operation.
- Cleshar Contract Services Ltd v Babb (ORR) (ET 3314542/2020) (November 2020)– an appeal against an improvement notice served following the death of a worker whilst cleaning the traveller at London Waterloo Station.
- Han v Shiffer (HSE) (ET 1810444/2018) (November 2019) an appeal against a prohibition notice served following the removal of external and side walls of a domestic property on the owner who was in control of the works.
- Network Rail Infrastructure Ltd v Wake (ORR); (July 2019) appeals against improvement notices concerning track worker protection arrangements.
- HM Inspector of Health & Safety v Chevron North Sea Ltd [2018] UKSC 7; The Supreme Court established that an employment tribunal hearing an appeal under section 24 of the HSWA could take into consideration evidence obtained after the service of a prohibition notice if it went to an issue before the Inspector who served the notice. The Supreme Court resolved conflicting decisions between the Court of Session (Inner) Ian appeared as junior counsel for the appellant in the Supreme Court.
- XY v Dubai Financial Services Authority; A regulatory challenge following a Decision taken against an investment bank and two individuals in Dubai. Ian appeared at an interlocutory hearing before the Financial Markets Tribunal in Dubai and then assisted with case preparation as junior counsel before the substantive hearing.
- Commissioner of Data Protection & Anr v Dubai Financial Services Authority [Decision Nos. 3 & 4 of 2018]; Ian successfully challenged the refusal of a Data Controller in Dubai to grant a subject access request. The challenge was heard by the Commissioner of Data Protection and then by the Court of First Instance under case names Dubai Financial Services Authority v Commissioner of Data Protection & Anr CFI 085 2018 & CFI 051 2018.
- Hague v Rotary Yorkshire Ltd [2015] EWHC 696; Ian represented the HSE in a successful appeal to the

Court of Appeal which established that an appeal under section 24 HSWA was limited to the tribunal considering the evidence before an inspector before serving a prohibition notice and such evidence as should have been discovered following a reasonable investigation. The Court of Appeal approved the approach of the High Court in *Chilcott v Thermal Transfer Ltd* [2009] EWHC 2096 in which Ian also appeared. Now see above under *HM Inspector v Chevron* (Supreme Court).

- Inquest of Kristopher McDowell (at Ruthin, April 2019); Ian represented a national stakeholder following the death of a young man who fell from the Pontcysyllte Aqueduct (a World Heritage Site). The Coroner and Jury heard expert evidence concerning the structural integrity and inspection procedures for the Aqueduct and HMC concluded that the Aqueduct was safe for normal use. The Jury returned a conclusion of misadventure.
- *Engie Regeneration Ltd v Whitesmith (HSE)* (Case No. 2501756/2018); a notice appeal which considered for the first time the scope of the Principal Contractors duties under the CDM Regulations 2015.
- *NCTL v Bacon* (0014547/Bacon) (May 2017) A multi-day hearing before the NCTL when a Head Teacher successfully resisted all contested allegations of professional misconduct. No barring order was therefore considered.

## Employment

His employment work has a particular focus on unfair dismissal, discrimination claims, protected disclosures and procedural points for both claimants and respondents. Ian has experience in advising and representing employers and directors/senior employees regarding post-termination clauses, employment terms and duties, covenants and alleged breach of covenants. In 2017 he appeared in the Court of Appeal over the provision of an interpreter to a party who had good written but poor spoken English. He regularly advises on employment contracts and internal disputes between employer and employee.

Recent work/cases

Employment Tribunal cases include:

- *Regnante v Essex Cares Ltd* (1403429/2020)- resignation of administrator with vulnerable spouse following introduction of Covid RA/MS providing for office attendance for key workers.
- *Kotecha v LB of Hillingdon* (3312297/2020)- dismissal of long term absent worker with disability.
- *ZMW v CPS* (1303545/2019 & ors)- 12 day listed final hearing of four cases spanning several years of alleged disability discrimination of Crown Prosecutor
- *Chiappe v GKN v GKN Aerospace Ltd* (1307816/19)- Multi day final hearing for Claimant awarded maximum compensatory and basic award for unfair dismissal.
- *Lovelady v Fedex UK* (2303227/18)- preliminary hearing for respondent when claim rejected due to errors on ET1 under Rules 10 & 12.
- *Luckman v Fedex UK* (1300047/20)-preliminary hearing for respondent when claim struck out for wrongly named respondent on EC certificate.
- *White v Redlynch Engineering Ltd* (1403075/20)- preliminary hearing for respondent on disability where impairment was menopausal symptoms and hearing loss.
- *Chowdhury v Royal Free NHS Trust* (2201627/21)- preliminary hearing for claimant resisting strike out application regarding claimant's status as trainee GP in practice placement.
- *Williams v Essex Cares Ltd* (3201253/20)- final hearing for respondent resisting claims of race discrimination.

## Business Immigration

In Business Immigration he has advised employers and businesses on entry routes under and outside the PBS. He has recorded recent webinars for LexisNexis and PLC on 'Brexit, The Right to Work, Tiers 1, 2 & 5 and Penalties for Illegal working.' He has advised individual and business clients on the right to work in the UK pre and post-Brexit.

Recent work/cases:

His recent Business Immigration work includes advice to employers and businesses under Tiers 1, 2 & 5, the Business Visitor Route outside the PBS and civil penalties for illegal work. Ian has also helped businesses prepare for Brexit by advising on Appendix EU to the Immigration Rules and the 'Settled Status Scheme' for current workers, family members and prospective new arrivals into the UK.

## FURTHER INFO

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### Directory Quotes



'Ian is absolutely first class in enforcement proceedings.' (Chambers and Partners 2023)

'A tenacious, knowledgeable and quick-thinking barrister. A tough but fair opponent.' (Chambers and Partners, 2021)

'He is a true leader in the field of health and safety enforcement notice appeals. Ian is also a tenacious and persuasive advocate. He is a tough but fair opponent and quickly gains the trust of the tribunal or court. He remains calm under fire and is able to remain pragmatic in order to secure the best results for his clients.' (The Legal 500, 2021)

'Has got great technical skills in terms of strategy whilst remaining practical and ensuring there is a solution for the client.' He is very pragmatic, experienced and able to give very good advice on what will and will not work.' (Chambers and Partners, 2020)

'A compelling and persuasive advocate who remains calm under fire.' (The Legal 500, 2020).

'A persuasive and commanding advocate and clever strategist.' (The Legal 500, 2019)

'A lawyer of great experience and ability' (Financial Markets Tribunal, Dubai, March 2018).

### Public Access

Ian accepts public access work in appropriate circumstances and has advised and represented businesses, employers and individual clients under the scheme.

## Seminars and Training

In 2021 Ian delivered webinars on 'Staying the appeal' (a critique of *Shiva Ltd v Boyd* (Admin Court)), 'No Jab, No Job?' (on the anticipated introduction of vaccine passports in some workplaces), 'A review of Sector Specific Guidance on covid restrictions in some workplaces', and 'Business Immigration- An Introductory Guide.'

During 2020 Ian delivered webinars with colleagues for external legal trainers and also for Five Paper on the following topics: Business Immigration – An Introductory Guide, The Future UK Immigration System, Return to Work Guidance (General and Sector Specific) and BI Covid Update.

During 2018 Ian has delivered seminars to the HSE and the ORR on section 24 HSWA appeals following the Supreme Court decision in 'Chevron' (see below). In November 2017 he spoke at the AGM of the Health and Safety Lawyers Association on section 24 appeals.

During 2018 and 2019 he recorded webinars for LexisNexis and PLC on the Right to Work and Penalties for Illegal Working, Two New Entry Routes for Workers, Business Visitors and Brexit.

In May 2018 he recorded a webinar for LexisNexis on 'Right to Work and Penalties for Illegal Working' which is available through the LexisNexis website. In September 2018 he will deliver a second webinar for LexisNexis as part of their Autumn 2018 'Brexit Programme'.

In June 2018, together with Satinder Gill, he presented a seminar to members of the Immigration Industry Association on 'Movement of EU Nationals: to Brexit and beyond.' He was an invited speaker and panelist at the Global Investment Immigration Summit (22 June 2018) on the same subject.

For several years he has co-written and spoken with other members of the Business Immigration Team on 'Business Immigration' for MBL at seminars held in cities across GB.

In June 2018 he discussed ill health absence with HR managers of the HSE at an employment workshop.

## Other

Ian is a Non-Executive Director of a Company concerned with breakthrough energy storage technology through the development of high energy supercapacitors.

## Professional Memberships

- Health and Safety Lawyers Association
- Employment Lawyers Association
- Immigration Industry Association

## Qualifications

BSc Biochemistry, LLB Law