

Kenneth McGuire

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Areas of Practice

Asylum, Commercial Law, Discrimination, Dual Qualified, Education, Employment Law, Immigration, Judicial Review.

Year of Call: 2010

Devil Masters: Lorna Drummond QC

Qualifications: LL.B. (Hons), Dundee University

Biography:

Ken McGuire was called to the Scottish Bar in 2010. He is a specialist employment law and discrimination practitioner with a growing practice in contractual / commercial disputes. Prior to being called to the Scottish Bar, Ken practised as a Barrister in England where he was called in 2000. Ken has also recently worked at Maclay Murray & Spens LLP in the Employment, Pensions and Benefits team (2008 - 2010). Ken remains a Barrister in England (he is a tenant at 3 Paper Buildings, Temple, London) although he now intends to practise predominantly in Scotland. Employment and Discrimination Law

Ken has 10 years experience of appearing in Employment Tribunals throughout England and Scotland and the Employment Appeal Tribunal. He has wide experience of all areas of employment and discrimination law (ranging from unfair and wrongful dismissal to TUPE and equal pay). He acts mainly for employers. Since being admitted to the Scottish Bar, Ken has already been instructed on a 6 day disability discrimination and unfair dismissal case and a number of other matters in the Employment Tribunal in Glasgow and Edinburgh. Ken has specialist knowledge of the practice and procedure of the Employment Tribunal and the Employment Appeal Tribunal and frequently assists clients in identifying issues relating to jurisdiction and competency of claims. Contractual / Commercial Disputes

Prior to being called to the Bar in England, Ken was for seven years a lecturer in the Law Department at the London School of Economics and Political Science where he taught undergraduate and post-graduate courses on contract law, commercial law and company law. Building on this knowledge Ken now has a developing contractual / commercial disputes practice. He advises on such matters as the ambit and enforceability of post-termination restrictive covenants in executive contracts of service, the interpretation of complex remuneration clauses relating to bonuses, commission and LTIPs, and the scope and breach of directors fiduciary duties. More generally Ken has experience of acting in matters relating to breach of contract and remedies and has a particular interest in the developing law relating to the Commercial Agents Regulations. Public Law

Ken has particular experience in the following areas of public law:

Immigration and Asylum Appeals - all aspects of immigration and asylum law and human rights appeals. He successfully represented the lead appellant in the first reported case on the novel issue of jurisdiction of Tribunal under the Immigration and Asylum (Procedure) Rules 2003, reported as *MM and Others (Burundi)* [2004] INLR. He represented appellants in the Court of Appeal in a claim against removal based on article 8 ECHR (*Dbeis and Others v SSHD EWCA*



[2005] Civ 584).

Judicial Review - has advised and represented Claimants in a large number of applications for judicial review. Ken was instructed by the Commissioner of Police of the Metropolis in a claim arising out of an application for 'protected witness status'. He also successfully challenged in the High Court a decision by magistrates to commit a juvenile to trial, reported as *C (The Queen on the Application of) v Grimsby & Cleethorpes Magistrates' Court* [2004] EWHC 2240 (Admin).

Education - representing local authorities/schools in SEN appeals and appeals against permanent exclusions by pupils; representing local authorities/schools in challenges in Administrative Court.