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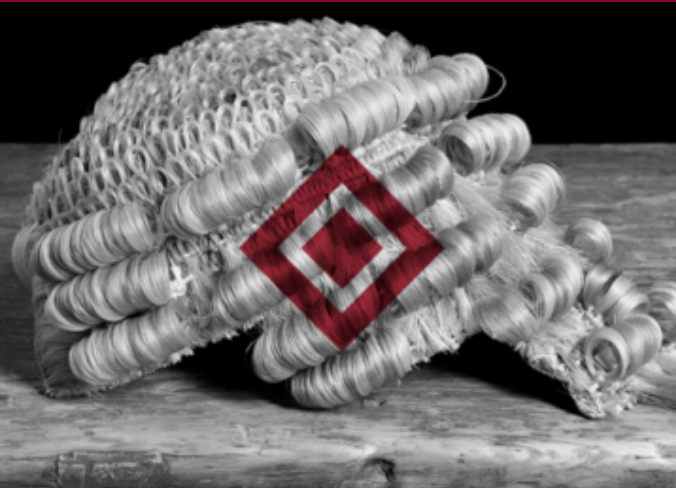
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FERGUS MCCOMBIE

"Your presentation on whistle blowing was really effective in getting the important points across. I really do appreciate the support you gave us at such short notice."

City Council Legal Department

Call: 1999

For enquiries please call +44 (0)20 7353 0711 or email

Fergus specialises in employment law and commercial litigation, with additional expertise in cyber, technology and data cases.

His practice spans the full range of employment matters, from statutory tribunal claims for dismissal, detriment or discrimination, through to High Court business protection work and intra-company disputes. It encompasses confidentiality and restrictive covenant infringement, partnership and LLP breakdown, collective rights and professional regulation.

Fergus also has substantial experience in litigation and advisory work on business-to-business disputes, including economic torts, fraud and misuse of intellectual property. His expertise includes cryptoasset regulation by the Financial Conduct Authority, crypto fraud and tracing claims, and GDPR aspects of blockchain and smart contract applications.

Notable cases

EasyJet PLC v. easyJet European Works Council & SoS for BEIS [2022] EAT 162 – Acted for the EWC in successfully resisting the appeal of easyJet, which attempts to oust the jurisdiction of the Central Arbitration Committee following Brexit-related amendments to the UK regulations providing for the establishment of European Works Councils. easyJet's application for permission to appeal to the Court of Appeal is pending.

Sanderson v Exel Management Services Ltd [2006] ICR 1337 – Acted for the respondent in a pay dispute brought by multiple claimants in relation to the meaning of "normal working hours" under the ERA 1996.

Butt v Children & Family Court Advisory & Support Service (UKEAT/0362/07 30 Nov 2007) – Appeal for claimant on test for disability discrimination and automatic unfair dismissal (for claimant).

Lloyd v BCQ Ltd [2013] 1 CMLR 41 – Resisted a claim from a former director of the company that the existence of a Permanent Health Insurance benefit had the effect of impliedly restricting the contractual power to dismiss.

Nabbumba v Merton Priory Homes (UKEAT/0112/13) – On appeal only for claimant, correcting error in ET’s approach to causation of dismissal under TUPE.

Sports Law

Fergus has acted in a range of disputes in the sports industry as a complement to his employment and commercial practice. He has represented a sacked premier league football manager in a multi-million pound bonus and wrongful dismissal dispute (case settled before trial on confidential terms). In the regulatory field, his experience includes disciplinary proceedings, most recently before the Lawn Tennis Association, and a claim about the boundaries of liability for glider inspectors under the statutory aircraft safety regime.

He maintains various links in the wider sporting community, having been a fixture in the Paris Sciences-Po rugby team which reached the French national university quarter-finals a fair few years ago, and also having competed internationally in fencing at youth level.

Qualifications

Postgraduate Diploma in European Law (2000)

BVC, College of Law (1998 – 1999)

CPE, College of Law (1998 – 1999)

BA (Hons), St John’s College, Oxford University (1996)

Diploma in Political Science, Institut d’Etudes Politiques de Paris (1995)

Publications

Damages & distress: data protection leaks in court (New Law Journal, March 2022), Fergus McCombie

Cyber law: touching the future (New Law Journal, December 2021)

Cyber Litigation: The Legal Principles, Fergus McCombie, Ceri Davis and Dean Armstrong KC.

Cyber Litigation: The Legal Principles brings together the existing legal principles in this rapidly developing area of law whilst at the same time considering the latest challenges facing practitioners and corporate advisers. The authors have surveyed the legal landscape to identify bespoke approaches to the issues involved. [Click here to read more.](#)

Podcasts

Smart contracts: are they as smart as the people who drafted them? (A view from the Bar)

Podcast – Cyber Litigation: The Legal Principles – A new book – (A View from the Bar)