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Noelle McGreenera QC



Call: 1978 QC: 1999

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Area of expertise
Civil & Commercial

Professional memberships
Bar Council of Northern
Ireland
Governmental Legal
Service Northern Ireland
Civil Panel
Senior Panel for the
Directorate of Legal
Services Northern Ireland

Profile

Appointments

1993 - present; Deputy County Court Judge

2004 - present; Bencher of the Inn of Court of Northern Ireland

Former member of the VAT and Duties Tribunals

Member of the Disciplinary Appeals Panel for the Northern Ireland Housing Executive

Former Chair of the Family Bar Association of Northern Ireland

2004 - 2006: Vice Chair of Executive Council of the Inn of Court of Northern Ireland and Bar Council of Northern Ireland

2006 – 2008: Chairperson of Executive Council of the Inn of Court of Northern Ireland and Bar Council of Northern Ireland
2008 - 2012: Trustee of the Edinburgh Trust
2008 – 2012: Co-Chair of the Forum for Barrister and Advocates of the International Bar Association and former Co-Chair of the International Council of Barristers and Advocates
2014: Treasurer of the Inn of Court of Northern Ireland
Former Trustee of Relate Northern Ireland
Member of the Employment Lawyers Group for Northern Ireland
Member of the Discrimination Lawyers Association
Member of the Senior Counsel Panel for the Equality Commission for Northern Ireland
Member of the Medico-Legal Society for Northern Ireland
Trainer for the Advocacy Training Board for the Bar Council of Northern Ireland

Practice

Noelle has a varied family, civil and employment practice which includes:-

- High value ancillary relief cases
- Public law cases involving children where there has been serious non accidental injury, death or sexual abuse
- Criminal injury cases on behalf of victims of sexual abuse which require forward financial planning for their care
- Advising government department and companies in respect of discrimination and employment cases
- Advising the Northern Ireland Housing Executive in respect of matters of employment law
- Advising the Northern Ireland Human Rights Commission and the Equality Commission in respect of discrimination matters
- Advising victims of harassment at work and/or employers in relation to presenting or defending High Court claims and related Tribunal matters

Noelle appears mainly in the Family Division of the High Court of Northern Ireland and at the Court of Appeal in Northern Ireland on appeal from either the Industrial Tribunal of Northern Ireland or the Fair Employment Tribunal of Northern Ireland.

Noelle has also appeared as leading Counsel in the House of Lords in respect of major discrimination cases.

Noelle has represented two major commercial entities in respect of their pension schemes particularly in regard to equal pay issues.

Noelle has recently (September 2012) successfully defended a large government department from multiple claims of equal pay with a huge saving to the public purse.

Notable cases

A Health and Social Care Trust –v- M & Others; in Re M [2014] NI FAM3 OHA 9235;

Whether 5 month old baby, M should be removed from a ventilator and made the subject of a Palliative Care Order only; discussion of relevant medical guidelines and case law.

[SCA Packaging Limited v Boyle \[2009\] UKHL 37](#); [2009] ICR 1056; [2009] IRLR 746; [2009] NI 317 □ Case centred on the definition of disability within the DDA 1995 and in particular the meaning of the word "likely" in paragraph 6.1 of Schedule 1 of the Act.

[McConkey & another v The Simon Community \[2009\] UKHL 24](#); [2009] ICR 787; [2009] IRLR 757; [2009] NI 297 □ Case focused on the definition of what constituted a political opinion within the Fair Employment and Treatment (Northern Ireland) Order 1998.

[Shamoon v Chief Constable of the Royal Ulster Constabulary \[2003\] UKHL 11](#); [2003] NI 174; [2003] 2 All ER 26 □ Case focused on the issues in relation to hypothetical comparators and what constituted a detriment.

Wojcik □v- Moy Park Limited NICA. Ref: GIR9055 (December 2013)

Appeal by the Claimant against a Tribunal decision dismissing her claims against her former employer for race discrimination, sexual harassment, less favourable treatment on the grounds of her part-time worker status and constructive dismissal. All appeals dismissed save for the element in respect of holiday pay which the Respondents were happy to concede for sensible economic reasons.

[Martin, Claire v Southern Health and Social Care Trust \[2010\] NICA 31](#) □ Court of Appeal case in relation to the interpretation of the Working Time Regulations (Northern Ireland) 1998 and in particular what constituted a rest period within the terms of the Council Directive 93/104/EC.

[McPolin, Laura v Department of Finance & Personnel \[2012\] NIIT 00215_09IT](#) □ Challenge case for the Department involving a challenge to the pay scale for Northern Ireland Civil Service on the basis that it discriminated against the claimant indirectly and was contrary to the Equal Pay (Northern Ireland) Act 1970 in European law. Challenge unsuccessful.

[Flynn & McNamara v The Department for Social Development \[2012\] NIIT0086_08IT](#) □ Challenge case for the Department involving a challenge to the pay structure of the Northern Ireland Civil Service on the basis that it fell foul of the Age Discrimination Regulations. Challenge unsuccessful.

[Long, Gillian Lorraine v Social Security Agency & ors: in re decision on pre-hearing review \[2010\] NIIT 1166_08IT](#); - Court of Appeal case involving a claim in respect of associated disability discrimination.

[Rice, John Joseph v McEvoy, Yvonne \[2011\] NICA 9](#); [2012] NIJB 80 □ claim by a partner in a solicitor's firm against the principal in relation to victimisation. Claim successfully defended and all further proceedings at Tribunal in relation to the Claimant's subsequent dismissal and further victimisation claim successfully defended. An appeal to the Court of Appeal was also withdrawn.

[Veitch, Jason v Red Sky Group Ltd \[2010\] NICA 39](#) □ disability discrimination and victimisation case.

[Nelson, Stephen William v Newry and Mourne District Council \[2009\] NICA 24](#); [2010] NIJB 49 □ Court of Appeal case in which the Respondent Council accused of discrimination on the grounds of sex. Issues in relation to comparators. Claim dismissed.

Belfast Health and Social Care Trust *v*- J D & Anor [2013] NIFam 4

Application by the mother under Article 15 of Brussels II seeking the Court to exercise its discretion to transfer the case to the Courts of the Czech Republic. Application successfully opposed by the Guardian Ad Litem.

Kevin Curley *v*- The Chief Constable of the Police Service of Northern Ireland and Anor [2009] NICA (Ref: COG7386)

Respondent appealed against a finding from a Fair Employment Tribunal that it had discriminated against the Claimant on the grounds of his religion. Appeal successful and the decision of the Tribunal overturned.

F&T Care Proceedings: Residence [2011] NIFAM 1 Ref: STE8039

Case involving both care and residence proceedings of two children where there was a different father for each child from a wholly different and religious background. T's father, a Swedish citizen, successful in obtaining a joint Residence Order in respect of T.

[Dona \(a pseudonym\): in re \(No 7\) \(application to discharge care order\) \[2011\] NIFAM 8](#)

[Caitrin & ors: in re \(No 6\) \(financial provision for the children\) \[2010\] NIFam 22](#)

McG, McG *v*- McG, B [2009] NI FAM6 MOR7440 (Family Division of the High Court)

Husband intending to seek to set aside a Consent Order having agreed to pay a lump sum funded by the sale of the matrimonial home, value of the matrimonial home decreasing significantly; whether the Consent Order could be set aside in the absence of fraud, mistake or non disclosure; whether change in the value of the matrimonial home a new event undermining the basis of the Consent Order; whether proper procedures and applications to set aside our application for leave to appeal. Application for leave to appeal allowed.

[D v D: in re \(post-agreement windfall\) \[2009\] NI Master 75](#) case concerned whether a wife was entitled to reopen a matrimonial agreement.

[Luiz: in re \(application for a residence order by Northern Irish step mother in respect of a Brazilian National\) \[2009\] NIFam 16](#)

[Brangam, Heather Mildred: in re application for judicial review \[2008\] NIQB 92](#) - judicial review application against Law Society of Northern Ireland. Test case as to whether the body was capable of having its decisions subject to public law scrutiny.

[ESJ \(a minor\): in re \(residence order application; jurisdiction within United Kingdom; applicability of Council Regulation \(EC\) No. 2201/2003\) \[2008\] NIFam 6; \[2009\] NIJB 48](#) challenge to the provisions contained in the Children (Northern Ireland) 1995 Order in respect of Emergency Protection Orders and in particular whether Article 64 (8) was compatible with Article 6 and 8 of the European Convention on Human Rights. The Court agreed the 1995 Order was not compatible with the Convention Rights and the offending legislation was then repealed.

[AR v Homefirst Community Trust \[2005\] NICA 8; \[2005\] NI 435](#) issue concerned the decision making process of a Trust in the removal of a child from the mother. Court of Appeal argued that the mother's Article 8 rights had been infringed.