
Jason Coppel KC

Jason Coppel's practice focuses on public law, procurement law and information law, with particular emphasis on EU law and human rights issues. He has appeared regularly in the Supreme Court and the Court of Justice of the European Union, and in many of the leading cases of recent years, including the Article 50 TEU litigation, *Miller v Secretary of State for Exiting the European Union* and multiple claims arising out of the Government's handling of the Covid-19 pandemic. He is ranked by the directories as a leading KC in administrative law, civil liberties, EU law and procurement law. He was the Legal 500 EU and Competition Law Silk of the Year 2018 and has been nominated by Chambers & Partners as Public Law and Human Rights Silk of the Year on three occasions, most recently in 2022. He is a Deputy High Court Judge and a member of the disciplinary panels of the Football Association and the Rugby Football Union.



Professional Summary

Called 1994
Appointed KC 2013

Contact Details

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Specialisms

Public Law

Jason has a wide-ranging judicial review practice, representing claimants, NGOs and central and local government.

"Jason is one of the best public law silks around. His written work is superb and his advocacy is excellent. He is a pleasure to work with." (Legal 500, 2021)

"Extremely good on technical arguments, and excellent at identifying and homing in on the one or two points that will win a case. The court takes him very seriously." (Chambers & Partners 2021)

His significant recent cases include:

R (Gardner) v Secretary of State for Health

[2022] PTSR 1338

Represented claimants in successful public law challenge to the Government's policies regarding protection of care home residents during the early stages of the pandemic.

R (Good Law Project & Runnymede Trust) v Prime Minister & Secretary of State for Health

[2022] EWHC 298 (Admin)

Represented claimant NGOs in discrimination and Public Sector Equality Duty challenge to the appointment of friends and contacts of Ministers to top pandemic-related jobs without open competition.

R (Friends of the Earth and ors) v Secretary of State for Business

[2022] EWHC 1841 (Admin)

Represented Good Law Project and Joanna Wheatley in successful challenge to the Government's Net Zero Strategy.

R (Miller) v College of Policing

[2022] HRLR 6

Represented the College of Policing in challenge to guidance on the recording by police of non-

crime hate incidents, as applied to police handling of a complaint about gender critical tweets.

R (Good Law Project and EveryDoctor) v Secretary of State for Health

[2022] PTSR 644

Represented claimants in a challenge to the award of a number of contracts for PPE without open competition, in which the High Court held that the Government's "VIP lane" was unlawful.

R (L) v Hampshire County Council

[2022] ELR 314

Represented claimant on challenge to local authority guidance to schools on teaching of gender issues.

R (Fair Play for Women) v UK Statistics Authority

[2021] 3 WLUK 158

Represented claimant pressure group in successful challenge to guidance on answering the "What is your sex?" question in the 2021 census.

R (Blundell) v Secretary of State for Work and Pensions

[2021] PTSR 1342

Represented Secretary of State in defence of policy on making deductions from universal credit to pay fines imposed under the criminal law.

R (MP) v Secretary of State for Health

[2021] PTSR 1122

Represented claimant challenging regulations extending charging of fees for NHS treatment to "overseas visitors".

R (JT) v First Tier Tribunal

[2019] 1 WLR 1313

Represented Equality and Human Rights Commission intervening in successful challenge to the "same roof rule" restricting criminal injury compensation for sexual offences.

R (Boris Johnson) v Westminster Magistrates Court

[2019] 1 WLR 6238

Represented Interested Parties defending Magistrates Court decision to issue a summons against Boris Johnson for misconduct in public office due to alleged lying during EU referendum campaign.

R (Law Centres Network) v Lord Chancellor

[2018] EWHC 1588 (Admin)

Represented claimant in successful judicial review of tender process for legal aid contracts to operate housing possession court duty schemes.

R (Gulf Centre for Human Rights) v Prime Minister

[2018] EWCA Civ 1855

Represented the claimant NGO challenging amendments to the Ministerial Code which removed the express obligation upon ministers to comply with international law and uphold the administration of justice.

Gina Miller v Secretary of State for Exiting the European Union

[2017] 2 WLR 583

Litigation to establish whether the Government was entitled to notify the European Council under Article 50 TEU of the UK's intention to leave the EU without the prior authority of Parliament

Re Northern Ireland Human Rights Commission (Northern Ireland : Abortion)

[2019] 1 All ER 173

Represented Equality and Human Rights Commission intervening in a challenge to the law restricting the availability of abortion in Northern Ireland.

Jason has a wide-ranging human rights practice both in the domestic courts and in Strasbourg and frequently appears in cutting-edge human rights claims.

“Excellent leader who is receptive and adaptable. Has the ear of the court” (Legal 500, 2021).

“He’s absolutely stellar on paper. Everything is analytically correct and written in a very convincing, persuasive and clear manner” (Chambers & Partners, 2020)

His notable recent cases in this field include:

Banks v HMRC

[2022] 1 WLR 825

Represented Aron Banks in A1P1 challenge to inheritance tax rules which were argued to discriminate against supporters of smaller political parties such as UKIP.

R (Gardner) v Secretary of State for Health

[2022] PTSR 1338

Represented claimants in successful public law challenge to the Government’s policies regarding protection of care home residents during the early stages of the pandemic.

R (Crowter) v Secretary of State for Health

[2021] EWHC 2536 (Admin)

Represents claimants challenging s.1(1)(d) of the Abortion Act 1967 on the grounds that it permits abortion without time limit where a foetus has a disability. The judgment of the Court of Appeal is pending.

R (Miller) v College of Policing

[2022] HRLR 6

Represented the College of Policing in challenge to guidance on the recording by police of non-crime hate incidents, as applied to police handling of a complaint about gender critical tweets.

Secretary of State for Work and Pensions v Hughes and ors

[2022] ICR 215

Represented the Secretary of State for Work and Pensions in an age discrimination challenge to the cap on pension compensation payable from the Pension Protection Fund.

MS (Pakistan) v Secretary of State for the Home Department

[2020] 1 WLR 1373

Represented Equality and Human Rights Commission acting as appellant in Supreme Court appeal concerning the immigration rights of individuals who have been subjected to human trafficking.

Catt v UK

(2019) 69 EHRR 7

Represented the UK in European Court of Human Rights proceedings challenging the policy of the police in recording and retaining personal data, on the grounds of breach of Article 8 ECHR.

Re Northern Ireland Human Rights Commission

[2019] 1 All ER 173

Represented Equality and Human Rights Commission in challenge to the human rights compatibility of the law restricting abortion in Northern Ireland.

Procurement law

Jason is widely recognised as one of the leading silks practising in procurement law. He has conducted procurement litigation since 1998 and has been instructed in many of the landmark domestic cases. He also has an extensive advisory practice, specialising in issues such as the application of procurement law to development agreements and other property deals, the permissible grounds for variation of existing public contracts and the contracting authority status of quasi-public bodies such as universities.

“ Provides fantastically clear and practical advice, and is a compelling advocate”; “ He’s hardworking and technically outstanding” (Chambers & Partners 2021)

“ One of the top two performing KCs.” (Legal 500, 2021)

His notable recent cases in this field include:

Camelot UK Ltd v The Gambling Commission

[2022] EWHC 1664 (TCC)

Represents Camelot, the operator of the National Lottery, challenging the decision of the Gambling Commission not to award it the next, Fourth Licence to operate the National Lottery.

Draeger Safety (UK) Limited v London Fire Commissioner

[2021] EWHC 2221 (TCC)

Represented claimant in challenge to outcome of high profile procurement of breathing apparatus for London Fire Brigade.

Stagecoach East Midlands v Secretary of State for Transport

[2020] EWHC 1568 (TCC)

Represented claimant train operating companies in challenge to disqualification from procurement for right to operate West Coast mainline and HS2.

R (Good Law Project and 3 MPs) v Secretary of State for Health

[2021] EWHC 346 (Admin)

Represented claimants in successful challenge to failure of Government to publish details of contracts awarded for PPE and other supplies to address the pandemic.

R (Good Law Project) v Minister for the Cabinet Office

[2022] PTSR 933

Represented claimant in challenge to award of contract for market research services without competition to “friends” of the Minister and Dominic Cummings.

R (Good Law Project and EveryDoctor) v Secretary of State for Health

[2022] PTSR 644

Represented claimants in a challenge to the award of a number of contracts for PPE without open competition, in which the High Court held that the Government’s “VIP lane” was unlawful.

AEW v Basingstoke Council

[2019] EWHC 2050 (TCC)

Represented defendant in EU law-based challenge to large-scale development agreement for leisure park and retail complex.

AbbVie Ltd v NHS Commissioning Board

[2019] EWHC 61 (TCC)

Represented claimant challenging £1bn procurement of hepatitis C drugs – the largest ever drugs procurement by the NHS.

SRCL v NHS Commissioning Board

[2019] PTSR 383

Represented claimant company challenging auction for clinical waste services on grounds that the defendant had accepted an abnormally low tender.

Amey Highways Ltd v West Sussex CC

[2019] PTSR 1995

Represented defendant to procurement challenges to award of high value highways maintenance contract, and subsequent decision to abandon the procurement.

Alstom UK, Bombardier Transport & Hitachi Rail v London Underground Limited

[2018] EWHC 2926 (TCC)

Represented defendant to very high value procurement challenges to the award of contracts for new London Underground trains

Ryhurst Limited v Whittington NHS Trust

189 Con. L.R. 83

Represented defendant to claim by preferred bidder complaining of cancellation of tender process in the aftermath of Grenfell Tower Fire.

Circle (Nottingham) Ltd v NHS Rushcliffe CCG

[2019] EWHC 3635 (TCC)

Represented health service body in procurement and state aid challenge to tender process and method of financing of NHS hospital trust

EU law

Jason has been a leading practitioner in the EU law field for many years and has appeared at all levels in the domestic courts, as well as on several occasions in the Supreme Court and the Court of Justice of the European Union. Recently, he has acted for the Government in Supreme Court cases on Brexit matters and for Claimants in large scale EU and competition law challenges. He was awarded the Legal 500 EU and Competition Law Silk of the Year 2018 and has been nominated for the equivalent Chambers & Partners award.

“He is an extremely powerful and effective advocate and is genuinely respected by the judiciary” (Chambers & Partners, 2021)

“A very impressive operator” who *“has a strong reputation and is a persuasive advocate”* (Legal 500, 2020)

Secretary of State for Work and Pensions v Hughes and ors

[2022] ICR 215

Represented the Secretary of State for Work and Pensions in an age discrimination challenge to the cap on pension compensation payable from the Pension Protection Fund.

Stagecoach East Midlands v Secretary of State for Transport

[2020] EWHC 1568 (TCC)

Represented claimant train operating companies in EU law-based challenge to disqualification from procurement for right to operate West Coast mainline and HS2.

R (Good Law Project and EveryDoctor) v Secretary of State for Health

[2022] PTSR 644

Represented claimants in a challenge to the award of a number of contracts for PPE without open competition, in which the High Court held that the Government's “VIP lane” was unlawful.

The UK Withdrawal From The European Union (Legal Continuity) (Scotland) Bill

[2019] 2 WLR 1

Supreme Court challenge to legality of Scottish Bill concerning allocation of EU legislative powers after Brexit.

Newby v Food Standards Agency

[2019] UKSC 18

Represented FSA in Supreme Court and CJEU in challenge to its actions seeking to enforce EU rules on meat production.

Information law

Jason has developed an extensive practice in data protection and freedom of information cases. Prior to taking silk he was a member of the Attorney General's Freedom of Information Panel and of the panel of counsel instructed by the Information Commissioner.

“He is highly organised and someone you don't want on the other side” (Legal 500, 2021)

His notable cases include:

R (Miller) v College of Policing

[2022] HRLR 6

Represented the College of Policing in challenge to guidance on the recording by police of non-crime hate incidents, as applied to police handling of a complaint about gender critical tweets.

[2021] 3 WLUK 158

Represented claimant pressure group in successful challenge to guidance on answering the "What is your sex?" question in the 2021 census.

Surrey Searches and others v Dwr Cymru/Welsh Water and ors

BL-2019-002362

Represent defendant water company in large-scale challenge by property search companies seeking to recover charges made by water companies for CON29DW searches.

Catt v UK

(2019) 69 EHRR 7

Represented the UK in European Court of Human Rights proceedings challenging the policy of the police in recording and retaining personal data, on the grounds of breach of Article 8 ECHR.

Magyar Helsinki Bizottság v Hungary

[2016] ECHR 975

Represented the UK Government intervening before the Grand Chamber of the European Court of Human Rights on the issue of whether Article 10 ECHR confers a right to freedom of information.

R (Catt) v Commissioner of Police for the Metropolis

[2015] 2 WLR 664 (SC)

Represented Home Secretary intervening in Supreme Court challenge to police policies on recording and retention of information.

R (T) v Greater Manchester Police

[2015] AC 49 (SC)

Represented the Secretaries of State in a landmark challenge to disclosure of conviction and caution information on criminal records checks.

Community Care

Jason has acted in several cases concerning the fall-out from **Cheshire West** and the **Re X litigation**, including **Re NRA** [2015] EWCOP 59 and **Re JM** [2016] 4 WLR 64 in which the Court of Protection has dealt with issues of representation of incapacitated persons. He also acted for the Government in a recent challenge brought by local authorities to the funding made available for the deprivation of liberty safeguards: **R (Liverpool City Council) v Secretary of State for Health** [2017] EWHC 986 (Admin). He has acted as legal advisor to Essex University's Autonomy Project, in particular on its study of compliance of the Mental Capacity Act 2005 with the Convention on the Rights of Persons with Disabilities.

Pensions

Jason's extensive experience of pensions law has included long-running discrimination litigation regarding access to pension rights, age discrimination issues, the Local Government Pension Scheme and advising and representing the Department for Work and Pensions on the British Steel Pension Scheme, Guaranteed Minimum Pensions and state pension rights for transsexuals. He has also advised the Pension Protection Fund on levy and other issues.

Significant recent cases include:

Secretary of State for Work and Pensions v Hughes and ors

[2022] ICR 215

Represented the Secretary of State for Work and Pensions in an age discrimination challenge

to the cap on pension compensation payable from the Pension Protection Fund.

Board of the Pension Protection Fund v Dalriada Trustees Ltd

[2021] ICR 479

Represented the Secretary of State for Work and Pensions in test case concerning the operation of the Fraud Compensation Fund in the context of compensation claims by occupational pension schemes which had been used as a vehicle for pensions scams.

MB v Secretary of State for Work and Pensions

[2019] ICR 115

Represented UK Government in CJEU challenge to refusal of state pension on grounds that a transsexual person had not obtained a Gender Recognition Certificate (on account of being married).

Hampshire v Board of the Pension Protection Fund

[2016] Pens LR 281

Represented UK Government in CJEU challenge to the statutory cap on PPF compensation referred to the CJEU.

Parris v Trinity College Dublin

[2017] ICR 313

Represented UK Government in CJEU proceedings concerning sexual orientation and age discrimination in payment of survivors' pensions.

Walker v Innospec Pension Trustees

[2017] ICR 1077

Represented Secretary of State in Supreme Court proceedings regarding whether the EU Framework Directive requires equal payment to survivors of same sex couples of survivors' pensions which accrued before it came into force.

Recommendations

In the 2023 edition of **Chambers & Partners**, Jason has been described as "One of the very best – he has brilliantly clear thinking and provides pragmatic advice." "He is spectacularly good. Incredibly smart and thorough. Brilliant to have on your side." "Jason has a fantastic personality that shines through in his advocacy." "He is incredibly able, particularly on difficult, cutting-edge matters with constitutional elements." "He's great – really careful, super responsive, thorough and creative in his thinking." "He is brilliant on paper and so clever. He has an understated, calm approach in court." "Jason is a silk at the top of his game in the realm of public law. He is an accomplished advocate, unflappable on his feet and he is able to quickly grasp issues of the utmost complexity." "He is very prominent and involved in a lot of high-profile cases." "He is a really clever and clear advocate." "One of the best procurement barristers in the field. He stands out above almost anyone else." "He is brilliant on paper and so clever. He has an understated, calm approach in court."

In the 2023 edition of **Legal 500**, Jason has been described as "*clear-eyed and calm*", "*his advocacy has a quiet authority to it*." "*An extremely approachable silk. He gives clear and practical advice, and is second to none in this area of law.*"

In the 2022 edition of **Chambers & Partners**, Jason has been described as "*An exceptional barrister – his presentation is immaculate.*" "*His strategic vision of cases is really helpful. He is also prompt and clear in communicating advice.*" "*He has quite a skill in expressing things concisely for the appeal court.*" "*Jason is really smart and calm. His knowledge of discrimination law and EU law is encyclopedic.*" "*What makes him strong is his technical ability on the law; he is the sort of person who will fashion a Supreme Court argument in a couple of days.*" "*A real expert in the area and great to work with.*" "*He is a very fine advocate who exercises good judgement and is excellent at marshalling and managing complex cases.*" "*An excellent barrister who is very, very thorough and has an understated advocacy style.*"

In the 2022 edition of **Legal 500**, Jason has been described as a "*very impressive silk – a go-to barrister for procurement judicial review. Excellent on the papers and in advocacy, where he*

strikes the right balance of being firm but fair.” “Jason has become one of the pre-eminent public law silks. His particular strength is focus; being absolutely clear on the best points to take, and then being able to present them to the court in a highly persuasive way.”
“Fantastically knowledgeable, Jason also has good judgement. He has a calm, measured advocacy style and is great with clients.”

Chambers and Partners 2021 edition has said Jason is “*extremely good on technical arguments, and excellent at identifying and homing in on the one or two points that will win a case. The court takes him very seriously*”, “*he really fights his client’s corner*”, “*he’s extremely bright, strategic and user-friendly*”, “*provides fantastically clear and practical advice, and is a compelling advocate*”, “*he’s hardworking and technically outstanding*”, “*he is an extremely powerful and effective advocate and is genuinely respected by the judiciary*”.

Jason has been described in the 2021 edition of **Legal 500** as an “*excellent leader who is receptive and adaptable. Has the ear of the court*”, “*one of the top two performing KCs*”, “*Jason is one of the best public law silks around. His written work is superb and his advocacy is excellent. He is a pleasure to work with*”, “*he is highly organised and someone you don’t want on the other side*”.

Chambers and Partners has said about him that he has “*laser-like precision and clear, commercial legal advice. Inspires real confidence ... He is wonderfully clear and persuasive in court ... a top-drawer silk for frontline cases*”.

Chambers and Partners has also said about Jason: “*he is very, very sound, and very well-liked by clients*”, “*is extremely able, and a very impressive opponent*”, “*provides astoundingly clear and thoughtful written advice, and is very sensible*”, “*extremely good technically and very knowledgeable in public procurement*”, “*extremely good, feared as an opponent and a very welcome member of the team when an ally*”, “*he is crisp, to the point and doesn’t go on. He’s sophisticated on information systems, and delivers a seamless service*” and he “*has a detailed understanding of information law, as well as an ability to provide clear strategic advice. You can have confidence in his judgment*”.

Jason has been described in **Legal 500** as a “*a creative thinker and a determined fighter in court*”, “*he is popular with clients and very easy to work with*”, “*he has outstanding knowledge and experience of human rights law*”, “*he always brings a fresh perspective to a case*”, “*he knows which points to emphasise for maximum effect*”, “*a very measured advocate who is taken seriously by the judges*” and as having a “*rare ability to make difficult concepts sound straightforward*”, “*a market leader in the making*”.

Jason was nominated for the award of Human Rights and Public Law Silk of the Year in the Chambers Bar Awards 2015, 2021 and 2022 and for the award of Barrister of the Year in The Lawyer Awards 2016. He was awarded Legal 500 EU and Competition Law Silk of the Year 2018.

He was *The Times* Lawyer of the Week on 18 February 2016: see article [here](#).

Education

Brasenose College, Oxford University, B.A. (Law), First Class Honours (1990)

European University Institute, Florence, LLM in European, Comparative and International Law (1992)

Other

Languages:

French and Italian



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