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## Oliver Jackson

Oliver maintains a broad practice across public, employment and commercial law. His recent work has included acting in a £19 billion judicial review claim against HM Treasury (*R (FBU and BMA) v HM Treasury*), a challenge to the decision not to name UK companies that received taxpayer-backed loans during the Covid-19 pandemic (*Spotlight on Corruption v British Business Bank*), and in the ongoing competition law claims against Mastercard and Visa (*the Interchange Fees Litigation*).

Oliver has extensive experience of working both as sole counsel and as a member of large teams. His clients range from vulnerable individuals, employees, start-ups and NGOs to employers, multinational corporations, UK government departments and foreign governments. Clients say they are “impressed” and praise his “highly responsive” manner.

From 2020 to 2021, Oliver was a Judicial Assistant at the UK Supreme Court and the Judicial Committee of the Privy Council, working on the most complex and high-profile cases in the UK and from across the Commonwealth. These included the Shamima Begum appeal (*R (Begum) v Secretary of State for the Home Department*), the challenge to Heathrow’s third runway (*R (Friends of the Earth) v Heathrow Airport Ltd*), and the Uber drivers case (*Uber BV v Aslam*). He maintains an academic interest in his core practice areas and has published several academic articles, as well as contributing to a leading practitioner’s textbook on public law.

Oliver is also a strong advocate of pro bono work. He has advised on human rights issues at Liberty, advocated for the abolition of the death penalty at Reprieve, acted for clients through the Free Representation Unit, assisted litigants-in-person at the Personal Support Unit, and volunteered as a caseworker at the Bar Pro Bono Unit.

Before joining the Bar, Oliver was on the civil service fast-stream. He received a first class degree in Natural Sciences from Cambridge University, where he graduated second in the year in his subject and won several scholarships and prizes. He has taught maths, physics and chemistry and enjoys cases that arise in a technical or scientific context.

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## Specialisms

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### Public and Human Rights

Oliver has extensive experience in public law and human rights issues. He acts for claimants, defendants, interveners and interested parties, and is a member of the Government’s junior panel scheme. He has been instructed on public law and human rights claims before the High Court and the Supreme Court and on multiple applications to the European Court of Human Rights. He has also recently drafted chapters for a leading practitioner’s textbook on judicial review and the operation of the Human Rights Act 1998, to be published in 2023. Highlights of cases in which he has been involved include:

- *R (Fire Brigades Union and ors) v HM Treasury and ors* [2023] EWHC 527 (Admin) – judicial review by trade unions under article 6 ECHR and on domestic public law grounds to the operation of the cost control mechanism in public sector pension schemes (led by Nigel Giffin QC).



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### Professional Summary

Called 2019

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### Contact Details

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[Contact Clerks](#)

- **Worcestershire CC v Secretary of State for Health** (listed for April 2023) – Supreme Court appeal on whether a local authority is obliged to provide mental health aftercare services to a person who has moved into the area of another local authority (led by Andrew Sharland QC).
- **Barking and Dagenham LBC v Persons Unknown** [2022] EWCA Civ 13 – whether final injunctions can be granted against gypsies and travellers who are unknown and unidentified at the time of the injunction (assisting Nigel Giffin QC).
- **R (Article 39) v Secretary of State for Education** [2022] EWHC 589 (Admin) – whether the consultation leading to regulations permitting the placement of 16 and 17-year-old children in unregulated accommodation was fair (assisting Jo Clement QC).
- **R (Good Law Project) v Minister for Cabinet Office** [2022] (SC, seeking permission) – whether the award of procurement contracts during the Covid-19 pandemic was biased (assisting Jason Coppel QC and Patrick Halliday).
- **Attorney General for Bermuda v Ferguson** [2022] UKPC 5 and **Day v Governor of the Cayman Islands** [2022] UKPC 6 – whether the constitutions of Bermuda and the Cayman Islands provide a right to same-sex marriage.
- **R (Elan-Cane) v Secretary of State for the Home Department** [2021] UKSC 56 – judicial review challenge to the lack of a non-binary 'X' gender option on UK passports.
- **Re McQuillan** [2021] UKSC 55 – judicial review challenge to the lack of an article 2 ECHR compliant investigation into deaths and ill-treatment occurring during the Troubles.
- **R (Majera) v Secretary of State for the Home Department** [2021] UKSC 46 – whether the Home Secretary was permitted to override a defective court order.
- **United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill & European Charter of Local Self-Government (Incorporation) (Scotland) Bill** [2021] UKSC 42 – devolution references concerning certain provisions of two Scottish Bills are outside the competence of the Scottish Parliament.
- **R (AB) v Secretary of State for Justice** [2021] UKSC 28 – challenge to the placement of children in solitary confinement at a Young Offenders Institution.
- **R (SC) v Secretary of State for Work and Pensions** [2021] UKSC 26 – article 14 ECHR challenge to the two-child benefit cap.
- **R (Begum) v Secretary of State for the Home Department** [2021] UKSC 7 – challenge to the decision to deprive Shamima Begum of her UK citizenship.
- **R (Friends of the Earth) v Heathrow Airport Ltd** [2020] UKSC 52 – challenge to the third runway at Heathrow Airport.
- Advising an international media organisation on two potential article 10 ECHR claims to the European Court of Human Rights.
- Advising a university professor on whether their research was subject to export controls in the wake of Russia's invasion of Ukraine.
- Advising a utilities company on a potential public law claim against the regulator.

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## Commercial

Oliver practises in all areas of commercial law, with a particular interest in the overlap between commercial disputes and public law principles. His commercial clients have included FTSE 100 companies, tech businesses, NHS Trusts, universities and businesses in the retail, gambling, luxury goods and hospitality sectors. He has been instructed on matters ranging from the county court small claims track to heavy and complex commercial court trials. Highlights of cases in which he has been involved include:

- **Tinkler v Stobart Group** [2022] EWHC 1375 (Ch) – successful defence to a claim to set aside a judgment alleged to have been obtained by fraud (assisting Richard Leiper QC and Daniel Isenberg).
- **Bott & Co Solicitors Ltd v Ryanair DAC** [2022] UKSC 8 – claim to recover monies said to be held under a solicitor's equitable lien.
- **FS Cairo (Nile Plaza) LLC v Brownlie** [2021] UKSC 45 – claim for tortious damages against a defendant out of the jurisdiction.
- **Pakistan International Airlines Corporation v Times Travel (UK) Ltd** [2021] UKSC 40 – whether a contract can be avoided for lawful economic act duress (critiqued academically in [2021] 8 JBL 701).

- **Tinkler v HMRC** [2021] UKSC 39 – the leading authority on estoppel by convention.
- **Enka Insaat Ve Sanayi AS v OOO Insurance Company Chubb** [2020] UKSC 38 – dispute over the proper law of an arbitration agreement governing proceedings concerning liability for a fire at a Russian power plant.
- **Harcus Sinclair LLP v Your Lawyers Ltd** [2021] UKSC 32 – enforceability of a non-compete clause/solicitor’s undertaking agreed between two law firms.
- **Secretary of State for Health v Servier Laboratories Ltd** [2021] UKSC 24 – the NHS’s claim against a pharmaceutical company for overcharging it for the drug perindopril.
- **Manchester Building Society v Grant Thornton UK LLP** [2021] UKSC 20 and **Meadows v Khan** [2021] UKSC 21 – the leading authorities on the scope of the duty of care in negligence.
- **T W Logistics Ltd v Essex County Council** [2021] UKSC 4 – challenge to the registration of a working commercial port as a town and village green.
- **Vodafone v Ofcom** [2020] EWCA Civ 183 – restitutionary claim by network operators for monies held by Ofcom after the quashing of earlier regulations.
- **Alstom Transport UK Ltd v Network Rail Infrastructure Ltd** [2019] EWHC 3585 (TCC) – challenge to the award of a contract for digital train control signalling system on the East Coast Main Line.
- Drafting particulars of claim in a dispute arising out of a team move orchestrated by a senior broker (assisting Amy Rogers and Tom Ogg).

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## Employment

Oliver practices in all areas of employment law, with a particular interest in redundancy, dismissal, discrimination and trade union cases. He acts for employees, employers, unions, and others. He frequently appears in preliminary hearings and trials in the Employment Tribunal, both as a sole advocate and as part of a counsel team. Highlights of cases in which he has been involved include:

- **Jurczykowski v Amazon UK Services Ltd** (ongoing) – challenge to the lawfulness of Amazon’s policy for employees on long-term sick leave.
- **Diner v Fujifilm Sonosite Ltd** (ongoing) – harassment and unfair dismissal claim arising out of an alleged course of conduct by the claimant’s manager.
- **Newton v SJB Medical Ltd and anor** (ongoing) – disability discrimination claims arising out of an online automated recruitment test.
- **Tamiru v Tiffany & Co (UK) Holdings Ltd** (ET 2302460/2022) – claims against luxury jewellers for unfair dismissal, redundancy pay, notice pay and bonus pay successfully struck out or subjected to deposit order.
- **Yentob v Impressco Ltd** (ET 2300835/2022) – claim for unpaid holiday pay and petrol expenses (pro bono); settled the morning of trial with the respondent paying 100% of the sums claimed.
- **Kostal UK Ltd v Dunkley** [2021] UKSC 47 – claim against an employer for bypassing a trade union in its negotiations with employees.
- **Asda Stores Ltd v Brierley** [2021] UKSC 10 – whether female retail staff are entitled to compare themselves with male employees at distribution depots for the purposes of an equal pay claim.
- **Uber BV v Aslam** [2021] UKSC 5 – whether Uber drivers are workers.
- Advising whether an employee had a claim for unpaid redundancy pay (assisting Simon Forshaw).
- Advising whether an employee who was not enrolled in her employer’s pension scheme was discriminated against on the grounds of her part-time status (assisting Patrick Halliday).
- Advising whether an employer’s policy not to make compulsory redundancies was enforceable (assisting Daniel Stilitz QC).

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## Procurement, European Union and Competition

Oliver has significant experience in cases involving procurement, EU law, retained EU law and competition law. He is comfortable dealing with intricate regulatory structures and has particular experience in competition law disputes. Highlights of his work include:

- ***The Multilateral Interchange Fees Litigation*** – instructed as junior counsel in the Competition Appeal Tribunal for around 10,000 retailers in their claims against Visa and Mastercard, following on from the decision of the Supreme Court in *Sainsbury's Supermarkets Ltd v Visa and Mastercard* [2020] UKSC 24 (led out of chambers).
- ***R (Good Law Project) v Minister for Cabinet Office*** [2022] (SC, seeking permission) – whether the award of procurement contracts during the Covid-19 pandemic was biased (assisting Jason Coppel QC and Patrick Halliday).
- ***Secretary of State for Health v Servier Laboratories Ltd*** [2022] UKSC 44 – to what extent findings made by the CJEU in judgments annulling an infringement decision of the EU Commission are binding in domestic private damages actions following on from that decision.
- ***Ecolab Inc v Competition and Markets Authority*** [2020] CAT 12 – challenge to a decision of the CMA requiring Ecolab to divest its acquisition of a competitor.
- ***Daimler AG v Walleniusrederier Aktiebolag*** [2019] EWHC 3197 (Comm) and [2020] EWHC 525 (Comm) – follow on damages claim arising from the Roll-on/Roll-off international shipping cartel.
- ***Stellantis NV (formerly Fiat Chrysler Automobiles NV) & others v NTN Corporation & others***: follow-on damages claim arising from the automotive bearings cartel.
- Advising a contracting authority on whether a proposed co-operation agreement was excluded from the requirement for a competitive procurement.
- Advising a contracting authority on the lawfulness of a direct award to an economic operator in the absence of any realistic alternative.
- Assisted in drafting an article 340 TFEU application to the CJEU challenging the adoption of an EU Directive.
- Assisted in drafting an expert opinion on EU law for a US arbitration on whether a licence agreement which settled a patent dispute was in breach of article 101 TFEU.

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## Public International Law

Oliver is experienced in a range of international law issues, with a particular interest in cases concerning foreign acts of state and diplomatic immunity. He has been involved in a number of recent cases including:

- ***R (AG) v Barnet LBC & Secretary of State for the FCDO*** [2022] EWCA Civ 1505 – whether there is an exception to diplomatic immunity for cases involving torture and/or children (assisting Jo Clement QC).
- ***Maduro Board of the Central Bank of Venezuela v Guaido Board of the Central Bank of Venezuela*** [2021] UKSC 57 – dispute over which Venezuelan President controlled gold reserves worth US\$2 billion deposited in the Bank of England.
- ***General Dynamics UK Ltd v Libya*** [2021] UKSC 22 – challenge to an attempt to enforce an arbitration award against the state of Libya.

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## Data Protection and Information

Oliver's experience in data protection and information law ranges from advising government departments on narrow points of law through to assisting Supreme Court justices decide class action claims. He frequently appears for appellants, interested parties and the Information Commissioner in the First-tier Tribunal and in the Upper Tribunal. As with all his practice, he acts for both claimants and defendants. Highlights of his work include:

- ***Spotlight on Corruption and anor v British Business Bank*** (EA 2022/0014) – successful resistance to a challenge to the decision not to disclose the names of UK companies that received government-backed loans during the Covid-19 pandemic.
- ***Department for Levelling Up, Housing and Communities v Information Commissioner*** (awaiting judgment) – challenge to ICO decisions ordering the disclosure to journalists of information regarding the Government's Towns Fund on the basis that the information relates to the

formulation or development of government policy.

- **MO v Information Commissioner** (ongoing) – challenge to ICO decision withholding the disclosure of information relating to the licensing of sex entertainment venues in Bristol.
- **Lloyd v Google LLC** [2021] UKSC 50 – class action claim against Google for alleged abuse of personal data.

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## Articles and Publications

‘Public law in the Supreme Court 2020-2021’ [2023] JR (forthcoming, with Isabella Buono)

‘Limiting an employer’s right to dismiss on notice: *Aspden v Webbs Poultry* and *USDAW v Tesco*’, UK Labour Law Blog, 22 February 2023 (freely available [here](#))

‘Unconscionability, uncertainty and lawful act duress’ [2021] 8 JBL 701 (available [here](#))

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## Education

BA Natural Sciences, Cambridge University (First)

Graduate Diploma in Law, City University (Distinction)

Bar Professional Training Course, City University (Outstanding)

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## Awards

Phoenicia Scholar (Bar European Group)

Postgraduate Scholar (City Law School)

Certificate of Honour (Middle Temple)

JJ Powell Prize (Middle Temple)

Queen Mother Scholarship (Middle Temple)

Astbury Scholarship (Middle Temple)

Simon Walker Prize in Natural Sciences (Christ’s College, Cambridge)

Graduate Scholar (Christ’s College, Cambridge)

Levy Plumb Bursary and Newton Trust Bursary (Christ’s College, Cambridge)



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