
Tom Cross

Tom Cross is one of the leading juniors at the UK Bar. The directories have described him as “absolutely top-notch”, “worth his weight in gold” and as someone who “can turn his hand to anything”.

Chambers & Partners 2020 rank him in seven areas of practice:

Administrative & Public Law: “an excellent, imaginative junior” who “is excellent on his feet”, “gives very clear advice”, and “has the great skill of delivering a complex idea in a straightforward way”.

Civil Liberties & Human Rights: “excellent”, “very client-friendly”, “thoughtful, sensible and practical” with “a comprehensive knowledge of human rights”

Education: “a very good advocate”, “able to speak with clients in a very straightforward, no-nonsense way” who is “well organised, timely and provides very constructive advice.”

Data Protection: “a great practitioner”

Professional Discipline: “a respected, versatile advocate, highly experienced in High Court appeals” who is “very flexible in receiving instructions and responding” and “willing and able to engage with the wider context”

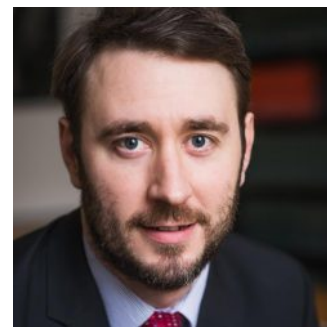
Local Government: “witty”, “a very good advocate”, “a great speaker”, “able to explain difficult concepts clearly”, “responsive, excellent with clients”, “fiercely intelligent”, “very personable”, and “very approachable.”

Employment Law: “very client-friendly” and “does a great job”.

He was the Legal 500 Public Law Junior of the Year 2018. He is the Chambers & Partners Employment Law Junior of the Year 2019.

His recent instructions concern matters as varied as the Article 50 / Gina Miller litigation, the “Black Cab Rapist” judicial review, the school sex segregation case, representing a Strictly Come Dancing Professional in an employment dispute, and acting in claims concerning abortion rights, the crime of female genital mutilation, and the recovery of silver from a shipwreck which was sunk during World War Two in the Indian Ocean.

He acts both for claimants and defendants. His private and public sector clients range from major companies to private individuals, governments, and regulatory bodies. He is on the Attorney-General’s Panel of Counsel to the Crown, the Welsh Government’s Panel of Counsel, and is Panel Counsel to the Equality and Human Rights Commission.



Professional Summary

Called 2007

Contact Details

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Clerk Michael Smith

Clerk Hannah Rayner

[Contact Clerks](#)

Specialisms

Commercial

Tom has considerable experience in handling a broad range of commercial contract claims across his substantive areas of practice, including claims involving business protection, the

protection of privacy and confidential information, and reputation management. In addition, much of Tom's administrative and regulatory law work has a commercial focus.

Examples of his work in this field include:

R (Brooke Energy) v Secretary of State for BEIS

[2018] EWHC 2012 (Admin)

Whether a tariff payable to combined heat and power plants in the energy sector was lawful

R (on the application of Bestway National Chemists Limited (trading as Well Pharmacy)) v Welsh Ministers

[2017] EWHC 1983 (Admin)

Claim by a commercial chemist relating to a decision to award an NHS contract to a rival

R (RCMA Stratford Ltd) v Secretary of State for Business, Energy, and Industrial Strategy

Industry dispute involving the setting of tariff payments for the generation of renewable heat.

Advising and acting for Universities in contractual and / or tortious claims against them by students

R (Project Management Institute) v Minister for the Cabinet Office

[2016] EWCA Civ 21, [2016] 1 WLR 1737

Unique challenge to a decision to recommend a grant of the Royal Charter

R (on the application of Duff) v Secretary of State for Transport

[2015] EWHC 1605 (Admin)

Whether a requirement of the DVLA that a car parking enforcement company become a member of an Accredited Trade Association, in order to obtain data from the vehicle register, was lawful

Bedale Golf Club Ltd v Revenue and Customs Commissioners

[2014] UKUT 99 (TCC) [2014] BVC 512

Concerning the award of costs in the First-Tier tax tribunal

Education

Tom is ranked as a leading junior at the UK Bar in this field (Chambers and Partners and Legal 500). He acts for and advises all parties, including HEIs, schools, local authorities, parents, young people, and interest groups. His work includes both private (including commercial) and public law disputes. He has recently been instructed in a number of the more important Upper Tribunal appeals concerning special educational needs and the disability discrimination jurisdiction of the First-Tier Tribunal. He is co-author of *Education and the Courts* (Jordans: forthcoming).

Examples of his work in this field include:

Ofsted v Al-Hijrah School

[2017] EWCA Civ 1426

Whether segregation of boys and girls in a mixed school was discriminatory

Zahid v Manchester University

[2017] EWHC 188 (Admin)

The leading authority on the relationship between the Courts and the Office of the Independent Adjudicator for Higher Education

EC v North East Lincolnshire Local Authority

[2015] UKUT 648 (AAC) [2016] E.L.R. 109

Proper approach of special educational needs tribunal to parents' choice of school

C v Governing Body of I School

[2015] UKUT

When are impairments excluded from the definition of disability in the Equality Act 2010; what

are the circumstances in which a child's exclusion from school can constitute a failure to make reasonable adjustments

Manchester City Council v JW

[2014] UKUT 168 (AAC) [2014] ELR 304

Circumstances in which a tribunal can order a local authority to maintain a Statement of Special Educational Needs

R (SA) v London Borough of Camden

[2014] ELR 29 [2013] EWHC 3152 (Admin)

Concerning the duty of an independent schools exclusions panel when the parties agree as to a desired outcome of an appeal

Harrow Council v AM

[2013] UKUT 157 (AAC) [2013] ELR 351

When local authorities are obliged to make mainstream schools suitable for children with special educational needs

Bury Metropolitan Borough Council v Usman

[2010] UKUT 406 (AAC)

Whether the First-Tier Tribunal is entitled under s.316 of the Education Act 1996 to consider the suitability for mainstream education of a child with Special Educational Needs

Employment

Tom has been ranked as a leading junior at the UK Bar in this field (Chambers and Partners). He frequently appears in the Court of Appeal, EAT, High Court and ET, often in the more complex and higher value cases. His expertise includes all forms of discrimination, whistleblowing, wrongful dismissal, unfair dismissal, business protection claims, disciplinary hearings, and employment-related aspects of public law. He has particular expertise in the field of religious discrimination, and is co-author of the leading practitioner text *The Protections for Religious rights: Law and Practice* (OUP: 2013).

Examples of his work in this field include:

R. (on the application of Independent Workers Union of Great Britain) v Central Arbitration Committee

[2018] EWHC 3342 (Admin)

Whether Art 11 of the ECHR affords Deliveroo Riders a right to collective bargaining with Deliveroo

Rihanoff v Spirit Productions

Employment Tribunal (2017)

Acting for Strictly Come Dancing professional Kristina Rihanoff in her pregnancy discrimination claim against a theatre company

Aslam v Travelex (UK) Ltd

[2015] ICR D21, UKEAT/0028/15/LA (EAT)

When can an employment tribunal lawfully dismiss a claim for non-payment of tribunal fees?

Smith v Carillion (JM) Ltd and Secretary of State for Business, Innovation and Skills

[2015] EWCA 209 [2015] IRLR 467

When is a worker contract to be inferred in agency cases between client and end-user; whether the UK's protections against trade union blacklisting comply with Article 11 ECHR

Aderemi v London and South Eastern Railway Ltd

[2013] EqLR 198

Appeal to the Employment Appeal Tribunal concerning the proper approach to the definition of disability under the Equality Act 2010

Woodford v Olympus Corporation

(Employment Tribunal, May 2012)

High profile whistleblowing claim raising issues of extra-territorial jurisdiction of employment tribunals

European Union

Tom has a substantial practice in the field of EU law, both in its own right and as a natural adjunct to his practices in the areas of commercial and public law. He advises and represents all parties, both in the private and public sectors. He is experienced in claims seeking a Reference to the CJEU in a variety of substantive fields, including environmental and planning law, discrimination and employment law, and information and data protection law. He was recently instructed to defend what many regard as the most important constitutional case involving EU law in decades: **R (Miller) v Secretary of State for the European Union**, in which it was argued that the giving of notice under Article 50 of the Treaty on European Union would be contrary to domestic law.

Examples of his work in this field include:

R (Webster) v Secretary of State for Exiting the European Union

[2018] EWHC 1543 (Admin)

Whether the Prime Minister's notification of the UK's intention to leave the EU was invalid

R (Miller) v Secretary of State for the European Union

[2017] UKSC 5

Whether the UK Government could use the foreign affairs prerogative to trigger Article 50 TEU

R (Shindler) v Chancellor of the Duchy of Lancaster

[2016] EWCA Civ 469, CA, May 20 2016,

Times, June 7 2016 – whether the EU referendum franchise was contrary to freedom of movement principles in EU law; what does Art 50 TEU mean?

R (on the application of Friends of the Earth England, Wales and Northern Ireland Ltd) v Welsh Minister

[2015] EWHC 776 (Admin) [2015] P.T.S.R. D28

Concerning the proper approach to considering “reasonable alternatives” to a proposal subject to Strategic Environmental Assessment under EU law

Secretary of State for Business, Energy and Industrial Strategy v Information Commissioner and Henney

[2017] EWCA Civ 844

What is the scope of “environmental information” in EU law?

Craven v Information Commissioner

[2015] EWCA Civ 454, [2015] 1 WLR 5316

What is a “manifestly unreasonable” information request under EU law?

Human Rights

Tom is ranked as a leading junior at the UK Bar in this field (Chambers and Partners). He acts for all parties, at all levels up to the Supreme Court, and in cases involving a wide range of subject-matter. He is an acknowledged expert in the field of religious liberty, and is co-author of *The Protections for Religious Rights: Law and Practice* (OUP: 2013). He is experienced in challenges brought in the Strasbourg Court itself as well as in the domestic courts. His expertise in all matters human rights complements his more general expertise in public law.

Examples of his work in this field include:

R. (on the application of Independent Workers Union of Great Britain) v Central Arbitration Committee

[2018] EWHC 3342 (Admin)

Whether Art 11 of the ECHR affords Deliveroo Riders a right to collective bargaining with Deliveroo

R (Wakenshaw) v Secretary of State for Justice

[2018] EWHC 2089 (Admin)

Whether the Parole Board is independent of the Government

R (on the application of DSD) v Parole Board of England and Wales

[2018] EWHC 694 (Admin), [2018] 3 All ER 417; [2018] HRLR 12

Whether the decision of the Parole Board to release 'black cab rapist' John Worboys was unlawful

R (Harvey) v Ledbury Town Council

[2018] EWHC 1151 (Admin)

Whether a local authority can investigate councillor misconduct outside the Localism Act 2011

Poshteh v Kensington and Chelsea Royal LBC

[2017] UKSC 36 [2017] 2 WLR 1417

Whether the Supreme Court should follow the decision of the European Court of Human Rights in *Ali v UK*, which held that Article 6 of the ECHR applied to homelessness decisions

Smith v Carillion (JM) Ltd and Secretary of State for Business, Innovation and Skills

[2015] EWCA 209 [2015] IRLR 467

Whether the UK's protections against trade union blacklisting comply with Article 11 ECHR

Bayliss v Secretary of State for Justice

[2014] EWCA Civ 1631

Whether the quashing of an indeterminate sentence for public protection gave rise to a damages claim under s.8 of the HRA

R (on the application of Dennehy) v Ealing LBC

[2013] EWHC 4102 (Admin) [2014] B.L.G.R. 269

Whether a decision sanctioning a Councillor for comments about an Indian community breached his freedom of expression under Article 10 ECHR

Information

Tom is ranked as a leading junior at the UK Bar in this field (Chambers and Partners). He advises and represents data controllers and data processors in relation to their obligations under the Data Protection Act 1998, including when faced with regulatory action, and for the regulator (the Information Commissioner) in such actions. He has particular experience in breach of confidence and privacy claims involving the common law tort of misuse of private information and / or the European Convention on Human Rights, both as standalone claims and where an information law issue arises as part of a wider dispute. He is also vastly experienced in disputes concerning the Data Protection Act 1998, (and now the Act implementing the GDPR), the Freedom of Information Act 2000, and the Environmental Information Regulations 2004, and has acted for the Information Commissioner, public authorities, and requesters in numerous First-tier and Upper tribunal cases concerning the same.

Examples of his work in this field include:

DfT v Information Commissioner and Cieslik

[2018] UKUT 127 (AAC)

Meaning of "environmental information" in freedom of information law

Secretary of State for Business, Energy and Industrial Strategy v Information Commissioner and Henney

[2017] EWCA Civ 844

What is the scope of "environmental information" in EU law?

Dransfield v Information Commissioner; Craven v Information Commissioner

[2015] EWCA Civ 454, [2015] 1 WLR 5316

What is a “vexatious” or “manifestly unreasonable” request for information under the Freedom of Information Act 2000 / the Environmental Information Regulations 2004?

R (on the application of Duff) v Secretary of State for Transport

[2015] EWHC 1605 (Admin)

Whether a requirement of the DVLA that a car parking enforcement company become a member of an Accredited Trade Association, in order to obtain data from the vehicle register, was lawful

Peninsula Business Services Limited v Information Commissioner & Ministry of Justice

[2014] UKUT 284 (AAC)

Whether details of bodies or persons who were parties to employment tribunal proceedings were required to be disclosed under the Freedom of Information Act 2000

Roberts v Information Commission and Cabinet Office

(EA/2013/0245)

Whether correspondence between the Prime Minister and the Archbishop of Canterbury should be publically released under the Freedom of Information Act 2000

Media & Data Privacy

Tom is ranked as a leading junior at the UK Bar in the Data Protection field (Chambers and Partners). His wide experience in information law makes him well placed to advise or represent any party on a data protection or privacy issue, including involving the online or traditional media. His data protection and privacy experience in the courts extends both to injunction and damages claims. In this as in all areas he is able to draw on a wealth of wider experience in public, EU and commercial law.

Examples of his work in this field include:

A v B

Whether the accessing of personal information on a computer in connection with undue influence proceedings should be restrained by injunctive relief, applying **Tchenguiz v Imerman** principles

Regularly advising companies to ensure that their HR policies comply with the DPA

N v London Borough of Barking and Dagenham and others

Whether alleged disclosure between care professionals of a father’s gender reassignment was a breach of the DPA

Independent Police Complaints Commission v Warner

[2012] EWHC 271 (QB)

Injunction proceedings concerning the entitlement of public authorities to sue in the tort of misuse of private information to protect the Article 8 rights of third parties

Professional Discipline & Regulatory

Tom is ranked as a leading junior at the UK Bar in this field (Legal 500). He has a wealth of experience both in proceedings concerning the discipline of individuals and the regulation of companies and industry, including in the environmental, education, health, pharmaceutical, financial and sport sectors. He acts for a number of the major regulators and for persons and companies subject to their regulation.

Examples of his work in this field include:

R (Sheppard) v General Medical Council

(Not yet reported) High Court, 2018

Circumstances in which regulator required to investigate claim of lack of consent to medical operation

McDermott v Health and Care Professions Council

[2017] EWHC 2899 (Admin) (2018) 159 B.M.L.R. 167

When conditions of practice orders should be imposed on healthcare professionals

Jenyo v General Medical Council

[2016] EWHC 1708 (Admin)

Circumstances in which subjective dishonesty may be inferred by a professional regulatory Tribunal

Loutfi v General Medical Council

[2016] EWHC 1620 (Admin)

Concerning the proper scope and nature of expert evidence in medical disciplinary proceedings

Yassin v General Medical Council

[2015] EWHC 2955 (Admin)

What is the degree of particularisation required of dishonesty charges in professional disciplinary proceedings?

McCarthy v Bar Standards Board

[2015] EWCA Civ 12

Whether the conviction for forgery of a former barrister should be quashed

R (on the application of Lonsdale) v Bar Standards Board

[2014] EWHC 4353 (Admin)

Whether a disciplinary tribunal had power to make a costs award against an unsuccessful defendant, where the costs in question were those of the tribunal itself

R (Mehey and others) v Visitors to the Inns of Court

[2014] ACD 39 [2013] EWHC 3097 (Admin)

Whether tribunals which had convicted barristers were validly constituted

R (on the application of Ahmed) v Law Society

(CO/6895/2010)

Challenge to a decision of a Law Society Adjudicator that two solicitors had failed to provide adequate professional services to a client

Public

Tom is ranked as a leading junior at the UK Bar in this field (Chambers and Partners & Legal 500). He is particularly noted for his ability to provide commercial advice in a public law context, but his work embraces a wide range of substantive fields, including commercial judicial review, community care, constitutional law, data protection, education, environmental, freedom of expression, health, housing, licensing, local government, planning, prisons, professional discipline and social security. He acts for all parties at all levels up to the Supreme Court. He is expert in advising and representing regulated bodies in challenges to regulatory decisions, and is appointed Counsel to the Crown (B Panel). He was instructed by the Government to defend what many regard as the most important public law case in decades: **R (Miller) v Secretary of State for the European Union**.

Examples of his work in this field include:

R. (on the application of Independent Workers Union of Great Britain) v Central Arbitration Committee

[2018] EWHC 3342 (Admin)

Whether Art 11 of the ECHR affords Deliveroo Riders a right to collective bargaining with Deliveroo

R (Wakenshaw) v Secretary of State for Justice

[2018] EWHC 2089 (Admin)

Whether the Parole Board is independent of the Government

R (Brooke Energy) v Secretary of State for BEIS

[2018] EWHC 2012 (Admin)

Whether a tariff payable to combined heat and power plants in the energy sector was lawful

R (Webster) v Secretary of State for Exiting the European Union

[2018] EWHC 1543 (Admin)

Whether the Prime Minister's notification of the UK's intention to leave the EU was invalid

R (on the application of DSD) v Parole Board of England and Wales

[2018] EWHC 694 (Admin), [2018] 3 All ER 417; [2018] HRLR 12

Whether the decision of the Parole Board to release 'black cab rapist' John Worboys was unlawful

R (Harvey) v Ledbury Town Council

[2018] EWHC 1151 (Admin)

Whether a local authority can investigate councillor misconduct outside the Localism Act 2011

Ofsted v Al-Hijrah School

[2017] EWCA Civ 1426, CA, October 13, 2017, *Times*, December 18 2017

Whether segregation of boys and girls in a mixed school was discriminatory

R (on the application of Bestway National Chemists Limited (trading as Well Pharmacy)) v Welsh Ministers

[2017] EWHC 1983 (Admin)

Claim by a commercial chemist relating to a decision to award an NHS contract to a rival

Poshteh v Kensington and Chelsea Royal LBC

[2017] UKSC 36 [2017] 2 WLR 1417

Whether the Supreme Court should follow the decision of the European Court of Human Rights in *Ali v UK*, which held that Article 6 of the ECHR applied to homelessness decisions

R (Miller) v Secretary of State for the European Union

[2017] UKSC 5

Whether the UK Government could use the foreign affairs prerogative to trigger Article 50 TEU

R (Shindler) v Chancellor of the Duchy of Lancaster

[2016] EWCA Civ 469, CA, May 20 2016, *Times*, June 7 2016

Whether the EU referendum franchise was lawful; what does Art 50 TEU mean?

R (Project Management Institute) v Minister for the Cabinet Office

[2016] EWCA Civ 21, [2016] 1 WLR 1737

Unique judicial review challenge to a decision to recommend a grant of the Royal Charter

R (on the application of Seiont, Gwyrfaï and Llyfni Anglers' Society) v Natural Resources Wales

[2016] EWCA Civ 797

What is the meaning of 'environmental damage' in the Environmental Liability Directive (2004/35)?

R (on the application of Friends of the Earth England, Wales and Northern Ireland Ltd) v Welsh Minister

[2015] EWHC 776 (Admin) [2015] P.T.S.R. D28

Concerning the proper approach to considering "reasonable alternatives" to a proposal subject to Strategic Environmental Assessment under EU law

JG v Lord Chancellor

[2014] EWCA Civ 656 [2014] Fam. Law 1097

When is the Legal Aid Agency obliged to fund expert evidence in private law family proceedings?

R (Abedin) v Secretary of State for Justice

[2014] EWHC 78 (Admin)

Whether a person convicted of a terrorism offence was lawfully recalled to prison

R (on the application of London Borough of Ealing) v Joint Committee of Primary Care Trusts

[2013] EWHC 3255 (Admin) (2014) 135 BMLR 128

Judicial review challenge to the reconfiguration of North West London hospitals

Stadium Capital Holdings No 2 v Secretary of State for Communities and Local Government

[2013] EWHC 3548 (Admin)

Whether the National Planning Policy Framework applies to decisions about advertisement control

R (on the application of Friends of Bellingham Surgery Ltd) v Northumberland Care Trust

CO/5467/2011

Judicial review challenge to cuts to particularly rural GP surgeries in Northumberland

R (on the application of Cheshire East Borough Councils and one other) v Secretary of State for the Environment

[2011] EWHC 1975 (Admin) [2011] NPC 92

Judicial review challenge to decision of DEFRA to withdraw funding from a part-procured major waste infrastructure project

R (on the application of Luton Borough Council & Others) v Secretary of State for Education

[2011] EWHC 217 (Admin)

Judicial review of the Secretary of State's decision to withdraw funding for the "Building Schools for the Future" programme

R (on the application of Boyle) v Haverhill Pubwatch

[2009] EWHC 2441 (Admin)

Whether the banning decisions of so-called "Pubwatch" organisations can be amenable to judicial review

R (on the application of Bristol City Council) v Bristol City Magistrates Court

[2009] EWHC 625 (Admin)

leading authority on the determination of premises licence applications under the Licensing Act 2003

Local Government

There is no type of local government dispute which Tom is unable to handle. He has advised and acted in cases concerning: education, planning, housing, freedom of information, data protection, social care (children and adult), councillor standards, contracts, elections, finance, investigations, and procurement. In the early part of his career he spent time advising on secondment at two local authorities (one in London and one elsewhere), providing him with a detailed understanding of the particular challenges faced generally by authorities.

Examples of his work in this field include:

R (Harvey) v Ledbury Town Council

[2018] EWHC 1151 (Admin)

Whether a local authority can investigate councillor misconduct outside the Localism Act 2011

Poshteh v Kensington and Chelsea Royal LBC

[2017] UKSC 36 [2017] 2 WLR 1417

Does Article 6 ECHR apply to homelessness decisions

EC v North East Lincolnshire

[2015] UKUT 648 (AAC) [2016] E.L.R. 109

Proper approach of special educational needs tribunal to parents' choice of school

R (on the application of Forge Care Homes Ltd) v Cardiff and Vale UHB

[2015] EWHC 601 (Admin), (2015) 8 CCLR 39

Concerning the division of responsibility between local health boards and local authorities in Wales for the funding of nursing care

R (Members of the Committee of Care North East Northumberland) v Northumberland County Council

[2013] EWCA Civ 1740 (2013) 157(46) SJLB 37

Leading case on approach local authorities must take to setting of fees for private care home operators

R (on the application of Dennehy) v Ealing LBC

[2013] EWHC 4102 (Admin) [2014] B.L.G.R. 269

Whether a decision sanctioning a Councillor for comments about an Indian community breached his freedom of expression under Article 10 ECHR

R (on the application of Savva) v Royal Borough of Kensington and Chelsea

[2010] EWCA Civ 1209

Whether and to what extent an authority is obliged to give or offer reasons in awarding community care to the vulnerable

Recommendations

Quotations from Chambers and Partners 2019 and the Legal 500 2019 include:

"Absolutely superb. He's clear-headed, exceptionally knowledgeable and focused on the issues. He's astute and a very attractive advocate. He's got great judgement."

"Proactive, forward-thinking and very good with clients."

"Very intelligent and thoughtful – an impressive junior."

"He is very easy to work with and personable, clients love him."

"A courteous but formidable opponent who works hard and pays impressive attention to detail."

"He has very fast turnaround times and his advocacy is very good."

Quotations from previous editions of the directories include:

"Tom Cross is really good. He is straightforward, to the point and clever."

"Worth his weight in gold."

"He has a great strategic mind."

"A walking brain. He can turn his hand to anything and do it well."

"Incredibly user-friendly, extremely authoritative and very quick to get the issues."

"Very calm and unflappable."

"He has great attention to detail."

“His reliable advice is informed by his excellent knowledge of the law and its practical application”

“Very methodical in his approach”

“He instils trust and confidence in his clients”

“He has a razor-sharp intellect and a great feel for the forensic dynamics of a case.”

“A standout barrister, he fights the client's corner very hard.”

“He responds well to pressure and is remarkably efficient in turning urgent work around.”

“Absolutely top-notch. There is a lot of balancing of risk in his advice, and lots of nuance.”

“He has gone to hearings and fought our corner effectively. He's brilliant at reassuring fraught clients and when issues come up he takes a positive view.”

“Exceptionally bright and very good at interpreting the law.”

“Incredibly thorough and very well prepared.”

“A slick performer with a very impressive grasp of the law and excellent communication skills.”

“You naturally trust him”

“He's very pleasant, down to earth, easy to understand and practical.”

“Thoughtful and effective – that more or less sums him up”

“Nationally recognised by solicitors in the public and private sector.”

“Doesn't shirk hard work.”

“Responsive to our needs, his advice was clear, concise and practical.”

“He has an exceptionally approachable and supportive manner, and an ability to draft documents of the highest quality”.

Recent Cases

R. (on the application of Independent Workers Union of Great Britain) v Central Arbitration Committee

[2018] EWHC 3342 (Admin)

Whether Art 11 of the ECHR affords Deliveroo Riders a right to collective bargaining with Deliveroo

R (Wakenshaw) v Secretary of State for Justice

[2018] EWHC 2089 (Admin)

Whether the Parole Board is independent of the Government

R (Brooke Energy) v Secretary of State for BEIS

[2018] EWHC 2012 (Admin)

Whether a tariff payable to combined heat and power plants in the energy sector was lawful

R (Webster) v Secretary of State for Exiting the European Union

[2018] EWHC 1543 (Admin), [2018] ACD 78

Whether the Prime Minister's notification of the UK's intention to leave the EU was invalid

R (Harvey) v Ledbury Town Council

[2018] EWHC 1151 (Admin), [2018] ACD 71

Whether a local authority can investigate councillor misconduct outside the Localism Act 2011

DfT v Information Commissioner and Cieslik

[2018] UKUT 127 (AAC)

Meaning of “environmental information” in freedom of information law

R (on the application of DSD) v Parole Board of England and Wales

[2018] EWHC 694 (Admin), [2018] 3 All ER 417; [2018] HRLR 12

Whether the decision of the Parole Board to release ‘black cab rapist’ John Worboys was unlawful

McDermott v Health and Care Professions Council

[2017] EWHC 2899 (Admin) (2018) 159 B.M.L.R. 167

When conditions of practice orders should be imposed on healthcare professionals

Ofsted v Al-Hijrah School

[2017] EWCA Civ 1426, CA, October 13 2017, *Times* December 18 2017

Whether segregation of boys and girls in a mixed school was discriminatory

R (on the application of Bestway National Chemists Limited (trading as Well Pharmacy)) v Welsh Ministers

[2017] EWHC 1983 (Admin)

Claim by a commercial chemist relating to a decision to award an NHS contract to a rival

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Zahid v Manchester University

[2017] EWHC 188 (Admin)

The leading authority on the relationship between the Courts and the Office of the Independent Adjudicator for Higher Education

R (Miller) v Secretary of State for the European Union

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R (Shindler) v Chancellor of the Duchy of Lancaster

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Whether the EU referendum franchise was lawful; what does Art 50 TEU mean?

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Jenyo v General Medical Council

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Circumstances in which subjective dishonesty may be inferred by a professional regulatory Tribunal

Loutfi v General Medical Council

[2016] EWHC 1620 (Admin)

Concerning the proper scope and nature of expert evidence in medical disciplinary proceedings

EC v North East Lincolnshire Local Authority

[2015] UKUT 648 (AAC) [2016] E.L.R. 109

Proper approach of special educational needs tribunal to parents’ choice of school

Yassin v General Medical Council

[2015] EWHC 2955 (Admin)

What is the degree of particularisation required of dishonesty charges in professional disciplinary proceedings?

R (on the application of Duff) v Secretary of State for Transport

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Aslam v Travelex (UK) Ltd

[2015] ICR D21, UKEAT/0028/15/LA (EAT)

When can an employment tribunal lawfully dismiss a claim for non-payment of tribunal fees?

Dransfield v Information Commissioner; Craven v Information Commissioner

[2015] EWCA Civ 454, [2015] 1 WLR 5316

What is a “vexatious” or “manifestly unreasonable” request for information under the Freedom of Information Act 2000 / the Environmental Information Regulations 2004?

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Concerning the proper approach to considering “reasonable alternatives” to a proposal subject to Strategic Environmental Assessment under EU law

Smith v Carillion (JM) Ltd and Secretary of State for Business, Innovation and Skills

[2015] EWCA 209 [2015] IRLR 467 When is a worker contract to be inferred in agency cases between client and end-user; whether the UK’s protections against trade union blacklisting comply with Article 11 ECHR, with Daniel Stilizt Q.C.

R (on the application of Forge Care Homes Ltd) v Cardiff and Vale UHB

[2015] EWHC 601 (Admin), (2015) 8 CCLR 39

Concerning the division of responsibility between local health boards and local authorities in Wales for the funding of nursing care

C v Governing Body of I School

[2015] UKUT

When are impairments excluded from the definition of disability in the Equality Act 2010; what are the circumstances in which a child’s exclusion from school can constitute a failure to make reasonable adjustments

McCarthy v Bar Standards Board

[2015] EWCA Civ 12

Whether the conviction for forgery of a former barrister should be quashed

Bayliss v Secretary of State for Justice

[2014] EWCA Civ 1631

Whether the quashing of an indeterminate sentence for public protection gave rise to a damages claim under s.8 of the HRA

Peninsula Business Services Limited v Information Commissioner & Ministry of Justice

[2014] UKUT 284 (AAC)

Whether details of bodies or persons who were parties to employment tribunal proceedings were required to be disclosed under the Freedom of Information Act 2000

R (on the application of Lonsdale) v Bar Standards Board

[2014] EWHC 4353 (Admin)

Whether a disciplinary tribunal had power to make a costs award against an unsuccessful defendant, where the costs in question were those of the tribunal itself

JG v Lord Chancellor

[2014] EWCA Civ 656 [2014] Fam. Law 1097

When is the Legal Aid Agency obliged to fund expert evidence in private law family proceedings?

R (on the application of Dennehy) v Ealing LBC

[2013] EWHC 4102 (Admin) [2014] B.L.G.R. 269

Whether a decision sanctioning a Councillor for comments about an Indian community breached his freedom of expression under Article 10 ECHR

R (Abedin) v Secretary of State for Justice

[2014] EWHC 78 (Admin)

Whether a person convicted of a terrorism offence was lawfully recalled to prison

Manchester City Council v JW

[2014] UKUT 168 (AAC) [2014] ELR 304

Circumstances in which a tribunal can order a local authority to maintain a Statement of Special Educational Needs

Bedale Golf Club Ltd v Revenue and Customs Commissioners

[2014] UKUT 99 (TCC) [2014] BVC 512

Concerning the award of wasted costs in the First-Tier tax tribunal

R (Members of the Committee of Care North East Northumberland) v Northumberland County Council

[2013] EWCA Civ 1740 (2013) 157(46) SJLB 37

Leading case on approach local authorities must take to setting of fees for private care home operators

Ajad v City of London Police

Whether a person convicted of rape 24 years ago should be removed from the sex offenders register

N v London Borough of Barking and Dagenham and others

Whether alleged disclosure between care professionals of a father's gender reassignment was a breach of the Data Protection Act 1998

R (on the application of London Borough of Ealing) v Joint Committee of Primary Care Trusts

[2013] EWHC 3255 (Admin) (2014) 135 BMLR 128

Judicial review challenge to the reconfiguration of North West London hospitals, with Clive Sheldon QC

Stadium Capital Holdings No 2 v Secretary of State for Communities and Local Government

[2013] EWHC 3548 (Admin)

Whether the National Planning Policy Framework applies to decisions about advertisement control

R (SA) v London Borough of Camden

[2014] ELR 29 [2013] EWHC 3152 (Admin)

Concerning the duty of an independent schools exclusions panel when the parties agree as to a desired outcome of an appeal

Roberts v Information Commission and Cabinet Office

EA/2013/0245

Whether correspondence between the Prime Minister and the Archbishop of Canterbury should be publically released under the Freedom of Information Act 2000

R (Mehey and others) v Visitors to the Inns of Court

[2014] ACD 39 [2013] EWHC 3097 (Admin)

Whether tribunals which had convicted barristers were validly constituted, with Paul Nicholls QC

Harrow Council v AM

[2013] UKUT 157 (AAC) [2013] ELR 351

When local authorities are obliged to make mainstream schools suitable for children with special educational needs

Aderemi v London and South Eastern Railway Ltd

[2013] EqLR 198

Appeal to the Employment Appeal Tribunal concerning the proper approach to the definition of disability under the Equality Act 2010

Woodford v Olympus Corporation

Employment Tribunal, May 2012

High profile whistleblowing claim raising issues of extra-territorial jurisdiction of employment tribunals, with John Cavanagh QC

Independent Police Complaints Commission v Warner

[2012] EWHC 271 (QB)

Injunction proceedings concerning the entitlement of public authorities to sue in the tort of misuse of private information to protect the Article 8 rights of third parties

R (on the application of Friends of Bellingham Surgery Ltd) v Northumberland Care Trust

CO/5467/2011

Judicial review challenge to cuts to particularly rural GP surgeries in Northumberland

R (on the application of Cheshire East Borough Councils and one other) v Secretary of State for the Environment

[2011] EWHC 1975 (Admin) [2011] NPC 92

Judicial review challenge to decision of DEFRA to withdraw funding from a part-procured major waste infrastructure project, with Nigel Giffin QC

R (on the application of Luton Borough Council & Others) v Secretary of State for Education

[2011] EWHC 217 (Admin)

Judicial review of the Secretary of State's decision to withdraw funding for the "Building Schools for the Future" programme, with Peter Oldham QC

R (on the application of Ahmed) v Law Society

(CO/6895/2010)

Challenge to a decision of a Law Society Adjudicator that two solicitors had failed to provide adequate professional services to a client

R (on the application of Savva) v Royal Borough of Kensington and Chelsea

[2010] EWCA Civ 1209

Whether and to what extent an authority is obliged to give or offer reasons in awarding community care to the vulnerable, as junior counsel

Bury Metropolitan Borough Council v Usman

[2010] UKUT 406 (AAC)

Whether the First-Tier Tribunal is entitled under s.316 of the Education Act 1996 to consider the suitability for mainstream education of a child with Special Educational Needs

R (on the application of Boyle) v Haverhill Pubwatch

[2009] EWHC 2441 (Admin)

Whether the banning decisions of so-called "Pubwatch" organisations can be amenable to judicial review

R (on the application of Bristol City Council) v Bristol City Magistrates Court

[2009] EWHC 625 (Admin)

Leading authority on the determination of premises licence applications under the Licensing Act 2003 (junior counsel)

News, Articles & Publications

Co-author of the leading practitioner text *Education and the Courts* (Jordans: forthcoming)

Co-author of the leading practitioner text: *The Protections for Religious Rights: Law and Practice* (OUP: 2013)

Co-author of *Judicial Review* (Supperstone, Goudie and Walker) (5th Edn: 2014)

Co-author of *The Law of Regulatory Enforcement and Sanctions* (OUP: 2011)

Written for a wide range of publications including the European Advocate, the Education Law Journal, and the Times.

Appointed part-time Visiting Lecturer at the City University, where he taught the law of torts (2008-9).

From 2009-2010 he served as one of the first Judicial Assistants at the UK Supreme Court, where he worked for Lord Collins of Mapesbury, with whom he has more recently written *The law on international custom in the case law of the UK Supreme Court*, published by the Council of Europe.

Education

The Queen's College, University of Oxford (MA, Modern Languages, Double First Class Honours)

City University, London (CPE, Distinction)

Birkenhead School

Other

He was awarded a Lord Bowen Scholarship, a Lord Denning Scholarship, and a Hardwicke Award by Lincoln's Inn.

In 2007 he was made Peter Duffy Human Rights Scholar by the Bar European Group.



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