
Tom Cross

Tom Cross is one of the leading juniors at the UK Bar. He is highly ranked by each of the principal legal directories in seven areas: Administrative & Public Law, Civil Liberties & Human Rights, Education, Professional Discipline, Local Government, Employment, and Data Protection.

Quotations provided to the 2023 directories said he is: *“the best junior at the public law bar, without question”, “operating well beyond his call”, and “one of those juniors who’ll be a KC very soon”; “the one you want to go to is Tom Cross”.*

He was nominated UK Public Law Junior of the Year 2022, and Public Services and Charities Junior of the Year 2023. He was previously UK Public Law Junior of the Year 2018 (Legal 500) and UK Employment Law Junior of the Year 2019 (Chambers & Partners).

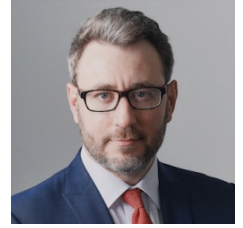
His most recent instructions include matters as varied and high-profile as: defending Katharine Birbalsingh’s ban on prayer rituals at Michaela School, the “Hogwarts Express” judicial review (*West Coast Railway Company*), the Supreme Court claim by Deliveroo Riders to worker rights (*IWGB*), the British Generic Manufacturers Association’s challenge to the negotiation of a new scheme for the supply of medicines to the NHS, the Part 8 claim on whether mentally unwell patients could be sectioned following “remote” assessments (*Derbyshire NHS Trust*), Lucy Letby’s Article 6 claim to an additional legally aided advocate for her defence at her criminal trial; the lockdown judicial review (*Dolan*); advising on what constitutes non-discriminatory pornography in prisons; the dispute about Manchester United’s away supporter allowance at Stamford Bridge; the challenge to the Census 2021 guidance (*Fair Play for Women*); Charlie Hughes’ battle for medicinal cannabis on the NHS; the challenge to Bermuda’s prohibition of same-sex marriage (*Ferguson*); the claim by Sir Philip Rutnam against the Home Secretary; the dispute between Christ Church and its Dean; the Article 50 / Gina Miller litigation; the challenge to the Parole Board’s decision to release the “Black Cab Rapist” (*DSD*); the school sex segregation case (*Al-Hijrah*), representing Strictly Come Dancing Professional Kristina Rihanoff in pregnancy discrimination proceedings, 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 for claimants, defendants, and other parties, principally in litigation. His private and public sector clients range from major companies to private individuals, UK and foreign governments, and regulatory bodies. He is Counsel to the Crown in civil cases (A Panel) and is one of the Counsel to the Equality and Human Rights Commission.

Specialisms

Civil Liberties & Human Rights

“Exceptionally lucid in oral communication and written argument”, “highly collaborative and hardworking”, and “liaising superbly with solicitors and lay client”, “Tom has a phenomenal intellect and provides insightful strategic advice. Clients adore him.” (Chambers & Partners, Legal 500). He acts in civil liberties and human rights cases for all parties in both the domestic and international courts. His recent work has involved, among other matters, prisons, parole, women’s rights, religious rights, abortion, disability rights, free speech, trans rights, immigration, privacy and reputation, collective bargaining, the right to education, deprivation of property, the right to liberty, fair trial rights, and torture.



Professional Summary

Called 2007

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Education

“Unbeatable in his knowledge and understanding of education and equalities law”, “a go-to for strategic litigation”, and “both brilliant and brilliant to work with”, he is in the Top Band / Tier of juniors in the country (Chambers and Partners, Legal 500). There is no aspect of education law, private or public, which he does not cover. He has been involved in many of the leading cases of the past decade. He acts for and advises all parties, including universities and other higher education providers, schools, local authorities, parents, children and young people, and interest groups. He is a co-author of the leading practitioner text, the *Education Law Handbook* (LexisNexis: 2021).

Employment

A UK Employment Law Junior of the Year (Chambers & Partners) who is *“tactically astute”, “incredibly valuable”,* and *“indispensable”* (Chambers & Partners), he appears in the Court of Appeal, EAT, High Court and ET, invariably 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 and human rights law.

Environmental

Tom began his career as an environmental and planning barrister, at a chambers specialising purely in that field. Many of his administrative and international law cases still concern environmental issues, from *Brooke Energy* (heat and power plant tariffs), to *Seiont Anglers Society* (the scope of the Environmental Liability Directive), or from *Friends of the Earth* (Strategic Environmental Assessment) to *Craven* (environmental information). He is as much at home acting for public sector clients as for third sector organisations or individuals, including in public interest litigation.

Licensing

Tom has undertaken licensing cases from his earliest days of practice. He now acts mainly in disputes concerning alcohol and entertainment licences (principally for premises), transport (including private hire vehicles and boats), and sport. Recently, with Philip Kolvin KC, he advised Covent Garden’s street performers on a proposal by Westminster City Council to criminalise their activity in London’s West End. Tom’s strength in licensing lies in his appreciation of the commercial underpinnings of the regulated, combined with a legal skill set embracing public, regulatory, and local authority law.

Local Government

In the top Tier of junior barristers in the country (Legal 500), *“a very effective advocate”,* and *“very bright and able”, “Tom is incredible; he can get to the heart of a case at lightning speed and quickly articulate a convincing case theory”* (Chambers & Partners, Legal 500). There is no issue affecting local government, contentious or otherwise, which Tom is unable to handle. Most recently he has advised and acted in cases concerning, among other things, care homes, cemeteries, community care, contracts, elections, finance, housing, investigations, procurement, social care (children and adult), and councillor standards.

Media & Privacy

“Very responsive”, “user-friendly”, “commercially sensible”, and *“very pragmatic”* (Chambers & Partners), Tom represents and advises media organisations, regulators, controllers, public authorities and individuals on a wide range of media and privacy matters, including data protection, freedom of information, misuse of private information, breach of confidence, Article 8 damages claims, Article 10 damages claims, applications for judicial review, injunctions, reporting restrictions, contempt of court, protection from harassment, and Norwich Pharmacal proceedings.

Professional Discipline

With particular experience in the medical, healthcare, legal, financial and sports sectors, Tom *“is great to work with; he is technically strong and sympathetic to clients’ needs”*. *“His clarity of thought and drafting is exceptional. He brings real clarity to matters and cuts through complex cases”* (Chambers & Partners, Legal 500). His professional discipline practice principally comprises: (i) acting for either professionals or the regulator in high-stakes first instance proceedings; (ii) acting in appeals against sanctions decisions; (iii) acting in judicial reviews of regulators and (iv) conducting independent investigations.

Public and Regulatory

“The best junior at the public law bar, without question” (Chambers & Partners), and ranked by Chambers & Partners as one of a small number of *“Band 1” juniors in the UK, he has been nominated as UK Public Law Junior of the Year on a number of occasions, winning in 2019*. His work covers the entire field, from domestic administrative, constitutional, and regulatory disputes to proceedings in the Privy Council and the international courts. He is Counsel to the Crown (A Panel) and one of the Equality and Human Rights Commission’s Panel Counsel, but acts just as often for commercial or individual claimants and interested parties as he does for government. He has been involved in many of the most important public and regulatory cases of the past decade.

Sport

An established leading junior in employment, professional discipline, public and regulatory law, and human rights, with significant experience in retained EU and commercial law, Tom is placed perfectly to undertake both litigation and advice in the sports sector. He has acted for clubs, players, agents, professional associations, governing bodies and other regulators, and sporting charities. He takes a particular interest in the issues of sex and gender reassignment discrimination, and structural racism, in sport.

Recommendations

His current directory pages are here (Chambers & Partners) and here (Legal 500).

Chambers & Partners 2022 and Legal 500 2022 say:

Administrative & Public: *“He is the standout junior at the public law bar. He has a unique ability to bring his expertise across several areas of law to bear in the realm of public law and human rights”*. *“He’s very approachable and provides incredibly clear and insightful advice”*. *“He’s hard-working, strategic and encyclopaedic in his knowledge”*.

Civil Liberties & Human Rights: *“Exceptionally lucid in oral communication and written argument. Highly collaborative and hardworking and liaises superbly with solicitors and lay client”*. *“A great barrister”*.

Education: *“He has an encyclopaedic knowledge of education and brings his wider human rights, discrimination and public law expertise to bear in this; he continues to delight clients with his advice and service”*. *“Very, very able with a really sharp mind. He’s very efficient, has a precise advocacy style, and is very personable”*.

Professional Discipline & Regulatory Law: *“He clearly knows his stuff in a highly technical area. He is clear and effective when dealing directly with the client (even when asked to advise at short notice), and very hands on during the course of the matter”*. *“He’s hugely intelligent: if there’s a complex legal point he’s an excellent choice”*.

Local Government: “An exceptionally talented and gifted barrister with an outstanding intellect and excellent client care skills”. “His commitment to each case is second to none. He is able to offer advice and guidance that is clear and practical”. “He is very bright and easy to work with. His written and oral advocacy is always of the highest standard”.

Employment: “His technical knowledge is brilliant, and I like his style and approach”. “He has an incisive mind, an ability to assimilate material quickly, analyse the legal and factual issues carefully, and cut through to the important points. His judgement is pragmatic and sound, and he gives clear, accurate advice”. “He has a sharp mind and a deep mastery of human rights in employment matters”.

Data Protection: “He’s a very responsive and user-friendly barrister. He’s commercially sensible”. “He provides accessible and cogent advice delivered to a very short timescale”. “He’s very pragmatic and efficient”.

Previous editions say:

“Clients love him”.

“He instils trust and confidence in his clients”

“He fights the client’s corner very hard.”

“He’s brilliant at reassuring fraught clients”.

“He has an exceptionally approachable and supportive manner”.

“You can throw anything at him and he becomes a master of it”.

“He has intellectual strength, strategic and tactical awareness, personal warmth, sensitivity to solicitor and client objectives, and resilience, all in the right proportions”.

“He has a razor-sharp intellect.”

“As an advocate he is always poised, polished and well prepared”.

“A slick performer.”

“Clear, commanding, convincing, and calming”.

“He is very easy to work with”.

“He is very personable”.

“He finds creative solutions to problems”.

“He has the great skill of delivering a complex idea in a straightforward way”.

“Decisive, deft and devastating in drafting”.

“He has a great strategic mind.”

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

“Very unflappable.”

“Absolutely top-notch”.

“You naturally trust him”.

“He is worth his weight in gold.”

Selected reported cases

(In order of the most recent)

AP v JP

[2024] EWHC 1197 (Fam)

Whether a Court's refusal to grant a decree of nullity of marriage was contrary to human rights

R (TTT) v Michaela Community Schools Trust

[2024] EWHC 843 (Admin)

Whether Michaela School was entitled to ban prayer rituals

R (CU) v Secretary of State for Education

[2024] EWHC 638 (Admin)

The leading authority on the time limit for judicial review consultation challenges

R (West Coast Railway Co Ltd) v Office of Rail and Road

[2023] EWHC 3338 (Admin)

Whether the rail regulator could require heritage trains including the "Hogwarts Express" to be retro-fitted with central door locking

Derbyshire NHS Trust v Secretary of State for Health and Social Care (MIND intervening)

[2023] EWHC 3182 (Admin)

Whether assessments for the sectioning of mentally unwell patients in hospitals could be done using remote technology

Independent Workers Union of Great Britain v Central Arbitration Committee

[2023] UKSC 43

Whether Deliveroo Riders had a human right to collective bargaining with Deliveroo

British Generic Manufacturers Association Ltd v Secretary of State for Health and Social Care

[2023] EWHC 1725 (Admin)

Whether arrangements for the negotiation of a new pricing scheme for the supply of branded medicines to the NHS were lawful

R (TZA) v A Secondary School

[2023] EWHC 1722 (Admin)

The requirements of the public sector equality duty in relation to school exclusion decisions

Attorney General for Bermuda v Ferguson

[2022] UKPC 5 52 BHRC 617

Whether the prohibition on same-sex marriage in Bermuda was unconstitutional

R (L) v Hampshire County Council

[2022] EWHC 49 (Admin) [2022] ELR 314

Whether guidance for schools on the teaching of LGBT+ content was lawful

R (Fair Play for Women) v UK Statistics Authority

[2021] EWHC 940 (Admin)

Whether guidance on how to answer the "sex question" in the 2021 Census was lawful

Independent Workers Union of Great Britain v Central Arbitration Committee

[2021] EWCA Civ 952 [2021] IRLR 796

Whether Deliveroo Riders have a human right to collective bargaining with Deliveroo

R (Dolan) v Secretary of State for Health and Social Care

[2020] EWCA Civ 1605 [2021] 1 WLR 2326

The judicial review of the lockdown

SSP Health Ltd v National Health Service Commissioning Board

[2020] EWCA Civ 1574 [2021] PTSR 958

Whether an NHS Adjudicator can award interest in disputes over NHS Contracts

R (An Academy Trust) v Medway Council

[2019] EWHC 156 (Admin)

When a mainstream Academy must admit a child with special educational needs

Browne v Parole Board for England and Wales

[2018] EWCA Civ 2024

Whether a rationality or proportionality test applies to decisions on release from prison

R (Wakenshaw) v Secretary of State for Justice

[2018] EWHC 2089 (Admin)

Whether the Parole Board is sufficiently independent of the Government

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

[2018] EWHC 2012 (Admin)

Whether a tariff for 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) [2019] 1 CMLR 8

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] LLR 839

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

R (DSD) v Parole Board for England and Wales

[2018] EWHC 694 (Admin) [2019] QB 285

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

McDermott v Health and Care Professions Council

[2017] EWHC 2899 (Admin) (2018) 159 BMLR 167

When "conditions of practice orders" should be imposed on healthcare professionals

Ofsted v Interim Executive Board of Al-Hijrah School

[2017] EWCA Civ 1426 [2018] 1 WLR 1471

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

R (Well Pharmacy) v Welsh Ministers

[2017] EWHC 1983 (Admin)

A claim by a chemist relating to a decision to award an NHS contract to a rival

Department for Business, Energy and Industrial Strategy v Information Commissioner

[2017] EWCA Civ 844 [2017] PTSR 1644 [2018] 1 CMLR 8

The leading authority on the meaning of "environmental information" in freedom of information law

Poshteh v Kensington and Chelsea RLBC

[2017] UKSC 36 [2017] AC 624

When the UK Supreme Court should follow decisions of the European Court of Human Rights

R (Zahid) v University of Manchester

[2017] EWHC 188 (Admin) [2018] PTSR 1728

Concerning the relationship between the Courts and the Higher Education Adjudicator

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

[2017] UKSC 5 [2018] AC 61

Whether Parliamentary authority was required for the UK to leave the EU

R (Seiont, Gwyrfaï and Llyfni Anglers Society) v Natural Resources Wales

[2016] EWCA Civ 797 [2018] 1 WLR 228

The meaning of "environmental damage" in the Environmental Liability Directive

Jenyo v General Medical Council

[2016] EWHC 1708 (Admin) (2016) 152 BMLR 122

When subjective dishonesty may be inferred by a professional regulatory Tribunal

Loutfi v General Medical Council

[2016] EWHC 1620 (Admin)

What is the scope and nature of expert evidence in medical disciplinary proceedings

Shindler v Chancellor of the Duchy of Lancaster

[2016] EWCA Civ 469 [2017] QB 226

Whether the EU referendum franchise was lawful

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

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

A unique challenge to a decision to award a Royal Charter

EC v North East Lincolnshire Local Authority

[2015] UKUT 648 (AAC) [2016] ELR 109

The proper approach of the special educational needs tribunal to parents' choice of school

Yassin v General Medical Council

[2015] EWHC 2955 (Admin)

The particularisation required of dishonesty charges in professional disciplinary proceedings

R (Duff) v Secretary of State for Transport

[2015] EWHC 1605 (Admin) [2015] RTR 28

Whether a requirement of the DVLA to join an Accredited Trade Association was lawful

Dransfield v Information Commissioner

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

The leading authority on "vexatious" or "manifestly unreasonable" requests in information law

Aslam v Travelex UK Ltd

[2015] 5 WLUK 249 [2015] ICR D21

When an employment tribunal could dismiss a claim for non-payment of fees

R (Friends of the Earth) v Welsh Ministers

[2015] EWHC 776 (Admin) [2016] Env LR 1

The proper approach to "reasonable alternatives" in Strategic Environmental Assessment

Smith v Carillion (JM) Ltd

[2015] EWCA Civ 209 [2015] IRLR 467

Whether protections against trade union blacklisting comply with the ECHR

R (Forge Care Homes Ltd) v Cardiff and Vale University Health Board

[2015] EWHC 601 (Admin) [2015] PTSR 945

The roles of local health boards and local authorities in Wales in funding nursing care

McCarthy v Visitors to the Inns of Court

[2015] EWCA Civ 12

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

Bayliss v Parole Board for England and Wales

[2014] EWCA Civ 1631

Whether the quashing of a criminal sentence gave rise to a damages claim under the HRA

R (Leathley) v Visitors to the Inns of Court

[2014] EWCA Civ 1630

Whether tribunals which had convicted barristers were validly constituted

JG (A Child) v Legal Services Commission

[2014] EWCA Civ 656 [2014] 5 Costs L.O. 708

When the state must fund expert evidence in private law family proceedings

R (Lonsdale) v Bar Standards Board

[2014] EWHC 4353 (Admin)

Whether the Bar Disciplinary Tribunal could award costs which were not *inter partes*

Manchester City Council v JW

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

When 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

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 (Dennehy) v Ealing LBC

[2013] EWHC 4102 (Admin) [2014] BLGR 269

Whether sanctioning a Councillor breached his freedom of speech

R (Care North East Northumberland) v Northumberland CC

[2013] EWCA Civ 1740 [2014] PTSR 758

The leading authority on the setting of fees for private care home operators

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

[2013] EWHC 3548 (Admin) [2014] JPL 533

Whether the National Planning Policy Framework relates to advertisement control

SA v Camden LBC Independent Appeal Panel

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

The role of a schools exclusions panels when the parties agree the disposition of an appeal

R (Ealing LBC) v NHS England

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

Judicial review challenge to the reconfiguration of North West London hospitals

Harrow LBC v AM

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

When local authorities must make mainstream schools suitable for children with SEN

Aderemi v London and South Eastern Railway Ltd

[2012] 12 WLUK 148 [2013] ICR 591

The proper approach to the definition of disability under the Equality Act 2010

Independent Police Complaints Commission v Warner

[2012] EWHC 271 (QB)

When public authorities can sue in misuse of private information to protect others' Article 8 rights

R (Cheshire East BC) v Secretary of State for the Environment

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

Whether DEFRA could withdraw funding from a part-procured major waste infrastructure project

R (Luton BC) v Secretary of State for Education

[2011] EWHC 217 (Admin) [2011] Eq LR 481

The "Building Schools for the Future" judicial review

Bury MBC v SU

[2010] UKUT 406 (AAC) [2011] ELR 14

The relevance of suitability to the parental preference for mainstream under SEN law

R (Savva) v Kensington and Chelsea RLBC

[2010] EWCA Civ 1209 [2011] PTSR 761

The duty to give reasons in local authority community care decisions

R (Boyle) v Haverhill Pub Watch

[2009] EWHC 2441 (Admin) [2010] LLR 93

Whether “Pubwatch” schemes are amenable to judicial review

R (Bristol City Council) v Bristol City Magistrates Court

[2009] EWHC 625 (Admin) [2009] LLR 333

Leading authority on premises licence applications under the Licensing Act 2003

Publications and Media

He is the creator and host of the Cross Examination Podcast, in which he examines what the law has to say on the social, cultural, and ethical issues of the day. You can listen to Series One [here](#). For press and radio interviews with Tom, see [here](#).

Co-author:

- *Education Law Handbook* (LexisNexis: 2021)
- *Judicial Review* (Supperstone, Goudie and Walker) (6th Edn: 2019)
- *Disciplinary and Regulatory Proceedings* (10th Edn: 2019)
- *The Protections for Religious Rights: Law and Practice* (OUP: 2013)
- *The Law of Regulatory Enforcement and Sanctions* (OUP: 2011)

He has written on numerous topics for a wide range of publications including The Times, the European Advocate, the Solicitors Journal, the Education Law Journal, the New Law Journal, Licensing Review, Professional Negligence, the Journal of Planning and Environmental Law, and the Local Government Lawyer. His yearly review of “Public Law in the Supreme Court”, authored jointly with Christopher Knight, has been published for nine years running in the journal Judicial Review.

He speaks widely on issues relating to his areas of practice. His recent discussion of the Higher Education (Freedom of Speech) Bill, for the Bonavero Institute of Human Rights, can be viewed [here](#).

Earlier in his career, he was a Visiting Lecturer at the City University, where he taught the law of torts (2008-9). From 2009-2010 he served as a Judicial Assistant at the UK Supreme Court, where he worked for Lord Collins of Mapesbury, with whom he subsequently wrote *The law on international custom in the case law of the UK Supreme Court*, published by the Council of Europe.

Education

Tom read Modern Languages at The Queen’s College, University of Oxford and was awarded Double First Class Honours. He did the CPE at City University, London, obtaining a Distinction.

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