

Stephen Kosmin

Call: 2011

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Stephen Kosmin specialises in administrative and public law, procurement law, financial services, and information and data protection law. He is ranked by both Chambers and Partners and the Legal 500 in each of those areas of practice. Stephen is additionally ranked by the Legal 500 in local government law and by Chambers and Partners in civil liberties and human rights. In August 2023, Stephen was appointed to the Attorney General's A Panel.

Stephen has wide-ranging trial and appellate court experience, particularly in high-value and multi-party disputes. Recently, Stephen has appeared:

- in the Supreme Court in *R (Bancoult) v Secretary of State for Foreign and Commonwealth Affairs (No 3)*, acting for the appellant; in *Cox v Ministry of Justice*, acting for the respondent; and in *Independent Workers Union of Great Britain v Central Arbitration Committee and Rooffoods Ltd (t/a Deliveroo)*, acting for the intervener;

- in the Court of Appeal in *Secretary of State for Work and Pensions v AT (European Union law, Universal Credit)*, acting for the Secretary of State; in *Cobalt Data Centre 2 LLP v HMRC*, acting for HMRC; in *R (Bridges) v Chief Constable of South Wales*, acting for the Surveillance Camera Commissioner; in *Kimathi v Foreign and Commonwealth Office*, acting for the Foreign and Commonwealth Office; and in *R (Tesfay) v Secretary of State for the Home Department*, acting for the Home Secretary;
- in the Administrative Court in public law cases, including *R (Charles Street Securities Europe LLP) v Financial Ombudsman Service*; *R (Get Real Marketing Company Ltd) v Culture Recovery Board*; *R (Police Superintendents' Association) v HM Treasury*; and *R (Enterprise Managed Service Ltd) v Secretary of State for Housing, Communities and Local Government*;
- in the Technology and Construction Court in procurement claims, including *James Waste Management LLP v Essex County Council*; *Alstom Transport UK Ltd v Network Rail Infrastructure Ltd*; *R (Good Law Project) v Prime Minister*; *Altiatech Ltd v Birmingham City Council*; and *Kenson Contractors (Benington) Ltd v Haringey Ltd*;
- in the King's Bench Division in *Prismall v Google UK Ltd*; *Seadrill Ghana Operations v Tullow Ghana Ltd*; and *Berkeley Burke Sipp Administration v Financial Ombudsman Service*;
- in the Upper Tribunal and First-tier Tribunal in tax disputes and information law cases, including *Ticketmaster UK Ltd v Information Commissioner*; *Ofqual v Information Commissioner*; *Maurizi v Information Commissioner*; and *Myhill v General Medical Council*.

Stephen also has considerable experience and expertise of public international law, arbitral proceedings, and negotiations.



Stephen Kosmin's client service and general level of service, level of sophistication and commercial awareness and vision are very strong. Stephen is an excellent barrister with particular expertise in financial services matters. He is diligent, ultra-responsive and totally reliable.

CHAMBERS AND PARTNERS

Expertise

Procurement

Stephen specialises in procurement disputes. He has been ranked by both Chambers and Partners and the Legal 500 in Procurement Law for a number of years. In 2022, he was shortlisted as Government and Third Sector Junior of the Year by the Legal 500.

As well as being instructed regularly in procurement litigation, Stephen also advises on procurement processes and challenges. He acts for claimants, public authorities, and affected bidders.

Stephen has recently advised on:

- The abandonment of procurement exercises.
- Re-procurements.
- Modifications of procured contracts during their terms.
- Sequential and related procurement exercises.
- The proper interpretation of terms of procurement documentation.
- The process of evaluating tenders, including normalisation.
- Abnormally low tenders.
- The relationship of the laws of state aid and procurement.
- Issues arising from *Faraday Development Ltd v West Berkshire Council* [2019] PTSR 1346.
- During the Coronavirus pandemic, Stephen was instructed to advise on the interpretation of tendered contracts, including their force majeure clauses and the doctrine of frustration. Stephen has also advised on the effect of various Coronavirus Regulations.



Stephen Kosmin is outstanding and user-friendly.

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James Waste Management LLP v Essex County Council

In which Waksman J considered Regulation 72 of the Public Contracts Regulations 2015 governing modifications to procured contracts.

Altiotech Ltd v Birmingham City Council

In which Waksman J analysed the relationship of the Civil Procedure Rules and the limitation provisions of the Public Contracts Regulations 2015.

R (Good Law Project) v Prime Minister and Secretary of State for Health and Social Care

Concerning a challenge to the Government's decision to purchase lateral flow tests for population-wide Covid-19 testing at the height of the pandemic.

Alstom Transport UK Ltd v Network Rail Infrastructure Ltd

In which O'Farrell J lifted an automatic suspension on the award of a contract worth approximately £1.8billion for the delivery of digital signalling on the East Coast Mainline.

Alstom Transport UK Ltd v Network Rail Infrastructure Ltd

In which Jefford J considered the test for breach of a common law duty of confidence in the context of a specific disclosure application.

Alstom Transport UK Ltd v Network Rail Infrastructure Ltd

In which O'Farrell J lifted an automatic suspension on the award of a contract worth approximately £1.8billion for the delivery of digital signalling on the East Coast Mainline.

Bank Mellat v HM Treasury

2008 EWHC 1583 (QB)

Requests under Council Regulation (EC) 1206 (to a German Bank) and CPR Part 34.13 (to a Malaysian Bank).

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.

Alstom Transport UK Ltd v Network Rail Infrastructure Ltd

In which Jefford J considered the level of knowledge required for time to run against the Claimant under Regulation 107 of the Utilities Contracts Regulations.

Alstom Transport UK Ltd v Network Rail Infrastructure Ltd

In which O'Farrell J considered the application of the French Blocking Statute (and the application of Bank Mellat v HM Treasury [2019] EWCA Civ 449) in the context of a specific disclosure application.

Bank Mellat v HM Treasury

[2015] EWHC 1258 (COMM), [2015] EWCA Civ 1052, [2016] EWCA Civ 452

Instructed in both the application to set aside financial restriction decisions and the \$4bn civil damages claim resulting from the earlier proceedings.

Kenson Contractors (Benington) Ltd v Haringey LBC

[2019] EWHC 1230 (ADMIN)

In which Waksman J refused injunctive relief preventing the award of a road improvement contract around Tottenham Hotspur FC's new stadium.

Kenson Contractors (Benington) Ltd v Haringey LBC

In which Waksman J refused injunctive relief preventing the award of a road improvement contract around Tottenham Hotspur FC's new stadium.

Marston Holdings Ltd v Oxfordshire County Council

Concerning the proper order for costs upon adjournment of an application to lift an automatic suspension.

Achievements

Education

2010/2011: Bar Professional Training Course, City University.

2011: Admitted as an Attorney to the New York Bar.

2009/2010: LL.M., University of Pennsylvania Law School, Distinction.

2008/2009: BCL, University of Oxford, Lincoln College.

2005/2008: BA Law Tripos, University of Cambridge, Gonville and Caius College.

Scholarships and Prizes

2010, Queen Mother's Scholarship, Middle Temple.

2009, Thouron Award to study at University of Pennsylvania.

2009, Ralph Chiles CBE Prize for the Best Performance in Human Rights Law in Oxford University.

2008, W M Tapp Scholarship for Postgraduate Studies, Gonville and Caius College.

2008, James William Squire Scholar, University of Cambridge Law Faculty.

2008, Frere-Smith Prize for Law, Gonville and Caius College.

2007, Senior Scholar, Gonville and Caius College.

2006, Sir William McNair Law Prize, Gonville and Caius College

Publications

- *"An introduction to the Business Banking Resolution Scheme"* (2021) 6 Journal of International Banking and Finance Law 411.
- *"Different approaches to SIPP operators' liability"* (2020) 8 Journal of International Banking and Finance Law 527.

- *"Wikileaks and International Law: Inviolability v Inadmissibility"*, co-authored with Professor Robert McCorquodale [2017-18] 9 UK Supreme Court Yearbook 92.
- *"Supreme Court rules Wikileaks cable document should have been admitted into evidence"*, in Lexis Nexis Butterworths News, February 2018.
- *"Ensuring anti-money laundering compliance through the senior managers regime of the Financial Services (Banking Reform) Bill: Hansard brings comfort"* (2014) 3 Journal of International Banking and Finance Law 179.
- Chapter 8 on 'Mistake, Misrepresentation and Frustration', in Wilmot-Smith on 'Construction Contracts' (Third Edition, 2014).
- *"The Enforcement of Arbitral Awards in UAE "*, (2013) Lexis PSL Arbitration.
- Assistant to Justice Dr Yoram Danziger, Justice of the Israeli Supreme Court, *"Changes in Methods of Freezing Funds of Terrorist Organisations since 9/11: A Comparative Analysis"*, (2012) 15(2) Journal of Money Laundering Control 210.
- Interviewed as an International Law expert by BBC Newshour, 2015.

Additional Information

- Appointed to the League Managers Association Commercial Law Panel.
- Marshall in the Technology and Construction Court, March 2013.
- Foreign Clerk with the Supreme Court of Israel, July to August 2011.
- Admitted as an Attorney to the New York Bar, 2011, currently non-practicing.
- Lecturer in Administrative Law at London Metropolitan University, 2011.
- Lecturer in Constitutional Law of the European Union at London Metropolitan University, 2010.
- German, advanced.



His advocacy style is very clear, succinct and authoritative. He's confident on his feet, gives well-structured arguments and is authoritative.

CHAMBERS AND PARTNERS



Stephen is a strikingly clever and very versatile lawyer who brings to bear a great deal of wisdom in his analysis.

CHAMBERS AND PARTNERS



His attention to detail is phenomenal and he has an uncanny ability to find discrete points to nail the case. Stephen thinks commercially and engages well with clients.

CHAMBERS AND PARTNERS

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Very responsive and an excellent advocate.

CHAMBERS AND PARTNERS

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An excellent barrister who is very methodical in his approach.

CHAMBERS AND PARTNERS

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Stephen Kosmin is very good at presenting complex issues in a clear way and is always a pleasure to work with.

CHAMBERS AND PARTNERS

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Grapples with issues quickly and puts in the legwork to get the best outcome for the client.

CHAMBERS AND PARTNERS

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He's extremely clear in his thinking and communication. Very bright and organised.

CHAMBERS AND PARTNERS

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Stephen is diligent, ultra responsive and totally reliable.

CHAMBERS AND PARTNERS