Tom Cross KC

Silk: 2025 Call: 2007

E: Tom.Cross@11kbw.com
T: +44 (0)20 7632 8500



Tom Cross KC is recognised in the legal directories as one of the country's leading Silks in seven areas: Administrative & Public Law, Civil Liberties & Human Rights, Education, Professional Discipline, Local Government, Employment, and Data Protection.

The latest edition of Chambers & Partners describes him as "*an extraordinary talent*", "*at the very top of his game*", and *"a phenomenal lawyer doing exceptional work".*

He is principally known for his work at the top of the fields of public law, human rights and discrimination, across a wide-range of subject-matter and for all types of client. Before Silk, he was described in the Legal 500 as: *"the best junior at the public law bar, without question",* and served for many years on the Attorney-General's most senior panel of junior Counsel in civil cases.

His industry awards include UK Public Law Junior of the Year 2018 and UK Employment Law Junior of the Year 2019, and his nominations include UK Public Law Junior of the Year 2022 and Public Services and Charities Junior of the Year 2023.

> ***You naturally trust him***
>
> **CHAMBERS & PARTNERS, LEGAL 500**

Some of his recent instructions include: the challenge to the Equality and Human Rights Commission's Interim Update on single-sex spaces (GLP); Sussex University's challenge to its fine by the Office for Students for breaching free speech duties; the judicial review of the admission arrangements for the Hampstead Heath ponds; the claim against the Care Quality Commission's registration of the country's first private gender hormone clinic (Evans); the leading case on whether faith-based school admissions criteria may be race discriminatory (CKT); the challenge to the Police's participation in Pride (Smith),the judicial review of VAT on private school fees (*ALX*); Tommy Robinson's challenge to his prison conditions; the leading case on considering equalities impacts in school exclusions (*TZA*); the leading case on the application of freedom of expression in the workplace (*Higgs*); 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 then Home Secretary Rt Hon Priti Patel; the dispute between Christ Church, Oxford, 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.

Expertise

Civil Liberties & Human Rights

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.

> ***Exceptionally lucid in oral communication and written argument***
>
> **CHAMBERS & PARTNERS, LEGAL 500**

Education

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).

> ***Unbeatable in his knowledge and understanding of education and equalities law***
>
> **CHAMBERS & PARTNERS, LEGAL 500**

Employment

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.

> ***tactically astute***
>
> **CHAMBERS & PARTNERS, LEGAL 500**

Environment & Energy

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

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.

> ***a very effective advocate***
>
> **CHAMBERS & PARTNERS, LEGAL 500**

Media & Privacy

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.

> ***Very pragmatic***
>
> CHAMBERS & PARTNERS

Professional Discipline

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.

> ***Tom is great to work with; he is technically strong and sympathetic to clients' needs***
>
> CHAMBERS & PARTNERS, LEGAL 500

Public and Regulatory

Recognised before Silk as "*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 was 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.

> ***Tom is a top-notch performer and really technically capable.***
>
> CHAMBERS & PARTNERS

Sport

An established practitioner 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.

Selected Reported Cases

R (CKT) v Twyford Church of England Academies Trust

[2025] EWHC 2396 (ADMIN)

Whether faith-based school admissions criteria were race discriminatory

R (Evans) v Care Quality Commission

[2025] EWCA CIV 1556

Challenge to the registration of a private provider of gender hormones for under 18s

R (Sex Matters) v City of London Corporation

[2026] EWHC 149 (ADMIN)

Judicial review of the admission arrangements for Hampstead Heath swimming ponds

R (Good Law Project Ltd and others) v Commission for Equality and Human Rights

[2026] EWHC 279 (ADMIN)

The leading case on single-sex spaces

R (Smith) v Chief Constable of Northumbria Police

[2025] EWHC 1805 (ADMIN)

Whether the Police could participate in Pride

R (ALR) v Chancellor of the Exchequer

[2025] EWHC 1467 (ADMIN)

Whether VAT on private school fees breached human rights

Abbasi v Newcastle upon Tyne Hospitals NHS Foundation Trust

[2025] UKSC 15 [2025] 2 WLR 815

Reporting Restriction Orders in “end-of-life” cases

R (Yaxley-Lennon) v Secretary of State for Justice

[2025] EWHC 695 (ADMIN)

Whether Tommy Robinson’s prison conditions were in breach of Article 3 ECHR

R (TZA) v A Secondary School

[2025] EWCA CIV 200

The approach to be taken by Heads and Governors to the consideration of equalities impacts in the context of exclusions

Higgs v Farmor's School

[2025] EWCA CIV 109

How the human right to free expression/freedom of religion applies in employment tribunals

AP v JP

[2024] EWHC 1197 (FAM) [2024] 4 WLR 57

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) [2024] HRLR 9

Whether Michaela School was entitled to ban prayer rituals

R (CU) v Secretary of State for Education

[2024] EWHC 638 (ADMIN) [2024] ACD 52

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) [2024] 4 WLR 12

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) [2024] 2 WLR 1113; (2024) 27 CCL REP 5

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, Gwyrfai 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

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

Yassin v General Medical Council

[2015] EWHC 2955 (ADMIN)

The particularisation required of dishonesty charges in professional disciplinary proceedings

Dransfield v Information Commissioner

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

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

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

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

Shindler v Chancellor of the Duchy of Lancaster

[2016] EWCA CIV 469 [2017] QB 226

Whether the EU referendum franchise was lawful

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

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

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

Smith v Carillion (JM) Ltd

[2015] EWCA CIV 209 [2015] IRLR 467

Whether protections against trade union blacklisting comply with the ECHR

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

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

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

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 (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

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 (Leathley) v Visitors to the Inns of Court

[2014] EWCA CIV 1630

Whether tribunals which had convicted barristers were validly constituted

R (Lonsdale) v Bar Standards Board

[2014] EWHC 4353 (ADMIN)

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

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 (Dennehy) v Ealing LBC

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

Whether sanctioning a Councillor breached his freedom of speech

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

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 & 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 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.

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.

> ***He is worth his weight in gold.***
>
> **CHAMBERS & PARTNERS, LEGAL 500**

> ***As an advocate he is always poised, polished and well prepared***
>
> **CHAMBERS & PARTNERS, LEGAL 500**

> ***A slick performer.***
>
> **CHAMBERS & PARTNERS, LEGAL 500**

Clear, commanding, convincing, and calming

CHAMBERS & PARTNERS, LEGAL 500

He is very easy to work with

CHAMBERS & PARTNERS, LEGAL 500

He is very personable

CHAMBERS & PARTNERS, LEGAL 500

He finds creative solutions to problems

CHAMBERS & PARTNERS, LEGAL 500

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

CHAMBERS & PARTNERS, LEGAL 500

Decisive, deft and devastating in drafting

CHAMBERS & PARTNERS, LEGAL 500