Joseph Barrett KC



Silk: 2024 Call: 2009

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Joseph Barrett KC was appointed to silk in 2024, after only 15 years in practice. He is ranked by the professional directories as a leading KC in the fields of procurement (Band 1) and public and administrative law. Before his appointment, Joseph was for many years ranked by the professional directories as the "star individual" in procurement law.

Since taking silk, Joseph has been instructed as leading counsel on a number of the largest and most complex public and regulatory law cases to come before the English Courts. Recent examples of Joseph's work include:

- *The New Lottery Company Ltd v The Gambling Commission* [2025] EWHC 486 (TCC); [2025] EWHC 1058 (TCC); [2025] EWHC 1710 (TCC): Joseph is leading counsel for Allwyn, the successful applicant and operator in respect of the fourth national lottery license, defending Richard Desmond's claim for £1.3 billion in damages and declarations of ineffectiveness in respect of the national lottery license. The claims are listed for an 8 week High Court trial in September-November 2025.

> ***Great to work with, very responsive, strong strategically and excellent at resolving disputes. He's also very good with clients as he has a good sense of humour.***
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> **CHAMBERS & PARTNERS**

- *Aubrey Weis v GMCA* [2025] CAT 41: Joseph is leading counsel for the appellant, Mr Weis, in the first case under the Subsidy Control Act 2022 to consider the 'commercial market operator' principle. The case is currently pending before the Court of Appeal in early 2026.
- *Airwave Solutions Limited v Secretary of State for the Home Department, Secretary of State for Health and Ors* [2024] EWHC 3059: Joseph was leading counsel for Her Majesty's Government (HMG), leading a 7 member counsel team, in complex judicial review, procurement and breach of contract claims brought by Motorola against HMG in respect of the exercise of contractual options to extend the term of Airwave contract for the provision of emergency telecoms services to the UK emergency services. Following 6 contested interim hearings in 2024-2025, Airwave discontinued the proceedings and agreed to pay HMG's costs shortly before the expedited trial of the claims.'

Expertise

Public

Joseph has a broad public law practice. He has particular expertise in public law challenges to major public contracts and commercial ventures and decisions. In recent years he has acted in a number of the most significant public law cases to come before the Courts.

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R (Boots Management Services Ltd) v CAC & SSBIS – R (Boots Management Services Ltd) v The Central Arbitration Committee and the Secretary of State for Business, Innovation and Skills

[2017] EWCA CIV 66

Acting successfully for the Secretary of State for Business, Innovation and Skills in the Court of Appeal, establishing that the UK's trade union collective bargaining legislation does not breach Article 11 of the European Convention on Human Rights.

R (National Aids Trust & Local Government Association) v NHS Commissioning Board and Secretary of State for Health

[2016] EWCA CIV 1100

Sole counsel acting successfully for the Secretary of State in establishing that NHS England has legal power to commission specialist HIV prevention treatment

R (Justice for Health Ltd) v The Secretary of State for Health; R (BMA) v Secretary of State for Health

[2016] EWHC 2338 (ADMIN)

Acting successfully for the Secretary of State in defending various judicial review and competition law challenges to the introduction of a new national model contract for junior doctors in the NHS.

R (Ghulam & Ors) v Secretary of State for the Home Department

[2016] EWHC 2639 (ADMIN)

Acting successfully for the Secretary of State in 3-linked judicial review test cases challenging the rate of financial support for adult and dependant child asylum seekers.

Attorney-General for the Prince of Wales v the IC and Mr Michael Bruton

[2016] UKUT 0154 (AAC)

Acting for Mr Bruton in the upper tribunal in a case concerning whether the Duchy of Cornwall/Duke of Cornwall (i.e. Prince Charles) is a public authority under EU environmental access to information law.

Hotak and others v London Borough of Southwark and another

[2015] UKSC 30

Acting successfully for the Secretary of State in a leading case on: (i) the scope of the s.189 Housing Act 1996 'priority need' housing duty, and (ii) the public sector equality duty.

Procurement & State Aid

Joseph is ranked as a Band 1 practitioner by all of the main legal directories (Chambers & Partners, Legal 500 and Who's Who Legal).

He is widely regarded as the leading junior at the Bar in the field of EU procurement litigation and challenges to public sector contracts.

He is regularly instructed in leading cases (frequently against KCs). He has acted in more than 100 High Court EU procurement cases and has experience of litigation under all of the principal EU procurement regimes, i.e. public contracts, utilities and defence and security. He also has experience of advising both economic operators and public authorities in connection with EU Commission complaints and investigations regarding alleged breaches of the EU procurement and State aid regimes.

Joseph also has a very extensive advisory practice spanning the full range of procurement law. In particular, he has extensive experience of advising on issues such as the application of procurement law to development agreements and other land related transactions, post-tender variations to significant public contracts, public-private partnerships and the structuring of legal transactions in a manner that is consistent with procurement law.

> ***A ridiculously clever man who is immensely driven and always strategically brilliant when handling a case.***
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> **CHAMBERS & PARTNERS**

Hallett v Derby Hospitals NHS Foundation Trust

[2018] EWHC 796 (QB), [2018] 3 ALL ER 895, QBD, APRIL 19 2018

Proper interpretation of provisions in nationally agreed junior doctors' employment contracts relating to working hours and natural breaks.

MLS (Overseas) v Secretary of State for Defence

[2018] EWHC 1303 (TCC), [2018] CILL 4166; 178 CON LR 197, TCC, MAY 25 2018

Ministry of Defence acted unlawfully in rejecting a tender – Unsuccessful tenderer entitled to an order that the decision should be set aside – remedies.

Nuclear Decommissioning Authority (Appellant) v EnergySolutions EU Ltd (now called ATK Energy EU Ltd)

[2017] UKSC 34

Acting successfully for the Appellant, the NDA, in a landmark Supreme Court judgment establishing that damages in procurement claims are not awarded as of right, but should only be available if any breach of duty that is established is 'sufficiently serious' within the meaning of the EU law conditions for Member State liability (i.e. the well known Francovich/Factortame conditions).

Perinatal Institute v Healthcare Quality Improvement Partnership

[2016] EWHC 2626 (TCC)

Sole counsel for the successful Defendant, HQIP, in lifting an automatic suspension on the award of the contract for the rollout and delivery of a national perinatal mortality project across the NHS in England, Wales and Scotland.

Newlyn Plc v London Borough of Waltham Forest

[2016] EWHC 771 (TCC)

Sole counsel for the successful Defendant, LBWF, in striking out/obtaining summary judgment on PCR 2015/judicial review claims challenging the award of contracts for enforcement agent/bailiff services under the YPO national dynamic purchasing system.

Woods Building Services v Milton Keynes Council

[2015] EWHC 2011 (TCC), [2015] LGR 715, [2015] BLR 571

Sole counsel for the successful claimant, Woods, in the first case in which the High Court has set aside a public contract award decision under the Public Contracts Regulations 2006. Leading case on the legal principles applicable to EU procurement scoring challenges.

Woods Building Services v Milton Keynes Council

[2015] EWHC 2172 (TCC), [2015] LGR 747, [2015] BLR 591

Sole counsel for the successful claimant, Woods, in the first case in which High Court has considered EU law principles of effective remedy relating to mandatory orders and damages following the setting aside of a contract award decision under the Public Contracts Regulations 2006.

Edenred (UK Group) Ltd v Her Majesty's Treasury & Ors

[2015] UKSC 45, [2015] PTSR 1088; [2016] 1 ALL ER 763; [2015] 3 CMLR 47, SC, JULY 1 2015

Acting for the Claimants/Appellant on a leading case on: (i) material variations to public contracts, (ii) compliance of OJEU contract notices with EU transparency requirements, and (iii) the application of EU procurement law to 'internal' arrangements between public bodies.

Bristol Missing Link Limited v Bristol City Council

[2015] EWHC 876 (TCC), [2015] LGR 480

Acting successfully for BMLL in maintaining the automatic suspension in relation to a significant contract for domestic violence support services.

Solent NHS Trust v Hampshire County Council

[2015] EWHC 457 (TCC)

Acting successfully for the Defendant, HCC, in lifting the automatic suspension in respect of £40m contract for substance misuse recovery services.

Achievements

News, Articles & Publications

Editor, 11KBW EU Procurement Law and State aid bulletin

Author, *European Law of State Aid*, OUP (2016)

Author, *Tolley's Employment Law*, OUP (2016)

Education

University of Glasgow, LLB (First Class Honours)

Harvard Law School, LLM

Other

Prior to joining the Bar, Joseph was an Associate at Linklaters LLP (working in their London, Hong Kong and Moscow offices). While at Linklaters Joseph was recognised by the legal directories as a 'star of the future'.

He is legendary

LEGAL 500

He likes a good fight and is a hard worker. He's great at giving a clear steer in a case, and he never sits on the fence.

CHAMBERS AND PARTNERS