

Rupert Paines

Call: 2012 England & Wales Call: 2020 Northern Ireland

E: Rupert.Paines@11kbw.com

T: +44 (0)20 7632 8500



Rupert is a leading practitioner across a range of specialist areas: commercial employment, public law, procurement/subsidy control, and TMT.

Rupert's work focuses on some of the largest and most complex pieces of litigation to come before the English courts; from 'team moves' and mass data claims to high-profile judicial reviews, TCC procurement challenges and CAT subsidy claims.

He is ranked in the main legal directories in each of his areas of practice.



Excellent technical lawyer and a very good advocate

CHAMBERS & PARTNERS

Expertise

Public

Rupert regularly advises and represents public bodies and commercial entities on issues concerning public law and judicial review, including in relation to matters with human rights, retained EU law, and/or commercial elements. He advises on all aspects of *vires* and public bodies' powers and obligations, and on challenges to public bodies' decisions.

Rupert is on the B Panel of counsel for central Government work.



He is an excellent technical lawyer and a very good advocate. He's clearly a rising star.

CHAMBERS & PARTNERS

R (Wikimedia Foundation Inc) v SoS for Science, Innovation and Technology

Leading counsel for Wikimedia (leading Raphael Hogarth) in the first substantive challenge to measures under the Online Safety Act 2023. Instructed by Pinsent Masons LLP.

R (Publishers Association) v SoS for Education

Counsel for Publishers Association in a major challenge to the terms on which the Oak National Academy has been authorised to provide curriculum materials. Instructed by Osborne Clarke LLP.

R (BEL and ors) v SoS for Foreign and Commonwealth Affairs

Counsel for the SSFCA defending this challenge by family members in Gaza of a UK resident, seeking consular assistance to leave Gaza. Instructed by GLD.

R (Kadas) v HMRC

Acting for HMRC defending a challenge by a high net worth individual to a decision to transfer information concerning his personal finances to the Spanish tax authorities under international tax transparency legislation (led by Rupert Paines).

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

Counsel for an intervener (Sex Matters) in this challenge to the Equality Act and ECHR-compatibility of the EHRC's interim guidance on access to sanitary facilities. Instructed by Conrathe Gardner.

R (Zenobe Energy Limited) v Ofgem

Counsel for Ofgem defending (i) subsidy control proceedings in the CAT; and (ii) a judicial review, in both cases seeking to quash Ofgem's cap and floor scheme for Long Duration Electricity Storage ('LDES'). LDES is a key part of the Government's ambition to move to a clean energy environment. Instructed by Ofgem.

Procurement & Subsidy Control

Rupert has been instructed in a significant proportion of recent high-profile procurement litigation before the UK courts, including the *Edenred* and *EnergySolutions* appeals at trial and in the Court of Appeal and Supreme Court, the *Airwave* litigation before the TCC.

Airwave and Motorola v Secretary of State for the Home Department

Counsel for Airwave/Motorola in a challenge to a unilateral extension of a series of major public contracts for the provision of radio networks for the emergency services. Instructed by Quinn Emanuel Urquhart & Sullivan LLP.

Zenobe Energy Limited v Ofgem

Counsel for Ofgem (with Joe Barrett KC) defending (i) subsidy control proceedings in the CAT; and (ii) a judicial review, in both cases seeking to quash Ofgem's cap and floor scheme for Long Duration Electricity Storage ('LDES'). LDES is a key part of the Government's ambition to move to a clean energy environment. Instructed by Ofgem.

Sopra Steria Limited v DWP and others

Counsel for Sopra Steria in a damages challenge to the award of a c. £1bn contract for business processes to Capita. Instructed by Osborne Clarke LLP.

Condor Ferries / Bretagne Angleterre Irlande Ferries v Government of Jersey

Advising Condor/BAI (with Joe Barrett KC) in their challenge to the award to DFDS of a long-term ferry franchise between the UK and Jersey. Instructed by Bevan Brittan LLP.

Cinapsis v Hertfordshire and North West Essex Integrated Care Board

Sole counsel for Cinapsis in challenging the award of two contracts for app-based advice and guidance services to a competitor, Consultant Connect. Instructed by Bevan Brittan LLP.

SRCL Ltd v NHS Humber and North Yorkshire ICB and 22 ors

Counsel for 22 ICBs (with Joe Barrett KC) defending a challenge to their award of 22 contracts for clinical waste services. Instructed by Capsticks LLP.

Commercial & Employment Law

Rupert advises and represents clients in all forms of commercial disputes, including in particular team moves and restrictive covenant / confidential information actions. He has acted in the majority of recent major team move cases, particularly in the insurance/reinsurance broking sphere.

Aon UK Ltd & ors v Howden Group Holdings Ltd & ors

Counsel for Aon (with Amy Rogers KC and others) in this major reinsurance broking 'team move' claim spanning the UK and Latin America. Instructed by Lewis Silkin LLP.

Acquinex Ltd & ors v Howden Group Holdings Ltd & ors

Counsel for Acquinex (with a number of others) in another substantial 'team move' claim, in the area of warranty and indemnity insurance broking. Instructed by Mayer Brown International LLP.

Boydell v NZP UK Ltd

Counsel for NZP (with Judy Stone KC) in this restrictive covenant application (in the High Court and Court of Appeal). Instructed by Kirkland & Ellis LLP.

Guy Carpenter & Co. Ltd v Howden Group Holdings Ltd

Counsel for Guy Carpenter (with Amy Rogers KC and others) in another major reinsurance broking team move. Instructed by Mayer Brown International LLP.

Multiple arbitrations

Acting for a well-known financial institution in multiple arbitrations relating to confidential information, team move, and post-termination wrongdoing. Instructed by Lewis Silkin LLP.

TMT

Rupert advises and represents commercial entities, public interest entities, and regulators in data and information regulation claims and regulatory appeals. He acted in the first ever JR under the Online Safety Act 2023 to come to a substantive hearing (*Wikimedia*), and in multiple claims and regulatory appeals at all levels of the judicial hierarchy up to and including the Supreme Court (*Morrisons*, *Lloyd v Google*).

R (Wikimedia Foundation Inc) v SoS for Science, Innovation and Technology

Leading counsel for Wikimedia (leading Raphael Hogarth) in the first substantive challenge to measures under the Online Safety Act 2023. Instructed by Pinsent Masons LLP.

Mike Ashley v Morgan Stanley & Co International plc

Counsel for Morgan Stanley (with Tim Pitt-Payne KC) defending a data subject access request submitted by Mike Ashley in the context of Commercial Court litigation between the parties. Instructed by Ropes & Gray International LLP.

DSG Retail Ltd v Information Commissioner

Counsel for DSG (with Tim Pitt-Payne KC) in Court of Appeal proceedings concerning the technical protections on DSG's systems, and the implications of pseudonymisation as a data security measure. Also instructed as sole counsel dealing with related civil claims. Instructed by Pinsent Masons LLP.

BT plc and Openreach Ltd v Information Commissioner

Sole counsel for BT/Openreach in this regulatory appeal, concerning the question whether BT or Openreach are 'public authorities' for the purposes of the Environmental Information Regulations 2004. Instructed by DWF Law LLP.

Ancestry Ireland Unlimited Company v Information Commissioner and National Records of Scotland

Sole counsel for the Information Commissioner, defending the first major challenge under the Re-Use of Public Sector Information Regulations 2015 to NRS's refusal to provide Ancestry (a genealogy company) with Scottish public records. Instructed by the Information Commissioner.

Achievements

Appointments

Attorney General's B Panel

Education

University of Oxford, BCL, Distinction

University of Oxford, BA Jurisprudence with Senior Status, 1st

University of Oxford, BA Theology, 1st

Memberships

Bar European Group (committee member)

Commercial Law Bar Association

Constitutional and Administrative Law Bar Association

Procurement Lawyers' Association

Employment Lawyers' Association

Employment Law Bar Association