

# Tom Hickman KC

*"Tom is extremely reactive, directly available and very pragmatic. He is able to distil complex issues in a very simple and practical way."*

– CHAMBERS & PARTNERS, 2024

Year of call: **2003**  
Appointed to silk: **2019**  
Degree: **MA (Cambridge), First Class; LLM Hons (Toronto); PhD (Cambridge)**



Tom Hickman KC practises in public and constitutional law, regulatory law, energy, telecommunications, commercial law, national security, international law (including diplomatic and state immunity issues), media and entertainment and sports law. Tom is highly regarded for both his advocacy and his advisory work and is regularly instructed for appellate proceedings in the Court of Appeal, Supreme Court and Privy Council.

Comments in the legal directories include: "unflappable advocate on his feet, even in situations when others might crumble." (Chambers UK, 2023); "A great tactician with a firm eye on the commercial dynamics." (Chambers UK, 2022); "very clear on what is needed to establish the best possible case... thinks very strategically..." (Legal 500).

Tom was named Public Law Silk of the Year at the Chambers and Partners Bar Awards 2020 and was previously included in the country's "Hot 100" lawyers. Since 2017 he has been standing Counsel to the Investigatory Powers Commissioner's Office (IPCO).

Tom regularly advises and conducts litigation on behalf of Governments and public authorities, including regulatory bodies. Prior to taking silk, Tom was on the "A Panel" of Government Counsel and he continues to advise and conduct litigation for the UK Government in silk, including recent work for the Treasury and the Ministry of Defence. Tom also advises and acts for other Governments (examples include the Scottish Government, the Republic of Cyprus, the Government of the Bahamas and various British Overseas Territories) as well as regulatory bodies such as the Competition and Market's Authority and the Advertising Standards Authority.

Tom also acts for private clients both in challenges to acts of regulatory bodies and governments and in private commercial or sports disputes. He has experience of a wide range of courts and tribunals, including the Chancery Division, Commercial Court, arbitration and disciplinary tribunals. He has litigated many cases before the European Court of Human Rights and the CJEU and in British Overseas Territories. He has coordinated international litigation strategies and has experience of working with local lawyers on cases in countries as diverse as Norway, Cyprus, USA, Bahamas, Germany and Uganda.

He has acted in many leading cases, including in both the Miller claims and the Lord Advocate's reference to the Supreme Court on the competence of the Scottish Parliament to hold an independence referendum.

Other recent cases have included a major arbitration between the World Anti-Doping Agency (WADA) and the Russian Anti-Doping Agency (RUSADA) which determined the ban imposed on Russian participation in international sporting events (Tom acted for WADA). In 2021, Tom led a team that successfully challenged the housing of asylum-seekers at Napier military barracks. In 2022 he successfully acted for Reclaim These Streets in a challenge to the police decision to prevent a vigil on Clapham common from being organised.

Tom is Professor of Public Law in the law faculty at University College London, ranked in the top 10 law faculties globally. He regularly publishes articles, blogs and tweets on legal issues. Tom's evidence to parliamentary committees has been referred to in a number of committee reports, such as the House of Lords Constitution Committee's June 2021 report on the use of emergency powers during Covid-19 pandemic and the June 2022 Privileges Committee report on Select Committee's powers. In January 2020, Tom was the first person to give oral evidence to the Bundesverfassungsgericht to give oral evidence on foreign law to that Court, in the landmark BND Act case (his evidence was on interception of communication laws and oversight) (1 BvR 2835/17).

A recent blog on the misuse of guidance in response to the Covid-19 pandemic is available [here](#). A blog on the Judicial Review and Courts Act [here](#).

## EXPERIENCE

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### Commercial

Tom has considerable experience of commercial litigation including copyright and other IP disputes, often having a connection to media, sport or entertainment, gambling or other licensed or regulated activities; or in complex cases that have a public law, international law or human rights angle.

In 2018-2019, Tom acted in a long-running passing off claim in the pharmaceuticals sector (*Glaxo v Sandoz*) which generated multiple judgments of the Chancery Division. For several years Tom acted in the leading trade marks case of *Sky v SkyKick* including in a reference to the CJEU.

In 2018-19 Tom acted for Nottingham Forest FC in a commercial dispute over the sale of the Club. The case went to the Court of Appeal. Tom is currently acting in a substantial commercial joint venture dispute between an international sports body and its commercial partner.

Previous cases have included acting for Vladimir Antonov in a major asset freezing case and acting for HMRC in a dispute with Bernie Ecclestone concerning the decision of HMRC's tax settlement agreement with Mr Ecclestone.

### Cases

#### **World Academy of Sport (ongoing)**

Tom is leading a claim in the commercial court by World Academy of Sport. The claim relates to a joint venture project relating to the provision of services to Olympic Games organising committees and national sporting associations.

**CTMH Holdings Ltd v The Government of the Cayman Islands**

Causes No. G55 and G150 of 2021 (19 August 2022)

Tom acted for the Government of the Cayman Islands in a challenge to the issue of import tax waivers and agreements to waive importation duties in the context of medical equipment. The challenge also related to the scheme for registering foreign medical doctors in the Cayman Islands.

**WADA v RUSADA**

CAS 2020/O/6689

Tom represented the World Anti-Doping Agency (WADA) in this landmark arbitration concerning relating to the identification of centralised doping and anti-detection systems adopted by Russia between 2011 and 2015. The arbitration concerned whether the failure of Russia to comply with reinstatement conditions could and should result in restrictions on Russian participation in international competitions. The Court of Arbitration for Sport imposed a two year prohibition on such participation.

**Bernard Ecclestone v HM Revenue and Customs**

(Comm Ct) [settled]

This commercial court case challenged the the rescission of a settlement agreement between Bernard Ecclestone and HM Revenue and Customs relating to the settlement of the investigation into the sale of the rights to F1 Racing. The issues include misrepresentation and fraud. Tom represented HMRC.

**ED&F Mann Sugar v Tate & Lyle Sugar**

(Comm Ct) [settled]

Tom acted for Tate & Lyle Sugar concerning the allegedly wrongful diversion of a sugar cargo. The claim involved allegations of conversion, procuring breach of contract, deceit and conspiracy.

**Stretchline Intellectual Property Ltd v H&M Hennes & Mauritz (UK) Ltd**

[2016] EWHC 162 (Pat) (Ch. Div)

Tom acted for the high street retailer H&M, in successfully resisting an EU-wide injunction against the company for selling infringing brassieres contrary to a settlement agreement. Distinguishing Experience Hendrix, the court also refused to grant an account of profits.

**Hewlett Packard Ltd v D&P Data Systems**

(2015-2016) [settled]

Acted for HP Ltd in a trade mark infringement and conspiracy claim concerning the acquisition and sale of computer servers.

**Kryvenko v Renault Sport Racing Ltd (formerly Lotus)**

[2017] [settled]

Tom is acting for Renault Formula 1 Team in a sponsorship dispute over the use of the YotaPhone brand. The claim is proceeding in the commercial court.

**Gillingham FC v Centerplate**

[2017] EWHC 2978 (QB)

Tom acted for Gillingham FC in substantial contractual dispute concerning hospitality at the Club's ground and hospitality facilities. The Club was awarded £1.4m in damages and costs in this contested high court action.

**Icon Hotel Holdings Ltd v FYR Services**

(2014-15) [settled]

Claim by owner of hotel chain against an operating company for delivery-up of database information and documents and for breach of fiduciary duty.

**Snoras Bank v Antonov**

[2013] EWHC 131 (Comm Ct)

Substantial civil fraud claim against Vladimir Antonov, the former owner of a Lithuanian Bank. The judgment of Gloster J relates to various interlocutory issues, including confidentiality rings, the relationship between freezing orders in different jurisdictions, criminal proceedings and extradition proceedings, and the right against self-incrimination.

**NF Football Investments v Nottingham Forest FC**

[2019] EWCA Civ 2242

Tom acted successfully for Fawaz Al-Hasawi in this £5m dispute over the sale of Nottingham Forest Football Club. A judgment reached in Mr Al-Hasawi's favour was upheld on appeal.

**Sky plc v SkyKick**

[2018] EWHC 155 (Ch) and C-3718 (2020)

Tom acted for the defendant, a US data migration company, in long-running trade mark proceedings. The case has generated a number of important judgments and was the subject of a reference to the CJEU on the issue of the bad faith defence and the scope of the CJEU's ruling in IP Translator. An application for a reference on the compatibility of the "own name defence" with the EU Charter of Fundamental Rights was refused. Additional reported judgments include: [2017] EWHC 1769 (Ch), [2018] EWHC 155 (Ch) 3 (Ch), [2018] EWCA Civ 2004

**Mutu v Switzerland (Chelsea FC intervening) (2018)**

App. No. 40575/10

Tom acted for Chelsea FC in this claim by Adrian Mutu in the European Court of Human Rights. It is the first case in which the ECtHR has considered the CAS system and its compliance with human rights standards. Judgment was delivered in 2018.

**World Ventures Marketing Inc.**

Tom acts for a global multi-level marketing company concerning the scope of Directive 2005/29/EC and the prohibition on pyramid selling schemes. Tom is involved at an advisory and strategic level, including helping to co-ordinate legal teams in several jurisdictions.

**Glaxo UK Ltd & Glaxo Group plc v Sandoz UK Ltd & Ors**

[2018] 3229 (Ch)

Multi-jurisdictional passing off / trade mark litigation concerning the fourth most successful pharmaceutical product in the world, the Seretide asthma inhalers. Tom acts for Glaxo. The case was the subject of a number of interim applications and judgments and was tried by Mr Justice Arnold in July 2019.

**Public & Regulatory**

Tom was awarded Chambers & Partners Public Law Silk of the Year in 2020.

Tom regularly appears in the Administrative Court and appeal courts in the most difficult and high public law cases, including both Miller cases, in which he represented Gina Miller.

Tom is currently acting for the Competition and Markets Authority in two judicial review challenges to appellate decisions of the authority and recently acted for the Treasury and UK Statistics Authority in a high-profile judicial review of the forthcoming changes to the Retail Prices Index.

Tom also acts for other Governments. He is acting for the Lord Advocate in the Lord Advocate's Reference to the Supreme Court concerning whether the Scottish Parliament has the power to hold a referendum on Scottish independence. Tom is also currently acting for the Government of the Cayman Islands and for the Attorney General of the BVI.

Tom has huge experience in regulatory disputes and has acted in numerous regulatory disputes both for and against regulators such as Ofgem, Ofcom, the Advertising Standards Authority and the Gambling Commission.

Tom is author of a leading book on public law (Public Law After the Human Rights Act (Hart 2010)) and has written extensively on and blogs journals in the UK and abroad on public law. He teaches and examines public law at UCL.

***“He has great nous on which claims to bring and which arguments to make.”***

– CHAMBERS AND PARTNERS, 2023

Tom has been standing Counsel to the Investigatory Powers Commissioner since 2017. In 2020, Tom was the first person to give oral testimony to the Constitutional Court of Germany in a two day hearing before that Court, as an expert witness giving evidence on the subject of the regulation of external interception of communications and intelligence service oversight.

## Cases

### **R (Kellogg Marketing and Sales Co (UK) Ltd v Secretary of State for Health [2022] EWHC 1710 (Admin)**

Tom acted for Kellogg in a challenge to regulations that restrict the sale, placement and promotion of food and drink in supermarkets and on websites. The challenge related to the vires of aspects of the regulations and to distinction between breakfast cereals and other dehydrated foodstuffs, which requires the nutrient profile of breakfast cereals to be assessed on their dry qualities rather than as they are commonly eaten, with milk.

### **Anglin v The Governor of the Cayman Islands**

Cause G169 of 2020 (28 March 2022)

The Grand Court of the Cayman Islands rejected a constitutional challenge to the Civil Partnership Act 2020. The Governor of the Cayman Islands in enacting and assenting to the CPA, had acted within the scope of his reserved powers under section 81 of the Cayman Islands Constitution. Tom represented the Governor.

### **Privacy International v Secretary of State for Foreign Affairs**

[2021] UKIPTrib IPT\_17\_86\_CH

Tom represented the Investigatory Powers Commission at a hearing concerned with the scope of the Commission's duty to assist the Investigatory Powers Tribunal.

### **CTMH Holdings Ltd v The Government of the Cayman Islands**

Causes No. G55 and G150 of 2021 (19 August 2022)

Tom acted for the Government of the Cayman Islands in a challenge to the issue of import tax waivers and agreements to waive importation duties in the context of medical equipment. The challenge also related to the scheme for registering foreign medical doctors in the Cayman Islands.

### **Scottish independence referendum (Lord Advocate's reference)**

Tom represented the Lord Advocate in a reference to the Supreme Court under the Scotland Act 1998 on the question of whether holding an advisory referendum in Scotland on independence relates to a reserved matter. The case was heard by the Supreme Court in October 2022.

### **R (SSE Generation Ltd) v CMA**

[2022] EWCA Civ 1472

Challenge to the modification of transmission charges payable to network operators by electricity generators using the GB electricity network. The claim was a judicial review of a decision of the Competition and Markets Authority's decision on appeal from GEMA. Tom acted for the CMA.

**R (WWU) v Competition and Markets Authority**

[2002] EWHC \_\_\_\_ (Admin)

The first judicial review of a price control process which concerns both GEMA's price control methodology and the powers of the CMA on appeal. Tom acts for the CMA.

**R (HM, KH and MA) v Secretary of State for the Home Department**

[2022] EWHC 695 and 2729 (Admin)

Successful challenge before the Divisional Court to the legality of the Government's policy to search, seize and retain data from the mobile phones of migrants arriving by small boat. The Court unusually gave a second, important, judgment on failings in the duty of candour, particularly at the pre-permission stage.

Tom acted for MA and KH.

**BT Pension Scheme Trustees & Other Pension Scheme Trustees v UK Statistics Authority and the Chancellor of the Exchequer**

[2022] EWHC 2265 (Admin)

Tom acted for the Treasury and for the UK Statistics Authority in this challenge to the decision to change the calculation method for RPI brought on behalf of UK gilt holders.

**R (FDA) v Prime Minister**

[2021] EWHC 3279 (Admin), [2022] 4 WLR 5

Tom acted for the FDA civil service union in challenging the Prime Minister's decision that there was no breach of the Ministerial Code by the Home Secretary concerning allegations of bullying. The Court agreed with the FDA (contrary to the Government's case) that the Ministerial Code was justiciable and that bullying had to be understood objectively and not subjectively, in line with civil services policies. The Court dismissed the claim on the facts.

**R (Manchester Airport Holdings Ltd) v Secretary of State for Health**

[2021] EWHC 2030 Admin

Challenge to the traffic light system for categorising countries for the purposes of the Covid-19 travel restrictions. The challenge sought the publication of information that explained the basis for categorising countries as green, amber and red.

**NB & Ors v Home Secretary**

[2021] EWHC Admin 2021

This case was brought by a number of asylum seekers, challenging their accommodation at a Napier army barracks. The court upheld the challenge, finding that the accommodation was unsafe and unsuitable for housing asylum seekers and that for periods the claimants had been falsely imprisoned there.

**R (Leigh) v Metropolitan Police**

[2022] EWHC 527 (Admin), [2022] 1 WLR 3141

Tom appeared for the Claimants in this successful judicial review of the planned vigil on Clapham Common in memory of Sarah Everard. Tom also acted in an application for an interim declaration in the same case (reported at [2021] EWHC 661 (Admin))

**Aspers v Gambling Commission**

[2020] (unreported)

Challenge to decisions of the Gambling Commission in relation to fairness and due process. Permission was granted at a hearing after which the case settled.

**R (Miller) v Prime Minister**

[2019] UKSC 41, [2020] AC 373

Challenge to the Prime Minister's decision to prorogue Parliament in the lead-up to the UK's then scheduled exit from the EU on 31.10.19. Tom acted with Lord Pannick QC for Gina Miller and succeeded by a margin of 11-0 in the Supreme Court.

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

[2017] UKSC 5; [2018] AC 61

This was a challenge to the Prime Minister's ability to issue a declaration triggering the UK's withdrawal from the EU without authorisation from an Act of Parliament. This case was heard by a panel of 11 Law Lords. Tom acted as junior counsel to Gina Miller in a team led by Lord Pannick QC.

**R (Support Services) v Advertising Standards Agency**

(2016)

Judicial review of decision by the ASA that a 'lookalike' passport website is misleading. Tom acted for the Advertising Standards Agency.

**Cheshire & Other Local Authorities v Minister for Local Government**

Tom acted for the Government in successfully defending this challenge to the 2015 Local Government Settlement and the structure of the Local Government Grant, issues of major significance and sensitivity.

**Provo Air Centre v Turks and Caicos Islands Airports Authority**

(2015)

Tom acted in this challenge to the decision of the Turks and Caicos Island Airports Authority to grant permission for the development of a second Fixed Based Operation at the airport. Tom was called to the bar of the TCI and argued the case before the Chief Justice.



**Bawa-Garba v GMC**

[2015] EWHC 1277 (QB)

Acted for the General Medical Council in proceedings concerning the suspension of a doctor pending a criminal prosecution. The judgment was a significant development of the law on interim suspensions.

**R (Sainsbury's Supermarket) v Advertising Standards Agency and Independent Reviewer (Tesco Supermarket Intervening)**

[2014] EWHC 3680, [2015] ACD 23

This was a judicial review of an ASA decision and that of the Independent Reviewer upholding the lawfulness of Tesco's Price Promise scheme, on domestic and EU law grounds. Tom successfully defended the claim. Concerned the interpretation of Directives 2005/29/EC and 2006/114/EC (consumer protection and advertising).

**R (D & S) v Manchester City Council**

[2012] EWHC 17 (Admin)

Tom successfully defended Manchester City Council from this challenge to the Council's budget for allegedly failing to comply with procedural requirements including the public sector equality duty.

**R (Global Knafaim Leasing) v BAA & CAA & Eurocontrol**

[2011] 1 Lloyd's Rep. 324

Acted for aircraft leasing company in this challenge to the detention of an aircraft at Glasgow airport under the Fleet Lien power.

**Freedom and Justice Party v Foreign Secretary**

[2018] EWCA Civ 1719

This was a challenge to the recognition by international law and the common law of special mission immunity. It is a leading case on reception of customary international law into domestic law.

**R (Heathrow Airport Ltd) v Office of Road and Rail**

[2017] EWHC 1290 (Admin)

Tom acted for the Secretary of State for Transport in successfully defending this judicial review challenge to the charging regime for the Heathrow Spur as part of the Crossrail project.

**R (News Media Association) v Press Recognition Panel and IMPRESS**

[2017] EWHC 2527 (Admin)

This was a challenge to the new press regulatory regime under the Royal Charter on the Regulation of the Press. Tom acted for the independent press regulator IMPRESS.

### **LG & Ors v Secretary of State for the Home Department**

[2017] EWHC 1529 (Admin)

Tom acted for LG in this challenge to several Terrorism Prevention and Investigation Measures. Tom represented LG as lead appellant throughout the proceedings, including in respect of a challenge to a relocation measure and at trial in 2017.

### **Wamala v Tascor Services Ltd**

[2017] EWHC 1461 (QB); [2017] 4 WLR 155

Tom acted for the claimant in this substantial case challenging the use of force by private immigration escorts.

## **Civil Liberties & Human Rights**

Tom's practice encompasses the full spectrum of human rights cases, ranging from class actions against governments and multinational companies, to trafficking cases, to terrorism trials in civil actions.

Tom was awarded Human Rights and Public Law Silk of the Year at the Chambers and Partners UK Bar Awards 2020.

In 2021 Tom led a team that successfully challenged the housing of asylum-seekers at Napier Barracks. In 2022 he led a team that successfully challenged the police's refusal to permit a vigil on Clapham Common during the Covid pandemic and he also acted in a successful challenge to a Home Office policy of seizing the mobile phones of asylum seekers and exploiting the data on the phones.

Tom has acted in a number of applications to the ECtHR, such as *Hassan v UK* (Grand Chamber), *Big Brother Watch v UK* (Chamber), *Topa v Molda and Cyprus v Turkey* (remedies, Grand Chamber). The last of these cases required the Turkish Government to pay the largest ever just satisfaction award for the damage suffered by the enclaved residents of the Karpas peninsula arising out of the military activities northern Cyprus in 1974 and territorial division of the country. The litigation was described by two of the Judges "as the most important contribution to peace in Europe in the history of the Court of Human Rights".

Tom has a particular expertise in the area of national security law. He has acted in numerous leading cases in the context of terrorism and torture, including for Binyam Mohamed in *Binyam Mohamed v SSFCA* [2010] EWCA Civ 65 & 158, [2010] QB 218, for AF in *AF (No 3) v SSHD* [2009] UKHL 28, [2010] 2 AC 269 in *Al-Jedda v Home Secretary* [2013] UKSC 62, [2014] AC 253 and *Watson v Secretary of State (CA and CJEU)*. Tom has extensive experience in asset freezing, TPIM and control order proceedings and surveillance and interception matters.

Tom has also acted in a number of international human rights claims, e.g. in *Guerrero & 30 Ors, v Monterrico Metals Plc* [2010] EWHC 3228 (QB), Tom represented thirty-one Peruvian campesinos who claimed to have been unlawfully detained and seriously abused during a protest against one of the world's largest mining concessions in Peru owned by a UK multinational.

***“Tom is very clear on what is needed in order to establish the best possible case for a public law claimant.”***

— LEGAL 500, 2023

Tom is co-author of leading texts on human rights (Beatson, Grosz, Hickman, Singh, Human Rights: Judicial Protection in the UK (Sweet & Maxwell 2008) and Hickman, Public Law After the Human Rights Act (Hart 2010)) and regularly publishes blogs and articles on the topic.

## Cases

### **Anglin v The Governor of the Cayman Islands**

Cause G169 of 2020 (28 March 2022)

The Grand Court of the Cayman Islands rejected a constitutional challenge to the Civil Partnership Act 2020. The Governor of the Cayman Islands in enacting and assenting to the CPA, had acted within the scope of his reserved powers under section 81 of the Cayman Islands Constitution. Tom represented the Governor.

### **Basfar v Wong**

[2022] UKSC 20, [2022] 3 WLR 208

This was a ground-breaking case on the application of the "commercial exception" to the Vienna Convention on Diplomatic Relations 1961, holding it applicable to persons subjected by diplomatic agents to conditions of servitude and modern slavery. Tom acted for the intervening party Kalayaan, a charity that works to protect victims of modern slavery.

### **Privacy International v Secretary of State for Foreign Affairs**

[2021] UKIPTrib IPT\_17\_86\_CH

Tom represented the Investigatory Powers Commission at a hearing concerned with the scope of the Commission's duty to assist the Investigatory Powers Tribunal.

### **R (HM, KH and MA) v Secretary of State for the Home Department**

[2022] EWHC 695 and 2729 (Admin)

Successful challenge before the Divisional Court to the legality of the Government's policy to search, seize and retain data from the mobile phones of migrants arriving by small boat. The Court unusually gave a second, important, judgment on failings in the duty of candour, particularly at the pre-permission stage.

Tom acted for MA and KH.

### **FF v Secretary of State for the Home Department**

[2021] EWHC 2566 (Admin), [2022] 1 WLR 2411

A claim brought by FF, a Bahraini refugee and torture survivor, who had compiled a dossier of evidence allegedly implicating Prince Nasser of Bahrain in torture during Bahrain's 2011 pro-democracy uprising. Tom acted for the Claimant (with Isabel Buchanan).

**R (FDA) v Prime Minister**

[2021] EWHC 3279 (Admin), [2022] 4 WLR 5

Tom acted for the FDA civil service union in challenging the Prime Minister's decision that there was no breach of the Ministerial Code by the Home Secretary concerning allegations of bullying. The Court agreed with the FDA (contrary to the Government's case) that the Ministerial Code was justiciable and that bullying had to be understood objectively and not subjectively, in line with civil services policies. The Court dismissed the claim on the facts.

**Domi v Public Prosecutor, Italy**

[2021] EWHC 923

Tom acted for the subject of an extradition request, concerning the meaning and effect of section 20 of the Extradition Act 2003 and the continuing effect of the Framework Decision on extradition on the application of that Act post Brexit.

**NB & Ors v Home Secretary**

[2021] EWHC Admin 2021

This case was brought by a number of asylum seekers, challenging their accommodation at a Napier army barracks. The court upheld the challenge, finding that the accommodation was unsafe and unsuitable for housing asylum seekers and that for periods the claimants had been falsely imprisoned there.

**R (Begum) v Special Immigration Appeals Commission**

[2021] UKSC 7, [2021] AC 765

This was a high profile challenge to the deprivation of citizenship of Shamima Begum. The key issue was whether the appellant could have a fair hearing and the consequences if she could not. Tom acted in this stage of the proceedings, which went to the Supreme Court.

**R (Leigh) v Metropolitan Police**

[2022] EWHC 527 (Admin), [2022] 1 WLR 3141

Tom appeared for the Claimants in this successful judicial review of the planned vigil on Clapham Common in memory of Sarah Everard. Tom also acted in an application for an interim declaration in the same case (reported at [2021] EWHC 661 (Admin))

**Wong v Basfar**

[2021] UKEAT 0233

This case concerns the application of the commercial exception in the Vienna Convention on Diplomatic Privileges and Immunities in the context of modern slavery. Tom is acting for the intervening party Kalayaan in the Supreme Court.

**FF, R. (On the Application of) v Director of Legal Aid Casework**

[2020] EWHC 95 (Admin)

Tom acted in this leading case on when a claimant is likely to obtain a benefit from a judicial review such as to bring him or her within the scope of the legal aid regime.

**Bashir & Ors v SSHD & Sovereign Base Area Authority**

[2018] UKSC 43

This case concerned the fate of several refugee families who were shipwrecked in the British Sovereign Base Areas in Cyprus in 1999. In 2018 the Supreme Court Ruled in favour of the Refugees that the Refugee Convention remained extended to the territory following Cypriot independence. The UK Government subsequently granted Tom's clients indefinite leave to remain in the UK. See:  
<https://www.channel4.com/news/exclusive-refugees-marooned-for-20-years-can-finally-settle-in-uk>

**C-698/15 R (Davis & Watson) v SSHD and C-203/15 Tele2 Sverige AB v Postoch Telestyrelse**

Tom acted in this high profile case on the scope of the Data Protection and ePrivacy Directives and their application to Member States' data retention regimes. The case was heard by a Grand Chamber of the Court of Justice on 12 May 2016, Tom appeared for the Law Society.

**LG & Ors v Secretary of State for the Home Department**

[2017] EWHC 1529 (Admin)

Tom acted for LG in this challenge to several Terrorism Prevention and Investigation Measures. Tom represented LG as lead appellant throughout the proceedings, including in respect of a challenge to a relocation measure and at trial in 2017.

**Mutu v Switzerland (Chelsea FC intervening) (2018)**

App. No. 40575/10

Tom acted for Chelsea FC in this claim by Adrian Mutu in the European Court of Human Rights. It is the first case in which the ECtHR has considered the CAS system and its compliance with human rights standards. Judgment was delivered in 2018.

**Wamala v Tascor Services Ltd**

[2017] EWHC 1461 (QB); [2017] 4 WLR 155

Tom acted for the claimant in this substantial case challenging the use of force by private immigration escorts.

**Big Brother Watch & ors v United Kingdom**

(App. No. 58170/13) September 2018

Tom acted for Big Brother Watch in an application at the European Court of Human Rights challenging the UK's legislation governing the surveillance of communications and the implications of the Edward Snowden disclosures about the use of TEMPORA and PRISM data.

**R (Reilly No 2 & Hewstone) v Secretary of State for the Home Department**

[2016] EWCA Civ 413; [2017] QB 657

The Court of Appeal held that the Jobseekers (Back to Work Schemes) Act 2013 is incompatible with Article 6(1) of the European Convention of Human Rights, in that it had interfered with ongoing legal proceedings challenging benefits sanctions by retrospectively validating those sanctions. The Court of Appeal and Supreme Court had previously ruled that regulations introducing several 'back to work' schemes had been ultra vires the Jobseeker's Act 1995 (claims in which Tom also acted for the Claimants).

**R (Gedi) v SSHD**

[2016] 4 WLR 93

The Court of Appeal in Gedi held that the Secretary of State has no power to impose a curfew on immigration detainees. The case, in which Tom acted for the Claimant, has led to a change of Government policy and has major implications across immigration law.

**Hassan v United Kingdom**

(Grand Chamber, 2014)

Tom acted for the applicant in what is now the leading case on the extraterritoriality of the European Convention on Human Rights, its application to armed conflict and the relationship between the Convention and IHL.

**SSHD v CC & CF**

[2014] 1 WLR 4240 (ongoing)

Tom acts for CF in these proceedings concerning the abuse of process in proceedings under the Terrorism Prevention and Investigations Act 2011 and the scope of the minimum disclosure requirement.

**Al-Jedda v Home Secretary**

[2014] AC 253

Tom acted for Mr Al Jedda in this case in which the Supreme Court upheld an order quashing the deprivation of his British citizenship.

**R (Omar) v Secretary of State for Foreign Affairs**

[2014] QB 112

Tom acted for the claimant in this application for disclosure of documents to support his criminal defence in criminal proceedings against him in Uganda for alleged involvement in the 2010 bombings in Kampala.

**Binyam Mohamed v SSFCA**

[2010] QB 218

Tom represented Binyam Mohamed in the Court of Appeal where Mr Mohamed successfully obtained disclosure of information relating to his mistreatment and torture over which public interest immunity was claimed on national security grounds.

**AF (No 3) v SSHD**

[2010] 2 AC 269

Tom represented AF in the leading case on control orders and Article 6 of the ECHR which led to the quashing of the control order imposed on AF. The case has given rise to other important judgments on the control order regime in which Tom acted.

**Media & Entertainment**

Tom represents clients in particular in commercial disputes, royalty, copyright, trade mark and passing off disputes and has acted in a number of trials and mediations in the media and entertainment sector.

Tom often advises broadcasters such as the BBC, ITV and Channel 4 on copyright and contractual matters, including disputes with presenters, copyright issues and broadcasting rights. He has advised in numerous international commercial rights disputes where contracts are subject to English law.

In one of his first cases, Tom acted for the two authors of the original music to Thomas the Tank Engine and Friends in a claim to recover substantial historic royalties (Campbell v Hit Plc).

He acted for Rive Droit Music in the well-known copyright dispute culminating in Crosstown v Rive Droit Music Ltd [2012] Ch. 68 and for the former manager of the Bay City Rollers in a major royalties dispute (Wainman v Arista Records).

He later acted for the prog-Rock and classical musician Rick Wakeman in a claim to rescind a contract of copyright assignment (Wakeman v Imagem Songs & BMG) and for MC Harvey in a breach of privacy claim brought by Cheryl Cole (Cole v IPC Media & MC Harvey).

Tom acted for Ali Campbell, "Mickey" and "Astro", in a long-running band dispute over the name UB40 (Campbell v Campbell).

***“A great tactician with a firm eye on the commercial dynamics.”***

– CHAMBERS AND PARTNERS, 2023

Other clients have included: Paul McCartney's publishing company (copyright dispute), Status Quo (passing-off dispute), INXS (publishing dispute), Oxford University Press (journal ownership dispute), Sony (copyright), Mark Morrison (police harassment), Knife Party/Pendulum (copyright), Jamiroquai (royalties), Penguin books (various).

## Cases

### **British Racing and Sports Car Club Ltd v T**

(2016) [settled]

Tom acted in a dispute over the rights to a Mini racing championship. The case was settled in 2016.

### **UB40 : Duncan Campbell & Ors v Ali Campbell & Ors**

[2016] EWHC 765 (Ch)

Tom acted for Ali Campbell, Astro and Mickey of UB40 in a dispute with the other founding members of UB40 over the right to use the name UB40. The claim raises passing off and partnership issues.

### **Nick Martin v Julia Kogan**

Tom acted for the writer of the screenplay, Florence Foster Jenkins, in a copyright dispute over a claim of joint authorship.

### **Rick Wakeman v Imagem Songs & BMG**

(2013 - )

Tom is acting for the celebrated progressive rock and classical musician Rick Wakeman in a dispute over the validity of contract for copyright assignment.

### **Cheryl Cole v IPC Media & MC Harvey**

(2013) [settled]

Tom acted for MC Harvey in a claim brought by Cheryl Cole in breach of privacy and defamation concerning an interview given by MC Harvey in 2011 in which he discussed a relationship with Cheryl Cole. The claim was pursued in the Chancery Division. It settled in 2013.

### **Crosstown v Rive Droit Music Ltd & Taylor**

[2012] Ch. 68

Tom acted for the publishing company Rive Droit Music Ltd which was involved in earlier stages of this high profile litigation.



**NF Football Investments v Nottingham Forest FC**

[2019] EWCA Civ 2242

Tom acted successfully for Fawaz Al-Hasawi in this £5m dispute over the sale of Nottingham Forest Football Club. A judgment reached in Mr Al-Hasawi's favour was upheld on appeal.

**Campbell v Campell**

Tom acts for Ali Campbell, Astro and Mickey in this passing off and band dispute between two competing versions of UB40.

## EU Law

Tom has a varied experience of representing clients in disputes concerning EU law and acted in many cases involving EU law both before UK courts and the CJEU. As a member of the A Panel Tom frequently advised the UK Government on the application of EU laws.

Since Brexit, Tom has acted and advised in a number of matters concerning the continuing effect of EU law and the application of the Withdrawal Agreement and Trade and Cooperation Agreements (eg in the context of state aids/subsidy control, extradition and asylum).

Tom was counsel for Gina Miller in the case of *R (Miller) v Secretary of State for Exiting the European Union*, concerning Article 50 of the TEU.

He represented the Law Society in the Grand Chamber of the CJEU in the Joined Cases *Tele 2*, and *Watson v Secretary of State*, concerning bulk communications data acquisition and the scope of the E-Privacy Directive.

Tom acted for SkyKick in the CJEU in a long-running case concerning the bad faith defence under the EU Trade Mark Regulations (*SkyKick v Sky*).

## Cases

**Domi v Public Prosecutor, Italy**

[2021] EWHC 923

Tom acted for the subject of an extradition request, concerning the meaning and effect of section 20 of the Extradition Act 2003 and the continuing effect of the Framework Decision on extradition on the application of that Act post Brexit.

**R (SSE Generation Ltd) v CMA**

[2022] EWCA Civ 1472

Challenge to the modification of transmission charges payable to network operators by electricity generators using the GB electricity network. The claim was a judicial review of a decision of the Competition and Markets Authority's decision on appeal from GEMA. Tom acted for the CMA.

**C-698/15 R (Davis & Watson) v SSHD and C-203/15 Tele2 Sverige AB v Postoch Telestyrelse**

Tom acted in this high profile case on the scope of the Data Protection and ePrivacy Directives and their application to Member States' data retention regimes. The case was heard by a Grand Chamber of the Court of Justice on 12 May 2016, Tom appeared for the Law Society.

**R (MR) v Home Secretary**

[2016] EWHC 1622 (Admin)

Tom is acting for the claimant in a challenge to the regime for removal of passports, based on Directive 2004/38/EC (free movement). A preliminary judgment established the applicability of EU law to the removal of passports.

**World Ventures Marketing Inc.**

Tom acts for a global multi-level marketing company concerning the scope of Directive 2005/29/EC and the prohibition on pyramid selling schemes. Tom is involved at an advisory and strategic level, including helping to co-ordinate legal teams in several jurisdictions.

**R (Sainsbury's Supermarkets) v Advertising Standards Authority**

[2015] ACD 23

Represented the ASA against Sainsbury's Supermarkets (Tesco Intervening) in this claim concerning the interpretation of Directives 2005/29/EC and 2006/114/EC (consumer protection and advertising).

**A Global Oil Company v Secretary of State for Business, Innovation and Skills**

(2015)

Acted for a multinational company in this challenge (which ultimately settled before a reference was made to the CJEU) to the interpretation and vires of an EU Directive.

**EU Sanctions**

(ongoing)

Tom has provided extensive advice to various individuals and organizations on EU sanctions issues, including those relating to Iran and Russia/Ukraine.

### **Bredenkamp v Foreign Office**

[2013] EWHC 2480 (Admin)

Tom acted in various stages of this challenge to EU Zimbabwe sanctions including in relation to a damages claim.

### **Sky plc v SkyKick**

[2018] EWHC 155 (Ch) and C-3718 (2020)

Tom acted for the defendant, a US data migration company, in long-running trade mark proceedings. The case has generated a number of important judgments and was the subject of a reference to the CJEU on the issue of the bad faith defence and the scope of the CJEU's ruling in IP Translator. An application for a reference on the compatibility of the "own name defence" with the EU Charter of Fundamental Rights was refused. Additional reported judgments include: [2017] EWHC 1769 (Ch), [2018] EWHC 155 (Ch) 3 (Ch), [2018] EWCA Civ 2004

## **Sport**

Tom's sports law practice complements his work in the media and entertainment field and he often acts in commercial contract matters and intellectual property rights disputes.

Tom recently acted in one of the most significant anti-doping cases, WADA v RUSADA in which the CAS imposed a two year ban on Russian participation in major competitions, exercising its new jurisdiction under the WADA Code.

In 2018-19, Tom acted in litigation in the High Court and Court of Appeal concerning the sale of Nottingham Forest FC, and in 2017 for Renault/Lotus F1 team in a substantial agency dispute.

In his very first case in the area, Tom acted for Liverpool FC in a shirt sponsorship dispute with Reebok in the Commercial Court. He has since acted for many Clubs, sports bodies and professional athletes.

Tom acted as an independent reviewer of prosecutions for UK Anti-Doping and is currently engaged in advisory work for WADA.

***"He is strategically very strong."***

– CHAMBERS AND PARTNERS, 2020

## **Cases**

### **World Academy of Sport (ongoing)**

Tom is leading a claim in the commercial court by World Academy of Sport. The claim relates to a joint venture project relating to the provision of services to Olympic Games organising committees and national sporting associations.

**A National Cricket Association v A Broadcaster**

[2017] unreported

Tom acted in a dispute concerning an overseas national cricket association in a very high value commercial dispute over broadcasting rights relating to the national team.

**WADA v RUSADA**

CAS 2020/O/6689

Tom represented the World Anti-Doping Agency (WADA) in this landmark arbitration concerning relating to the identification of centralised doping and anti-detection systems adopted by Russia between 2011 and 2015. The arbitration concerned whether the failure of Russia to comply with reinstatement conditions could and should result in restrictions on Russian participation in international competitions. The Court of Arbitration for Sport imposed a two year prohibition on such participation.

**Football Rights Dispute**

In 2016, Tom advised a national broadcaster on a contractual dispute concerning rights to a major football tournament.

**Kryvenko v Renault Sport Racing Ltd (formerly Lotus)**

(2017) [settled]

Tom is acting for Renault Formula 1 Team in a sponsorship dispute over the use of the YotaPhone brand. The claim is proceeding in the commercial court.

**Mutu v Switzerland (Chelsea FC intervening) (2018)**

App. No. 40575/10

Tom acted for Chelsea FC in this claim by Adrian Mutu in the European Court of Human Rights. It is the first case in which the ECtHR has considered the CAS system and its compliance with human rights standards. Judgment was delivered in 2018.

**Chelsea FC v FIFA**

(2009 – 2010)

Tom represented Chelsea Football Club in its appeal to the Court of Arbitration for Sport from the decision to ban the Club from signing players for two transfer windows. The ban was lifted. Tom was junior Counsel to David Pannick QC and Adam Lewis QC. He has subsequently advised Chelsea FC on associated matters.

**Gillingham FC v Centerplate**

[2017] EWHC 2978 (QB)

Tom acted for Gillingham FC in substantial contractual dispute concerning hospitality at the Club's ground and hospitality facilities. The Club was awarded £1.4m in damages and costs in this contested high court action.

### **Bernard Ecclestone v HM Revenue and Customs**

(Comm Ct) [settled]

This commercial court case challenged the the rescission of a settlement agreement between Bernard Ecclestone and HM Revenue and Customs relating to the settlement of the investigation into the sale of the rights to F1 Racing. The issues include misrepresentation and fraud. Tom represented HMRC.

### **NF Football Investments v Nottingham Forest FC**

[2019] EWCA Civ 2242

Tom acted successfully for Fawaz Al-Hasawi in this £5m dispute over the sale of Nottingham Forest Football Club. A judgment reached in Mr Al-Hasawi's favour was upheld on appeal.

## **Procurement**

Tom has advised as sole and junior counsel on a wide range of procurement and related cases. He was instructed for one of the interested parties in combined judicial review and procurement challenge to the award of the National Lottery licence in 2022.

He advised the Department for Work and Pensions in a major dispute concerning the procurement of funding arrangements. He also acted for Leyton Orient FC in Leyton Orient FC v London Legacy Development Corporation, a challenge to the re-tender process for the rights to use the Olympic Stadium.

Tom also has related experience of subsidy and concession issues. For instance, he represented a multi-national casino operating company in Great Eastern Quays Casino Ltd & Ors v Newham London Borough Council, concerning a super-Casino licence dispute. He advised a consortium of banks in advice on the Eurotunnel Concession Agreement. Most recently, Tom has been instructed to act for the special administrators of Bulb in a connected judicial review and subsidy challenge to the sale of Bulb to Octopus energy. The case has been listed to be heard on an expedited basis in February 2022.

## **Energy**

Tom has acted in a number of energy related disputes concerning oil, gas, solar, wind, and biogas, off-shore decommissioning issues and licensing. Examples include:

- Acting for the Special Administrators of Bulb in a legal challenge to the statutory business transfer to Octopus Energy.
- Acting for the Competition and Market's Authority (CMA) in challenge to its determination of appeals from GEMA's RIIO-2 price control decision.
- Acting for CMA in a challenge to GEMA's decision amending the Connection and Use of Systems Code.

- Advised Scottish Hydro Electric and others in the energy sector on various procurement and licensing related matters, including in relation to offshore energy generation.
- Instructed in a number of substantial disputes concerning Feed-in-Tariffs and solar installation audits.
- Instructed by Oil and Gas UK on “contracts for difference” applicable to continental shelf activities which represented a major policy change in the North Sea energy sector.
- Instructed by IPIECA (Global Oil and Gas Industry Association) on Iran and Russia sanctions-related issues.
- Advised a major extraction company on seismic data disclosure requirements under petroleum production licences.
- Advised a multi-national oil company transparency provisions of the 2013 Transparency Directive and Accounting Directives applicable to extraction companies.

## Cases

### **R (SSE Generation Ltd) v CMA**

[2022] EWCA Civ 1472

Challenge to the modification of transmission charges payable to network operators by electricity generators using the GB electricity network. The claim was a judicial review of a decision of the Competition and Markets Authority's decision on appeal from GEMA. Tom acted for the CMA.

### **R (WWU) v Competition and Markets Authority**

[2002] EWHC \_\_\_ (Admin)

The first judicial review of a price control process which concerns both GEMA's price control methodology and the powers of the CMA on appeal. Tom acts for the CMA.

## Public International Law

Tom has a broad experience in litigating international law issues in domestic courts and the European Court of Human Rights as well as in arbitral tribunals (such as the Court of Arbitration for Sport).

Tom was counsel in *R (Bashir) v Secretary of State for the Home Department* in 2018 concerning treaty interpretation and the responsibility of the UK under international law for overseas territories.

He was also Counsel in *Miller v Minister for Exiting the European Union* in 2017, which concerned the relationship between the prerogative, statute and international treaties.

In *Reyes v Al-Malki*, Tom acted for the intervening party in a case concerning the scope of the commercial exception under the Diplomatic Privileges Act.

Tom has acted in many of the diplomatic and state immunity cases of recent years, including Harb, FF, Estrada Juffali, Al-Attayah, Freedom and Justice Party and Basfar v Wong. The Freedom and Justice Party case is the leading authority on the incorporation of customary international law into the common law; Basfar v Wong broke new ground on the application of the commercial exception to diplomatic immunity.

Tom also acted for the applicant in Hassan v United Kingdom (Grand Chamber), the leading case globally on the relationship between International Humanitarian law and human rights treaties.

## Cases

### **Basfar v Wong**

[2022] UKSC 20, [2022] 3 WLR 208

This was a ground-breaking case on the application of the "commercial exception" to the Vienna Convention on Diplomatic Relations 1961, holding it applicable to persons subjected by diplomatic agents to conditions of servitude and modern slavery. Tom acted for the intervening party Kalayaan, a charity that works to protect victims of modern slavery.

### **Wong v Basfar**

[2021] UKEAT 0233

This case concerns the application of the commercial exception in the Vienna Convention on Diplomatic Privileges and Immunities in the context of modern slavery. Tom is acting for the intervening party Kalayaan in the Supreme Court.

### **Freedom and Justice Party v Foreign Secretary**

[2018] EWCA Civ 1719

This was a challenge to the recognition by international law and the common law of special mission immunity. It is a leading case on reception of customary international law into domestic law.

### **Estrada v Juffali**

[2016] EWCA Civ 176

Tom acted for Ms Estrada in successfully resisting a diplomatic immunity claim by the Defendant who had been appointed permanent representative of the IMO in London.

### **Al-Attiya v Hamad Bin-Jassim Bin-Jaber Al Thani**

[2016] EWHC 212 (QB)

Tom acted for the claimant in this action concerning the limits of the court's jurisdiction to determine whether a diplomat is in fact engaged in diplomatic activities. The case also involved issues of sovereign immunity.

### **Harb v Prince Fadh Bin Abdul Aziz**

[2014] EWHC 1807 (Ch.)

Tom acted for the Claimant in this claim concerning the scope of Head of State immunity of the former King of Saudi Arabia.

### **R (FF) v Director of Public Prosecutions**

[2014] EWHC 3419

Acting for the Claimant, the court made a declaration that Prince Nasser bin Hamad Al Khalifa is not entitled to immunity from suit in the UK.

### **Cyprus v Turkey**

(2014) 59 EHRR 16 (GC)

In a landmark ruling, the Grand Chamber required the Turkish Government to pay the Cypriot Government EUR 30,000,000 for non-pecuniary damages for surviving relatives of missing persons and EUR 60,000,000 for the damage suffered by the enclaved residents of the Karpas peninsula arising out of the military activities northern Cyprus in 1974 and territorial division of the country.

### **Hassan v United Kingdom**

(Grand Chamber, 2014)

Tom acted for the applicant in what is now the leading case on the extraterritoriality of the European Convention on Human Rights, its application to armed conflict and the relationship between the Convention and IHL.

### **Freedom and Justice Party v Foreign Secretary and DPP**

Tom is acting for the Claimant disputing that Special Mission Status confers immunity as a matter of customary international law or domestic English law.

### **Reyes v Al-Malki**

[2017] UKSC 61; [2017] 3 WLR 923

This case concerned the scope of diplomatic immunity for human trafficking and modern slavery and the scope of the commercial exception under the Vienna Convention on Diplomatic Relations. Tom acted for the charity Kalayaan.

## **Gambling**

Tom regularly acts for clients in the gambling sector on regulatory and licensing issues and has a detailed knowledge of the Gambling Act 2005 and the regulatory environment. His experience stretches back to his involvement early in his career in a judicial review of the award of a super-casino licence. Recent examples of work in the sector include:



- In 2021, Tom represented a major international casino operator in a judicial review of the fairness of a licence review process. The claim was granted permission, the Judge rejecting alternative remedy arguments, but settled before trial.
- In 2022 Tom was instructed by an interested party in the challenge to the award of the National Lottery licence.
- Tom has advised on several Gambling Commission consultations and proposed code of practice changes.
- Advisory work also includes various issues arising during licence reviews and investigations, such as legality of sanctions and fines imposed by the Commission
- Other advisory work includes advising on legal issues concerning the validity of certain types of gaming contract and the availability of restitutionary claims .

## ACHIEVEMENTS

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### Education

MA (Cambridge), First Class; LLM Hons (Toronto); PhD (Cambridge)

### Prizes & Scholarships

In 2016, Tom was awarded The Sutherland Prize for Legal History by the American Society for Legal History for the best published article on legal history in the previous year. The prize was awarded for his chapter on *Entick v Carrington* published in a book of essays celebrating the 250th centenary of that case in 2015.

At University, Tom was awarded the Cambridge University prizes for Contract law, for Equity and for Jurisprudence and placed top in his year also in Legal History and Tort Law. He was awarded the University of Toronto Prize for overall Outstanding Performance in the LLM. Tom has been awarded a number of other prizes and scholarships including the Selwyn College Fairest Prize, Fulbright Scholarship, Faculty of Fellowship at the University of Toronto and fellowship at Massey College.

Tom's book, *Public Law After the Human Rights Act (2010)* was awarded the Inner Temple Book Prize (new author) for 2008-2011: "an astonishingly mature, thoughtful and original discussion" (Baroness Hale); "always thoughtful and thought-provoking" (Lord Collins); "an admirable piece of work" (Sir Stephen Sedley).

### Bar Awards

Legal 500 Public Law Junior of the Year 2019

Chambers and Partners, Public Law Junior of the Year in 2017

The Lawyer, Hot 100, 2017

Chambers and Partners, Public Law and Human Rights Silk of the Year 2020

## Publications

### Books

Public Law After the Human Rights Act (2010)

Tom is also co-author of Human Rights: Judicial Protection in the United Kingdom (Sweet & Maxwell 2008).

### Law Journal Publications

(Selection only. For a fuller list, please visit Tom's UCL Law Faculty webpage)

- 'Too Hot, Too Cold or Just Right? The development of the Public Sector Equality Duties in Administrative Law' [2013] Public Law 325
- 'Beano no more: The EU Charter of Rights after Lisbon' [2011] Judicial Review 113 (with K. Beal)
- 'Problems for Proportionality' [2011] New Zealand Law Journal 303

### Other Publications (selection only)

Blog posts, case notes and short pieces

- 'The continuing misuse of guidance in response to the pandemic' LSE Covid-19 Blog, 25 January 2021
- 'Pulling the Article 50 'Trigger': Parliament's Indispensable Role' (with N. Barber and J. King) UK Constitutional Law Blog (27th Jun 2016)
- "The Investigatory Powers Bill: What's Hot and What's Not?" UK Constitutional Law Blog (11 Dec 2015)
- "Success in Judicial Review: The Current Position" (with M. Sunkin) UK Constitutional Law Blog (20 Mar 2015)
- "ISIS, Passports and Magna Carta: New National Security Powers raise complex issues" UK Constitutional Law Blog (9 Oct 2014)
- 'Further Concerns About the DRIP Bill' UK Constitutional Law Blog (16 July 2014)
- 'Plugging Gaps in Surveillance Laws or Authorising the Unlawful?' UK Constitutional Law Blog (14 July 2014)
- 'Loading the Dice in Judicial Review: the Criminal Justice and Courts Bill 2014' (with Ben Jaffey) UK Constitutional Law Blog (6 Feb 2014)

### Memberships

ALBA, COMBAR, LIBERTY and Amnesty International.

VAT registration number: 863564107

Barristers regulated by the Bar Standards Board