

Daniel Cashman

“He is the best public law junior at his level by a distance.”

– LEGAL 500, 2021

Year of call: **2013**
Degree: **MA (Oxon) (First Class); BCL (Distinction)**
Languages: **German (working knowledge)**



Daniel has expertise in commercial, public and regulatory, sport and competition matters.

He appears before a range of courts and tribunals, both as sole and junior counsel. Daniel also has experience in contested regulatory proceedings at various levels; he has acted for and/or against regulators in the fields of telecommunications, competition, financial services, water, energy, sports and aviation.

Daniel is ranked by the Legal 500 (2022) as a Rising Star (Tier 1) for Administrative and Public Law, and by Chambers and Partners (2022) as an 'Up and Coming' barrister for Administrative Law. He is also ranked for his Telecommunications work by the Legal 500, Chambers and Partners and Who's Who Legal.

Daniel is on the Attorney General's C Panel of Counsel.

EXPERIENCE

Public & Regulatory

Daniel accepts instructions in all areas of public law, and he has substantial judicial review experience.

Daniel is ranked by the Legal 500 (2022) as a Rising Star (Tier 1) for Administrative and Public Law, and by Chambers and Partners (2022) as an 'Up and Coming' barrister for Administrative Law.

Daniel also acts on regulatory and professional discipline matters. He has acted for and/or against regulators in the fields of finance, competition, energy, telecommunications, water, sports and aviation. He has gained significant experience in the field of energy regulation, having spent four months in 2015-16 on secondment to Ofgem, and has acted regularly in energy-related disputes thereafter.

“He is right up there with the strongest public law barristers.”

– CHAMBERS AND PARTNERS, 2022

Cases

Financial services advice

Acting variously for the FCA, PRA, and for regulated individuals and financial institutions, in the context of contested regulatory proceedings.

R (BT Pension Scheme Trustees Ltd & ors) v (1) UK Statistics Authority (2) The Chancellor of the Exchequer

2022 (Admin)

Daniel is acting as junior counsel in this judicial review of the UKSA's and Chancellor's decision to replace RPI with CPIH from 2030.

R (Privacy International) v Investigatory Powers Tribunal

[2022] EWHC 770 (QB)

Daniel was junior counsel in this judicial review to a decision of the Investigatory Powers Tribunal.

Camelot UK Lotteries Ltd v Gambling Commission

2022 (TCC)

Daniel was acting as junior counsel for Camelot in its procurement challenge to the award of the fourth National Lottery licence.

Hero Renewables v Renewable Energy Assurance Ltd

[2021] (Admin Ct)

Daniel acted as sole counsel for the Claimant in this judicial review considering the amenability to review of Code bodies in the context of the micro generation certification scheme.

R (Andrews) v Minister for the Cabinet Office

[2021] EWHC 2233 (Admin)

Acting as junior Counsel for the Minister in relation to a challenge to the arrangements for blind and partially-sighted persons to vote without assistance at the general election in December 2019

Energy licence modification appeals (2021)

Acting for GEMA before the CMA in relation to challenges to the RII02 price control.

R (Medical Defence Union) v Secretary of State for Health and Social Care

(2020) Admin Ct

Junior Counsel for the Medical Protection Society in this challenge to the scheme for GP indemnities. Daniel appeared as sole counsel in interlocutory matters.

R (McKenzie) v Crown Court at Leeds

[2020] EWHC 1867 (Admin)

The Divisional Court has dismissed a challenge to the temporary cessation of jury trials due to the coronavirus pandemic. Daniel acted for the Lord Chancellor and the Lord Chief Justice.

British Airways plc, Easyjet and Ryanair v Secretary of State for Health

The three airlines are challenging the UK 14 day quarantine regulations that came into effect in June. The airlines claim that the regulations are irrational and disproportionate. Daniel is acting on behalf of the airlines.

Three & ors v Ofcom

[2020] EWCA Civ 183

Acted on behalf of Hutchison 3G UK Limited. The Court of Appeal dismissed Ofcom's appeal against a judgment of the High Court awarding over £218 million plus interest as restitution of unjust enrichment to four Mobile Network Operators.

Friends of Antique Cultural Treasures Ltd v DEFRA

[2020] EWCA Civ 649

The Court of Appeal upheld the High Court's dismissal of a challenge to the ban on dealing in ivory imposed by the Ivory Act 2018. Daniel acted for the Respondent Secretary of State.

Re Thomas Cook Airlines Limited (2019)

Acting for the Civil Aviation Authority in internal regulatory proceedings and in a judicial review in relation to matters arising from the administration of Thomas Cook and the EU aviation regime.

R (Miller) v Prime Minister and Cherry and others v Advocate General for Scotland (Supreme Court case)

The Supreme Court concluded that the Prime Minister's advice to her Majesty was unlawful, void or of no effect and Gina Miller's appeal was allowed and the Advocate General's appeal in the case of Cherry is dismissed. Daniel was instructed by the Public Law Project.

Friends of Antique Cultural Treasures Limited v The Secretary of State for the Dept of Environment, Food & Rural Affairs

[2019] EWHC 2951 (Admin), (2020) Court of Appeal

Daniel acts for the Government in defending this challenge to the Ivory Act 2018 as being contrary to EU law.

Tempus Energy Technology v BEIS

(2019) Admin Ct

Acting for the Claimant in a State Aid challenge to the capacity market (as junior to Tristan Jones).

R (Gwynt-y-Mor Offshore Wind Farm) v Gas & Electricity Markets Authority

(2018, Admin Court)

Acting for the Authority in a judicial review of a decision concerning regulated revenue made pursuant to the Offshore Transmission Licence.

R (EU Lotto Ltd & ors) v Secretary of State for DCMS

[2018] EWHC 3111 (Admin)

Acting for the interested party, Camelot, (as junior to Dinah Rose QC) in this judicial review concerning the regulation of betting on the EuroMillions lottery.

Gas and Electricity Markets Authority v npower

Acting for Ofgem before the Authority's Enforcement Decision Panel in a contested case concerning installation of Advanced Meters. The Authority imposed a penalty of £2.4m on npower. (As junior to Javan Herberg QC).

Hutchison 3G (UK) Ltd v Ofcom

[2017] EWHC 3376 (Admin); [2018] EWCA Civ

Acting for the Claimant in a judicial review of Ofcom's decision relating to 5G spectrum auction caps, both at first instance and on appeal to the Court of Appeal.

Re Monarch Airlines (In Administration)

Acting for the Civil Aviation Authority in successful proceedings to remove Monarch Airlines' operating licence and air operator certificate (as junior to Alan Maclean QC).

BT v Ofcom

[2017] CAT 17 and [2018] CAT 1

Acting as junior Counsel for Ofcom in a six-week hearing in the CAT, in which BT challenged Ofcom's market definition exercise in its business connectivity market review.

Privacy International v Secretary of State for Foreign & Commonwealth Affairs & ors

[2017] 3 All E.R. 647; [2018] 2 All E.R. 166 & others

Acting (as junior to Tom de la Mare QC and Ben Jaffey QC) for Privacy International against the Security and Intelligence Agencies. The Tribunal held that the Agencies had breached Art 8(2) ECHR in respect of their regimes relating to bulk personal data and bulk communications data until the regimes' public avowal in 2015.

Carrimjee v FCA

[2016] UKUT 0447 (TCC)

Acting for an individual in the first re-referral to the Tribunal of a decision by the FCA, appealing the individual's prohibition of a significant influence function. The Tribunal agreed (contrary to the FCA's submission) that it was permitted to consider the facts de novo, even in a second referral (as junior to Andrew George QC).

R (Whapples) v Birmingham Crosscity Clinical Commissioning Group and Secretary of State for Health

[2015] EWCA Civ 435

Acting on behalf of the Secretary of State for Health in this appeal which establishes that NHS bodies are entitled to take account of the fact that accommodation may be provided from other sources (such as local authorities) in cases where accommodation may form part of a patient's continuing health needs (assisting Ivan Hare).

R (Rapp) v Parliamentary and Health Service Ombudsman

[2015] EWHC 1344 (Admin)

Acting on behalf of the Office of Qualifications and Examinations Regulation (Ofqual), an interested party in this judicial review of an Ombudsman's determination (assisting Ivan Hare).

Commercial

Daniel accepts instructions in all areas of commercial litigation, and frequently acts both as sole counsel and as part of a wider team. He regularly appears in the Business and Property Courts (Commercial / Chancery) and in arbitrations, covering a wide variety of commercial disputes.

Cases

Selevison Saudi v BeIN Media Group

[2021] EWHC 2802 (Comm)

Daniel acted as junior counsel for the Defendant in this application concerning whether there was jurisdiction to bring a counterclaim in the High Court in the context of an arbitration claim for enforcement of a New York Convention award .

Insolvency/Directors duties claim (Ch D)

Daniel is acting for five directors in defence of allegations that they acted in breach of duties under the Companies Act 2006.

Blenheim Media Ltd v Circadian Pictures Ltd

(2020) Circuit Comm Ct

Counsel for the executive producer of a feature film in a contractual dispute, in which the executive producer succeeded.

Three & ors v Ofcom

[2020] EWCA Civ 183

Acted on behalf of Hutchison 3G UK Limited. The Court of Appeal dismissed Ofcom's appeal against a judgment of the High Court awarding over £218 million plus interest as restitution of unjust enrichment to four Mobile Network Operators.

Al Jaber v Bosheh

[2019] EWHC 2142 (Ch)

Application to set aside a freezing injunction.

Barrea v Watford Football Club & ors

Acting for Watford Football Club in a contractual dispute

Gorbachev v Guriev

[2019] EWHC 2684 (Comm), 2022 (ongoing)

Contested service of proceedings within the jurisdiction (as junior to Tom Weisselberg QC).

Re Focal Image Ltd

(2019)

Insolvency proceedings; application to set aside a statutory demand.

High Court Claim under the Arbitration Act

A claim for serious irregularity under section 68 of the Arbitration Act 1996, arising out of a high-value LCIA arbitration.

AH & ors v AN & ors

(2018, ChD)

Acting (as junior to Adam Baradon) for six claimants in claims for fraudulent misrepresentation, breach of trust, breach of fiduciary duty, breach of contract and other grounds in respect of 10 investment schemes, amounting to approximately £15 million. Obtaining freezing orders including under the Chabra jurisdiction against 14 respondent parties, together with ancillary relief including a passport order and orders for alternative service.

Greenhouse v Neteller

[2018] EWHC 3296 (Comm)

Acting for the Claimant in a commercial contractual dispute related to the online payment and gambling sectors. The High Court found in favour of the Claimant in respect of all issues before it.

Al-Jaber v Al-Ibrahim

[2018] EWCA Civ 1690

Acting for the Appellant (as junior to Michael Beloff QC and Stephen Nathan QC) in this case considering the legal test for permission to serve out of the jurisdiction and for implication of terms as to interest.

Haider Abdullah v Credit Suisse

[2017] EWHC 3016 (Comm)

Acting for the Claimants in a claim alleging breach of FSA/FCA rules in selling index-linked notes (as junior to Ian Mill QC). The Claimants were awarded damages of \$23.6m.

PJ Caterers & anor v Q21 PJ Limited & anor

High Court (Comm)

Acting for the Claimants in a commercial dispute worth c. £900,000 relating to the sale and purchase of six restaurants.

Sheikh Mohamed Bin Issa Al Jaber & ors v Sheikh Walid Bin Ibrahim Al Ibrahim & ors

[2016] EWHC 1989 (Comm)

Acting for the Claimants in an application for service out of the jurisdiction and resisting a stay on grounds of forum non conveniens. The High Court granted the Claimants' application and agreed that there should not be a stay on grounds of forum non conveniens.

ICBCL v CGCF

[2016] EWHC 1683 (Comm)

Acting for a commercial finance company in this dispute concerning the enforcement of a confidentiality and non-circumvent agreement (as junior to Andrew George QC).

CPL Ltd v CPL Opco (Trinidad) Ltd

(2018, Ch D)

Acting for the Claimant in a claim concerning payment pursuant to a franchise agreement in a major overseas sports league (as junior to Andrew George QC).

Greenhouse v Skrill

(2016)

Acted for the Claimant against a global electronic money payment service provider to enforce a contract for commission payments (as junior to Andrew George QC).

JD Lucky Skill v EUPay Group

Acting for the Applicant in the High Court in an application to release frozen funds.

Thomas v Ritz Property (2013) Ltd

(2016, Comm Ct)

Acting as sole counsel for the Defendant in the Commercial Court, in relation to a multi-million pound claim, for a declaration of stay and opposing an application for default judgment.

LCIA arbitrations

Acting in LCIA arbitrations, including as sole counsel in a multi-million dollar commercial dispute, in relation to competition issues in a dispute in the EU air transport sector and in a commercial franchise dispute.

Sport

Daniel accepts instructions in all areas of sports law, including regulatory/disciplinary and commercial. He has particular experience in legal issues arising in football, and has acted for numerous football clubs and regulatory bodies.

Cases

Middlesbrough FC v Derby County & the EFL

SR/222/2020 and SR/206/2020

Acting for a Championship Football Club in a sporting arbitration relating to the ability of non-parties to bring disciplinary appeals under the EFL Regulations.

EFL v Stevenage FC

Acted for the EFL in a misconduct charge brought by the EFL against Stevenage FC in relation to fixture obligations and/or the obligation to act with the utmost good faith with respect to the postponement of a scheduled League Two game.

CPL Ltd v CPL Opco (Trinidad) Ltd

(2018, Ch D)

Acting for the Claimant in a claim concerning payment pursuant to a franchise agreement in a major overseas sports league (as junior to Andrew George QC).

Sport Arbitrations

Acted for both regulators and clubs in sport arbitrations under Rule K of the Football Association Rules and sections 8 and 9 of the EFL Regulations.

Barrea v Watford Football Club & ors

Acting for Watford Football Club in a contractual dispute

EU & Competition

Daniel accepts instructions in all areas of EU & Competition law. He has experience of competition law both from a regulatory perspective and in damages claims.

Cases

Competition Damages Claim (2022)

Acting on behalf of various local authority Claimants in relation to a substantial follow-on damages claim.

Re Thomas Cook Airlines Limited (2019)

Acting for the Civil Aviation Authority in internal regulatory proceedings and in a judicial review in relation to matters arising from the administration of Thomas Cook and the EU aviation regime.

Liberty & Privacy International v Security Service

IPT/20/01-CH

Acting as Counsel for the Claimants in a challenge to MI5's holding of data, pursuant to ECHR and EU law.

Tempus Energy Technology v BEIS

(2019) Admin Ct

Acting for the Claimant in a State Aid challenge to the capacity market (as junior to Tristan Jones).

Hutchison 3G (UK) Ltd v Ofcom

[2017] EWHC 3376 (Admin); [2018] EWCA Civ

Acting for the Claimant in a judicial review of Ofcom's decision relating to 5G spectrum auction caps, both at first instance and on appeal to the Court of Appeal.

Re Monarch Airlines (In Administration)

Acting for the Civil Aviation Authority in successful proceedings to remove Monarch Airlines' operating licence and air operator certificate (as junior to Alan Maclean QC).

BT v Ofcom

[2017] CAT 17 and [2018] CAT 1

Acting as junior Counsel for Ofcom in a six-week hearing in the CAT, in which BT challenged Ofcom's market definition exercise in its business connectivity market review.

Dorothy Gibson v Pride Mobility Products Limited

[2017] CAT 9

Acting (as junior to Tom de la Mare QC and Tristan Jones) for the proposed class representative in the first opt-out class action in the UK concerning infringements of competition law in the sale of mobility scooters.

Telecommunications advice

Various advice to a telecommunications provider in the UK and elsewhere in the EU, including in relation to spectrum trading and net neutrality.

LCIA arbitrations

Acting in LCIA arbitrations, including as sole counsel in a multi-million dollar commercial dispute, in relation to competition issues in a dispute in the EU air transport sector and in a commercial franchise dispute.

Civil Liberties & Human Rights

Daniel accepts instructions in all areas of Civil Liberties & Human Rights law. He has substantial recent experience of human rights matters arising in the Administrative Court and Investigatory Powers Tribunal.

Cases

Re Encrochat

Investigatory Powers Tribunal 2022

Daniel is acting as junior counsel for three Claimants/Complainants in the IPT, concerning the legality of a targeted equipment interference warrant under the Investigatory Powers Act 2016.

R (Privacy International) v Investigatory Powers Tribunal

[2022] EWHC 770 (QB)

Daniel was junior counsel in this judicial review to a decision of the Investigatory Powers Tribunal.

Ayeh-Kumi v Lord Chancellor

[2021] EWHC 1564 (QB)

Acting for the Lord Chancellor in a case considering the suitability of summary judgment/strike out in the context of claims under the Human Rights Act 1998.

Privacy International v Secretary of State for Foreign & Commonwealth Affairs & ors

[2017] 3 All E.R. 647; [2018] 2 All E.R. 166 & others

Acting (as junior to Tom de la Mare QC and Ben Jaffey QC) for Privacy International against the Security and Intelligence Agencies. The Tribunal held that the Agencies had breached Art 8(2) ECHR in respect of their regimes relating to bulk personal data and bulk communications data until the regimes' public avowal in 2015.

Fardous v Secretary of State for the Home Department

[2015] EWCA Civ 931

Acting on behalf of the Secretary of State for the Home Department in this appeal against the High Court's decision that an individual had been unlawfully detained pending his removal to Morocco (assisting Ivan Hare).

Liberty & Privacy International v Security Service

IPT/20/01-CH

Acting as Counsel for the Claimants in a challenge to MI5's holding of data, pursuant to ECHR and EU law.

ACHIEVEMENTS

Education

MA (Oxon) Jurisprudence (Law with German Law): First Class; BPTC (Kaplan): Outstanding; BCL (Oxon): Distinction

Prizes & Scholarships

- BCL Prize for International & European Employment Law; University of Oxford (2014)
- Proxime Accessit Best Overall Student; Kaplan Law School (2013)
- Littleton Chambers Prize for Labour Law; University of Oxford (2012)
- 5 Stone Buildings Prize for Trusts Law; University of Oxford (2012)
- Sweet & Maxwell Prize for Best Overall Performance in Law Moderations; University of Oxford (2009)
- Slaughter and May Prize for Roman Law; University of Oxford (2009)
- Phoenicia Scholar; Bar European Group (2015)
- Walter Wigglesworth Scholar; Lincoln's Inn (2014-2015)
- Barton Scholar; Merton College, Oxford (2013-2014)
- Pump Court Tax Chambers Scholar; University of Oxford (2013-2014)
- Advocacy Scholar; Kaplan Law School (2012-2013)
- Lord Denning Scholar; Lincoln's Inn (2012-2013)
- Waugh Scholar; Exeter College, Oxford (2009-2012)

Publications

2018, 2019, 2020: Cashman, Ratan & Scott, The British Yearbook of International Law, Decisions of British Courts involving questions of private international law

Memberships

- COMBAR
- BEG

Reported Judgments

- Selevison Saudi Co v BeIN Media Group LLC [2021] EWHC 2802 (Comm), [2021] Bus LR 1772
- R (Andrews) v Minister for the Cabinet Office [2021] EWHC 2233 (Admin), [2021] ACD 111
- C-623/17 Privacy International [2021] 1 WLR 4421, [2021] 1 CMLR 30
- R (McKenzie) v Leeds Crown Court [2020] EWHC 1867 (Admin), [2020] 4 WLR 106, [2021] 1 Cr App R 1
- R (FACT) v Secretary of State [2020] EWCA Civ 649, Times March 23 2020, [2020] 1 WLR 3876, [2021] Env LR 3
- Vodafone v Office of Communications [2020] EWCA Civ 183, [2020] QB 857, [2020] 2 WLR 1108
- R (FACT) v Secretary of State [2019] EWHC 2951 (Admin), [2020] Env LR 14, [2020] ACD 9
- R (Miller) v Prime Minister [2019] UKSC 41, [2020] AC 373, [2019] 3 WLR 589
- Vodafone v Office of Communications [2019] EWHC 1234 (Comm), [2020] QB 200
- R (Gwynt-y-Mor Offshore Wind Farm Ltd) v Gas and Electricity Markets Authority [2019] EWHC 654 (Admin) [2019] ACD 54
- R (EU Lotto Ltd) v Secretary of State [2019] 1 CMLR 41
- Privacy International v Secretary of State [2018] 4 All ER 275
- Al Jaber v Al Ibrahim [2018] EWCA Civ 1690, [2019] 1 WLR 885
- Abdullah v Credit Suisse (UK) Ltd [2017] EWHC 3016 (Comm), [2017] 2 CLC 792
- Privacy International v Secretary of State [2018] 2 All ER 166
- Gibson v Pride Mobility Products Ltd [2017] CAT 9, [2017] 4 CMLR 33
- Privacy International v Secretary of State [2017] 3 All ER 647, [2016] HRLR 21

VAT registration number: 447008068

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