Dinah Rose KC

“Dinah is an absolute star. A stellar performer in employment law.”
— CHAMBERS AND PARTNERS, 2023

<table>
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<tr>
<th>Year of call:</th>
<th>1989</th>
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<tr>
<td>Appointed to silk:</td>
<td>2006</td>
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<tr>
<td>Degree:</td>
<td>BA (Hons) First Class, Magdalen College, Oxford (Modern History); Post-Graduate Diploma in Law with distinction, City University</td>
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Dinah Rose KC has a broad practice, encompassing public law, competition law, EU law and employment law.

Her particular areas of interest include human rights and civil liberties, competition damages claims, telecommunications, regulation (acting for both regulators and regulated parties), and discrimination law.

She has a particular strength in written and oral advocacy, across a range of different legal fields. She has appeared in the Court of Appeal, the Supreme Court and the Court of Justice of the European Union in many of the leading cases of recent years, as well as appearing in Hong Kong, the Cayman Islands and the European Court of Human Rights.

Unusually, Dinah has considerable experience both of leading teams in large scale litigation in a commercial environment, and of representing individuals bringing publicly-funded claims against the State.

Dinah was appointed President of Magdalen College, Oxford and took up office in September 2020. She will be the 43rd President of the College since its foundation in 1458, and the first woman to hold the post.

Some recent highlights of Dinah’s practice have included:

- representing Visa Inc in competition damages claims brought by large retailers, currently pending before the Supreme Court
- representing UNISON in the Supreme Court in its successful challenge to the lawfulness of Employment Tribunal fees, which the Court found to be a breach of the common law right of access to justice (R (UNISON) v Lord Chancellor July 2017)
- representing the Law Society in its intervention in the Court of Appeal in the case of ENRC v Serious Fraud Office (August 2018), concerning the scope of legal professional privilege;
- representing the claimant in the Court of Appeal and Court of Final Appeal in Hong Kong in the case of QT v Director of Immigration (July 2018). Both Courts ruled that the Director’s refusal to grant dependent spouse’s visas to gay married couples was discriminatory and unlawful;
Chambers and Partners 2019 named Dinah as one of its top 25 'Stars at the Bar' and she was also recognised as a Legal 500 2019 Silk of the Year for Employment Law. Dinah is ranked in Chambers UK and Legal 500 in several practice areas. Recent comments include:

- "Dinah is an absolute star. A stellar performer in employment law." - Chambers UK, 2023
- "The most naturally gifted advocate one has ever seen." - Chambers UK, 2023

Previous comments include:

- "Intellectually brilliant, Dinah is peerless and astonishingly quick – the best advocate at the English Bar." - Legal 500
- "One of the outstanding lawyers of her generation." - Chambers UK

**EXPERIENCE**

**EU & Competition**

Dinah is currently instructed in some of the largest competition investigations and private litigation, including the European Commission's investigation into alleged Euribor fixing, the CMA's investigations into the pricing of various drugs, and the Commission's investigation and claims for damages brought against Visa, concerning multilateral interchange fees. Dinah has appeared before the Commission in Brussels, and has extensive experience of appeals before the Competition Appeal Tribunal, and claims in the Commercial Court, where she has acted for both claimants and defendants.

Dinah has longstanding expertise in EU law, and has appeared in the CJEU on many occasions. Her European practice covers a very wide range, including social policy (discrimination and employment rights, free movement of workers, social security), competition, environmental law, sanctions (Iranian and Ukrainian), and other forms of regulation, including taxation and tobacco regulation.

**Cases**

**PIAM v Upper Brook (A) Ltd & Ors**

Represented investment funds, owned by the Libyan Investment Authority, in a 10 day trial, and subsequently a two-day appeal, in the Cayman Islands. The case raised complex issues involving the interaction between the UN, EU, UK and Cayman sanctions regimes. The central issue was whether the dismissal of directors of the investment funds constituted a breach of those regimes.

**Sainsbury's v Visa Incorporated**

Representing Visa in competition damages claims brought by retailers, alleging that interchange fees unlawfully restrict competition. The Commercial Court trial was the longest competition action of 2016/17, and was followed by a two-week Court of Appeal hearing in 2018. An appeal is currently pending before the Supreme Court.
JP Morgan v EU Commission
Representing JP Morgan in appeal to General Court against decision of the Commission concerning the alleged manipulation of the Euribor rate, and information sharing.

CMA v Pharmaceutical Companies
Advising the manufacturers of various drugs in continuing CMA investigations into the pricing of medicines for sale to the NHS.

Television Broadcasts Ltd v Broadcasting Authority
(Hong Kong) 29 January 2016
Representing largest commercial broadcaster in Hong Kong in Hong Kong High Court, in successful judicial review of decision of Broadcasting Authority finding some clauses in contracts with artists to be anti-competitive.

HCA International Limited v Competition and Markets Authority
[2015] CAT 3
Representing HCA in statutory judicial review in CAT of decision of CMA under the Enterprise Act 2002 requiring HCA to divest two hospitals. On discovery of flaws in the CMA’s pricing analysis, the appeal was conceded by the CMA, and the matter remitted for reconsideration.

Cooper Tire & Rubber Co Europe Ltd v Dow Deutschland and others
(Commercial Court 2014)
Representing claimants in follow on and stand alone damages action concerning losses arising out of the operation of a European synthetic rubber cartel. Settled after two weeks of trial.

Tesco v OFT
[2012] CAT 31
Representing Tesco in appeal to CAT against OFT decision finding that Tesco participated in concerted practice with the object of distorting competition in the market for British cheese in 2002 and 2003.

BSkyB and others v Ofcom
[2012] CAT 20
Representing Ofcom in appeals brought by BSkyB, FA Premier League and other parties against Ofcom’s decision requiring BSkyB to wholesale its sports channels to other broadcasters. Pending before Court of Appeal.
Shell and others v OFT
[2011] CAT 41
Representing Shell in successful appeal against OFT finding of anti-competitive conduct in retailing of tobacco products.

Public & Regulatory

Dinah has a very broad practice across the whole spectrum of public law. She represents both claimants and defendants in a wide variety of courts and specialist tribunals, from the Administrative Court to the highest appellate levels. She has appeared in many of the leading public law cases of recent years. Dinah’s public law work overlaps with her expertise in human rights and EU law.

Claimants Dinah has advised and represented range from NGOs and publicly-funded individuals to large commercial entities and trade associations challenging regulatory or Government decisions and legislation. Dinah has also represented JUSTICE, Liberty, and other public interest groups in appellate interventions.

On the Defendant side, Dinah has advised and represented many public authorities, including Government departments, the NHS, local authorities, and a wide variety of regulators, including Ofcom, Ofgem, the Human Fertilisation and Embryology Authority, the GMC and other medical regulators, the Independent Police Complaints Commission, the Advertising Standards Authority, The Teaching Standards Council, the Bar Council and the Law Society.

Cases

PIAM v Upper Brook (A) Ltd & Ors
Represented investment funds, owned by the Libyan Investment Authority, in a 10 day trial, and subsequently a two-day appeal, in the Cayman Islands. The case raised complex issues involving the interaction between the UN, EU, UK and Cayman sanctions regimes. The central issue was whether the dismissal of directors of the investment funds constituted a breach of those regimes.

Lamesa Investments Ltd v Cynergy Bank Ltd
Acted for Cynergy Bank Ltd in this appeal concerning the interpretation of a Facility Agreement entered into between Lamesa Investments Ltd and Cynergy Bank Ltd in 2017.

R (Privacy International) v Investigatory Powers Tribunal
[2019] UKSC 22
Successfully acted for the appellant, Privacy International, in the Supreme Court. The case established that the Investigatory Powers Tribunal, which hears claims against the security and intelligence services, is subject to judicial review by the High Court. It is now the leading case on ouster clauses.
R (Law Society) v Lord Chancellor
[2018] EWHC 2094
Represented the Law Society in its judicial review of cuts made by the Lord Chancellor to criminal legal aid, which resulted in the Divisional Court quashing the Lord Chancellor’s decision on the grounds of unfairness and irrationality.

BT v HM Treasury
(Administrative Court, ongoing)
Judicial review of HM Treasury’s decision to grant indexation for the ‘guaranteed minimum pension’ component of public sector pensions, following the abolition of the additional state pension, in a manner that inadvertently reads across to certain private sector schemes.

Euromillions v Camelot
(2018) Admin Court
Acting for Camelot in this judicial review concerning the regulation of betting on the EuroMillions lottery.

R (Davis and Watson) v Secretary of State for the Home Department
[2016] 1 C.M.L.R. 48 and Grand Chambers of the Court of Justice of the EU
Representing David Davis MP and Tom Watson MP in challenge to legislation permitting mass retention of mobile telephone data. Breaches of Art 8 ECHR and of the EU Charter of Fundamental Rights.

QT v Director of Immigration Hong Kong Court of Appeal
CACV 117/2017, 25 September 2017)
Landmark Hong Kong Court of Appeal ruling in a discrimination case. The court ruled that the Director of Immigration (the “Director”) acted unlawfully by excluding a same-sex couple from his policy of granting dependant visas to the spouses of employment visa holders.

Privacy International and others v GCHQ
Successfully obtained a reference to the CJEU in case about mass collection of ‘bulk personal datasets’ and ‘bulk communications data’. The IPT decided that the Security and Intelligence Services had been unlawfully collecting and holding data on the UK population for over 10 years and the issue of future collection has been referred to Luxembourg.

R (Coll) v Secretary of State for the Home Department
[2017] UKSC 40
Representing claimant in challenge pending before Supreme Court, alleging that provision of probation hostels for women discriminates on grounds of sex.
R (Unison) v Lord Chancellor
[2017] UKSC 51
Acting for Unison in its judicial review challenge to the new fees regime for employment tribunal cases. The Supreme Court allowed UNISON’s appeal and held that fees imposed in respect of proceedings in employment tribunals and the Employment Appeal Tribunal were unlawful because of their effects on access to justice.

Television Broadcasts Limited v Broadcasting Authority
29 January 2016
Representing largest commercial broadcaster in Hong Kong in successful challenge to decision of broadcasting regulator alleging anti-competitive terms in contracts with artists. CFI held that the regulatory scheme failed to provide a fair hearing before an independent and impartial tribunal, and breached Art 10 of HK Bill of Rights.

R (Law Society) v Lord Chancellor
Representing Law Society in challenge to new criminal duty solicitor contracts.

R (Bourgass) v Secretary of State for the Home Department
[2015] UKSC 54
Representing Appellants in successful JR of decision to segregate prisoners, on grounds that it was unfair and ultra vires.

R (Diocese of Menevia) v City and County of Swansea Council
[2015] EWHC 1436 (Admin)
Representing Claimant in successful JR of Council decision removing free bus travel from children in faith schools (on grounds of discrimination).

R (Evans) v Attorney General
Representing journalist from The Guardian in judicial review of the Attorney General’s decision to override decision of Upper Tribunal requiring the publication of letters written by Prince Charles to Government Ministers.

Belhaj v Foreign Office and others
IPT/13/132-9H (Nov 2014)
Representing the claimants in proceedings before the Investigatory Powers Tribunal, which established that MI5, M16 and GCHQ’s policies for dealing with legally privileged material intercepted by them were unlawful.
R (Lumsdon) v Legal Services Board
[2014] EWHC 28 (Admin), [2014] EWCA Civ 1276
Representing claimants (pro bono) in High Court and Court of Appeal, in challenge to quality assurance scheme for advocates.

R (Imperial Tobacco) v Secretary of State for Health
Representing Claimant in pending judicial review of legislation introducing plain packaging for tobacco products, alleging breach of EU law, IP law, and human rights law.

R (Gibraltar Betting and Gaming Association) v HM Treasury
Representing Claimant in challenge to legislation taxing offshore gambling, on grounds of breach of EU law.

R (ClientEarth) v SSEFRA
[2013] UKSC 28, C-404/13 CJEU (Nov 2014)
Representing Appellant in successful challenge before Supreme Court and CJEU to UK’s breach of EU air pollution limits, and lack of effective remedy for the breach.

Assange v CPS
[2012] UKSC 22
Representing the Appellant in challenge to validity of European Arrest Warrant issued by a public prosecutor.

Ladele v UK
(ECtHR September 2012)
Representing the applicant in ECtHR in a claim concerning a Christian registrar who refused to perform civil partnerships, and was disciplined for gross misconduct.

Civil Liberties & Human Rights
Dinah has appeared in many of the leading civil liberties and human rights cases of recent years, in UK courts and specialist tribunals (including the Investigatory Powers Tribunal and SIAC), appellate courts including the Supreme Court, as well as the European Court of Human Rights. Her clients have included terrorist suspects facing deportation to torture, a Christian registrar disciplined for refusing to conduct civil partnerships, prisoners in solitary confinement, the mother of a British soldier who died in Iraq, and individuals and NGOs seeking to defend their privacy rights against surveillance by the State.

“Dinah is just outstanding. She is the most formidable advocate of her generation.”
— CHAMBERS AND PARTNERS, 2023
Cases

The Deputy Registrar of the Cayman Islands and the Attorney General of the Cayman Islands v Day (Chantelle) and Bush (Vickie Bodden)
Dinah acted for the Deputy Registrar and Attorney General in this high-profile case concerning whether the right to marry under the Constitution of the Cayman Islands extends to same-sex couples.

Cambridge Analytica
This case concerned the alleged misuse of personal data belonging to more than 71 million people to develop “political propaganda campaigns” in the UK and the US and Facebook’s failure to protect the data of its users.

R (Law Society) v Lord Chancellor
[2018] EWHC 2094
Represented the Law Society in its judicial review of cuts made by the Lord Chancellor to criminal legal aid, which resulted in the Divisional Court quashing the Lord Chancellor’s decision on the grounds of unfairness and irrationality.

Big Brother Watch v UK
(App No. 58170/13)
Acted for the applicants, ten NGO’s including Liberty and Amnesty International, in a landmark challenge before the European Court of Human Rights to the UK’s regime for the interception of external communications. The complaints in the three cases were triggered by disclosures by Edward Snowden as to the surveillance measures used by the UK and the US intelligence services, including the practices of intercepting electronic communications in bulk as well as the sharing of intercepted data between intelligence services.

BT v HM Treasury
(Administrative Court, ongoing)
Judicial review of HM Treasury’s decision to grant indexation for the ‘guaranteed minimum pension’ component of public sector pensions, following the abolition of the additional state pension, in a manner that inadvertently reads across to certain private sector schemes.

QT v Director of Immigration Hong Kong Court of Appeal
(CACV 117/2017, 25 September 2017)
Landmark Hong Kong Court of Appeal ruling in a discrimination case. The court ruled that the Director of Immigration (the “Director”) acted unlawfully by excluding a same-sex couple from his policy of granting dependant visas to the spouses of employment visa holders.
R (Coll) v Secretary of State for the Home Department
[2017] UKSC 40
Representing claimant in challenge pending before Supreme Court, alleging that provision of probation hostels for women discriminates on grounds of sex.

R (Bourgass) v Secretary of State for the Home Department
[2015] UKSC 54
Representing Appellants in successful JR of decision to segregate prisoners, on grounds that it was unfair and ultra vires.

Belhaj v Foreign Office and others
IPT/13/132-9H (Nov 2014)
Representing the claimants in proceedings before the Investigatory Powers Tribunal, which established that MI5, M16 and GCHQ’s policies for dealing with legally privileged material intercepted by them were unlawful.

R (Lumsdon) v Legal Services Board
[2014] EWHC 28 (Admin), [2014] EWCA Civ 1276
Representing claimants (pro bono) in High Court and Court of Appeal, in challenge to quality assurance scheme for advocates.

Telecommunications
Dinah acts regularly for Ofcom and for communications providers, in the CAT and the High Court, and advises on all aspects of telecommunications regulation in the UK.

“Dinah Rose KC is a great communicator.”
— CHAMBERS AND PARTNERS, 2023

Cases

H3G & others v Ofcom
Acting for Ofcom in a price control case concerning auction rules.

R (EE) v Ofcom
Representing Ofcom in pending judicial review of 4G spectrum auction.

BT v Ofcom
(pending before CA)
Representing cable operators in pending appeal concerning Ofcom’s regulation of charges for Ethernet services.
BT v Ofcom
Acting for the Altnets intervening in appeal concerning Ofcom’s resolution of a dispute as to BT’s charges for Partial Private Circuits.

Employment

Dinah has a particular interest and expertise in discrimination and equal pay, and in appellate advocacy.

Dinah was retained by the BBC in December 2012 to investigate and report on instances of harassment and bullying, and the BBC’s policies and training, in the wake of the Jimmy Savile scandal. Her report, Dignity at Work, was published in April 2013. She represented UNISON in its successful challenge to the introduction of fees for bringing claims in Employment Tribunals, decided by the Supreme Court in July 2017.

Cases

Aslam v Uber – EAT
Acting for Uber in case addressing the question whether Uber drivers could be said to be workers and whether they are therefore entitled to receive the national minimum wage and paid annual leave.

R (Unison) v Lord Chancellor
[2017] UKSC 51
Acting for Unison in its judicial review challenge to the new fees regime for employment tribunal cases. The Supreme Court allowed UNISON’s appeal and held that fees imposed in respect of proceedings in employment tribunals and the Employment Appeal Tribunal were unlawful because of their effects on access to justice.

R (Coll) v Secretary of State for the Home Department
[2017] UKSC 40
Representing claimant in challenge pending before Supreme Court, alleging that provision of probation hostels for women discriminates on grounds of sex.

R (Diocese of Menevia) v Swansea Council
[2015] EWHC 1436 (Admin)
Representing Claimant in successful judicial review of Council decision to withdraw free bus travel from pupils of faith schools (but not Welsh language schools), on the ground of indirect race discrimination.

“One of the finest advocates of her generation.”
— CHAMBERS AND PARTNERS, 2023
IBM v Dalgleish and others
Representing IBM in pending appeal against judgment finding that changes to IBM’s pension scheme breached duties of trust and confidence.

Construction industry blacklisting litigation
Representing claimants who are members of the GMB in mass litigation arising out of maintenance by major construction companies of a secret database of alleged trade union activists. Alleging breaches of Data Protection Act and right to privacy, conspiracy, defamation.

G v BBC
UKEAT/0385/14/DA (May 2015)
Representing BBC in successful appeal against order granting anonymity to former employee who had been dismissed on grounds of alleged sexual misconduct.

AMEC v Law and others
[2015] IRLR 15
Representing AMEC in appeal concerning the calculation of holiday pay, by reference to voluntary overtime.

USDAW v WW Realisation 1 Limited (in Liquidation)
C-80/14 CJEU (Apr 2015)
Representing claimants in claim concerning duty to consult before mass redundancies (case arising out of the insolvency of Woolworths).

President of the Methodist Conference v Preston
[2013] UKSC 29
Representing Methodist Conference in successful appeal to Supreme Court, concerning the question whether Methodist ministers are employees.

North v Dumfries and Galloway DC
[2013] UKSC 45
Representing Appellants in successful appeal to Supreme Court concerning the suitability of particular male employees for the purposes of an equal pay claim.
Immigration

Dinah has appeared in a number of leading Immigration cases, particularly in relation to asylum, human trafficking, and the deportation of individuals said to present a risk to national security. She has appeared in SIAC on many occasions, both as a special advocate and representing appellants. See the Public Law and Civil Liberties sections for further details.

“An astute and courageous court performer, who is able to respond flexibly and appropriately to any type of situation and judge.”
— LEGAL 500, 2022

Cases

**R (on the application of Lupepe) v Secretary of State for the Home Department**
[2017] EWHC 2690 (Admin)
Acting for the Claimant. The Court held that the decision to impose a curfew on a man subject to a deportation order was unlawful.

**QT v Director of Immigration Hong Kong Court of Appeal**
CACV 117/2017, 25 September 2017)
Landmark Hong Kong Court of Appeal ruling in a discrimination case. The court ruled that the Director of Immigration (the “Director”) acted unlawfully by excluding a same-sex couple from his policy of granting dependant visas to the spouses of employment visa holders.

Environment

Dinah has been instructed in significant environmental law matters, including the important claim brought by ClientEarth concerning the UK’s breach of EU law on air pollution standards. See the EU law and public law sections for further details.

“A well-respected figure”
— LEGAL 500, 2017

Cases

**R (ClientEarth) v SSEFRA**
[2013] UKSC 28, C-404/13 CJEU (Nov 2014)
Representing Appellant in successful challenge before Supreme Court and CJEU to UK’s breach of EU air pollution limits, and lack of effective remedy for the breach.
ACHIEVEMENTS

Education
BA (Hons) First Class, Magdalen College, Oxford (Modern History); Post-Graduate Diploma in Law with distinction, City University

Awards
- One of The Lawyer Magazine’s Hot 100 UK lawyers 2015
- Public Law Silk of the Year 2013, The Legal 500 UK Awards
- Competition/EU Silk of the Year 2012, Chambers Bar Awards
- Human Rights & Public Law Silk of the Year 2011, Chambers Bar Awards
- Barrister of the Year, The Lawyer Awards 2009
- Human Rights Lawyer of the Year 2009 (Liberty & JUSTICE Human Rights Awards)
- Public Law and Human Rights Silk of the Year 2009, Chambers Bar Awards

Selected earlier reported cases

Public & Regulatory and Civil Liberties & Human Rights
- Al Rawi v Security Services and ors [2011] UKSC 34
- R (Smith) v Oxfordshire Assistant Deputy Coroner [2010] UKSC 29; [2010] 3 WLR 223
- R (S (Sri Lanka)) v Secretary of State for the Home Department [2012] EWHC 2638 (Admin)
- R (Sinclair Collis) v Secretary of State for Health [2011] EWCA Civ 437
- R (Law Society) v Legal Services Commission [2010] EWHC 2550 (Admin)
- Hutchison 3G UK Ltd v Ofcom/Vodafone v Ofcom [2009] CAT 11
- R (Corner House and Campaign Against the Arms Trade) v Serious Fraud Office [2008] UKHL 60; [2008] 3 W.L.R. 568
Telecommunications

- BT v Ofcom (080) [2011] EWCA Civ 245
- The Number v Ofcom Case C-16/10 (17 February 2011)
- O2 v Ofcom [2010] CAT 25
- H3G v Ofcom [2009] EWCA Civ 683
- Vodafone v Ofcom [2009] CAT 11

Employment

- Seldon v Clarkson, Wright and Jakes [2010] EWCA Civ 899; [2012] UKSC 16
- R (E) v Governors of JFS [2009] UKSC 15
- Health and Safety Executive v Wilson [2009] EWCA Civ 1074
- Bloxham v Freshfields Bruckhaus Deringer (ET) [2007] Pens. L.R. 375
- Tofeji v BNP Paribas
- Prebon Yamane Singapore v Spring and others
- Villalba v Merrill Lynch (EAT) [2007] I.C.R. 469
- B v BAA (EAT) [2005] ICR 1530 ; [2005] IRLR 927
- Maxcor v Tullett Liberty Ltd
- Diem (Ho) v Crystal Services Plc (EAT) UK/03/98/05/DM, 16 December 2005
- R v MoD, ex parte Leale and Lane
- Farr and others (2003)
- Croft v Royal Mail (2003) CA
- Lawrence v Regent Office Care (2002) ECJ
- RCO v Unison (2002) CA
- Fulham FC v Tigana
- Williamson and Everington v KoreaOnline
- Nagarajan v London Underground [1999] 3 WLR 425 (HL (E))
- French v Barclays Bank [1998] IRLR 646 (CA)
- Diocese of Hallam v Connaughton [1996] ICR 860 (EAT)
- Ratcliffe v North Yorkshire County Council [1995] IRLR 439 (HL)
- MoD v Cannock and others [1994] ICR 918 (EAT)
- James v Eastleigh Borough Council [1990] 2 AC 751 (HL)

VAT registration number: 447008068

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