

# Emma Dixon

*“Extremely diligent, hardworking and highly intelligent, with a grasp of legal issues that is second to none”*

– LEGAL 500, 2015

Year of call: **1994**  
Degree: **BA Hons (Cantab)**  
Languages: **French (fluent)**



Emma Dixon is a highly rated public law, regulatory and EU practitioner. She specialises particularly in challenges relating to charities; civil liberties and human rights; commercial JR; discrimination and equality; end of life issues; EU law and Brexit; financial services; healthcare; NHS issues; regulatory and professional disciplinary matters; religious organisations; social security; and telecommunications.

Emma has a particular interest in legal aspects of the end of life. She has recently (May 2019) completed the Foundation Training for End of Life Doulas run by Living Well Dying Well as well as a postgraduate course on Coroners and Inquests taught by the former Chief Coroner, HHJ Peter Thornton QC, at Kings College London (June 2019). She also takes a special interest in cases about the NHS, including NHS funding issues and NHS decision-making at the end of life.

Emma has frequently been instructed to appear on her own against Queen’s Counsel. She has represented a wide range of private sector clients from auditors, claims companies, financial institutions and internet/ telecommunications providers to charities, trades unions and religious bodies.

Emma also has extensive experience of advising central and local Government and her clients include a broad range of public bodies such as: the Canal & River Trust, the Charity Commission, the Environment Agency, the Equality and Human Rights Commission, the General Medical Council, Her Majesty’s Inspectorate of Constabulary, the Human Dignity Trust, the Independent Police Complaints Commission, Ofwat, the Royal College of Pathologists, the Solicitors Regulation Authority and the Solicitors Disciplinary Tribunal.

Emma was recently appointed by the Bar Standards Board as an Equality and Diversity Law Adviser as part of its 'APEX' panel of experts.

Emma has been appointed to the Equality and Human Rights A panel.

Emma is recognised as a leading junior in the latest editions of both the leading legal directories, Chambers UK 2019 and Legal 500 2018, for her expertise in administrative and public, civil liberties, environment, European law, police law and professional discipline and regulatory matters.

## EXPERIENCE

### Public & Regulatory

Emma acts for both claimants and defendants in a wide variety of cases, ranging from commercial and regulatory judicial review to discrimination law challenges before the Administrative Court and in specialist tribunals. She represents individual and corporate claimants and public body defendants, as well as charities and NGOs. Emma's public law practice covers a wide range of areas and interests including in particular: charities; discrimination and equality; environment; financial services; freedom of information; health; police/criminal law; social security; and telecommunications.

In the regulatory law field, Emma has particular expertise in the following areas: charities (including appearances before the Charity Tribunal and Upper Tribunal both for and against the Charity Commission); environment; EU law; healthcare (including cases involving the GMC and other regulators in the field such as the PSA, as well as a number of Royal Colleges); financial services (including enforcement action by the FCA); HFEA issues; legal affairs (including cases for the SRA and Solicitors' Disciplinary Tribunal); police (Emma has acted for both HMIC and the IPCC); pharmacies regulation; and internet/telecoms regulation.

***“She is held in high regard and is a delight to instruct.”***

— LEGAL 500, 2018

### Cases

#### **Green v Independent Police Complaints Commission**

[2016] EWHC 2078 (Admin)

Counsel for the IPCC in this judicial review challenge to an investigation relating to the policing of student protests at Warwick University.

#### **R (ClientEarth) v Secretary of State**

[2015] 1 CMLR 55 (ECJ); [2015] PTSR 909 (Supreme Court and ECJ)

Appeared (with Dinah Rose QC and Ben Jaffey) in the Supreme Court and in the ECJ in this landmark air pollution case, successfully arguing for a declaration that the UK is in breach of EU air quality limits for NO<sub>2</sub> in London and other major urban areas.

#### **Human Dignity Trust v Charity Commission**

[2015] WTLR 789

Junior counsel for the (successful) appellant, the Human Dignity Trust, led by Michael Beloff QC, in this test case concerning the charitable purpose of advancing human rights. The appellant organisation worked for the global decriminalisation of sexual identity and had been refused registration by the Charity Commission on the ground that its purposes were impermissibly political. The case also raised wider questions about the scope of charitable status for human rights charities.

#### **PB v Secretary of State for Work and Pensions**

[2014] UKUT 69 (AAC)

Counsel for the Secretary of State in this case concerning the compatibility with Article 14 ECHR taken with Article 1 Protocol 1 of a scheme for the provision of help with mortgage payments. The appellant, PB, contended that the scheme involved unjustified age discrimination. There was also a dispute about jurisdiction. The Upper Tribunal held in favour of the Secretary of State on both substance and jurisdiction.

### **C.D. v S.T. (Case C-167/12)**

[2014] 3 CMLR 15, [2014] ICR D26, ECJ

Counsel for the UK Government in this case about the EU law rights of a commissioning or intended mother in a surrogacy arrangement.

### **Case C-521/12 Briels and Others**

[2014] PTSR 1120, ECJ

Appeared for the United Kingdom government in this case concerning the Habitats Directive and compensatory measures.

### **Catholic Care (Diocese of Leeds) v Charity Commission**

[2013] 1 WLR 2105, [2012] UKUT 395 (TCC) (Sales J)

Counsel for the Respondent, the Charity Commission, in this case relating to the refusal of a catholic charity to offer its adoption services to same-sex couples.

### **R (Greatwood) v London Borough of Hammersmith & Fulham**

(Administrative Court, 2013)

Counsel (with Dinah Rose QC) for the interested party, Capco, in relation to the proposed redevelopment of the Earls Court Opportunity Area including the Exhibition Centre.

## **EU & Competition**

Emma is an EU law specialist with many years of experience of EU law in diverse fields including discrimination law, environmental law, mutual recognition of qualifications, freedom of establishment, free movement and State Aid. Emma has also been involved in a number of cases concerning general principles of EU law including the landmark case of *Cooper v Attorney General* [2011] QB 976, which considered the extent of Francovich liability on the part of a UK court. Emma has also been instructed by the UK Government in a number of ECJ cases.

***“A well-respected junior with a varied practice.”***

– LEGAL 500, 2017

## **Cases**

### **R (ClientEarth) v Secretary of State for the Environment, Food and Rural Affairs**

[2013] UKSC 25 (Supreme Court); [2015] 1 CMLR 55 (ECJ); [2015] PTSR 909 (on return to Supreme Court)

Acting (with Dinah Rose QC and Ben Jaffey) for ClientEarth in this EU law challenge to the UK's failure to meet air quality standards in London and other major urban areas.

### **Bollacke v Klaas & Kock (Case C-118/13)**

[2015] 1 CMLR 4, [2014] ICR 828, ECJ

Counsel for the United Kingdom government in this case concerning annual leave under the Working Time Directive (2003/88/EC).

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Counsel for the UK Government in this case about the EU law rights of a commissioning or intended mother in a surrogacy arrangement.

**Leth v Republic of Austria (Case C-420/11)**

[2013] PTSR 805, [2013] 3 CMLR 2, [2013] Env LR 26 ECJ

Instructed by the UK Government, successfully arguing before the ECJ that the scope of Environmental Impact Assessment ('EIA') should not extend to effects on the financial value of assets, including land and house prices.

**Seldon v Clarkson Wright & Jakes**

[2012] ICR 716, [2012] 2 CMLR 50, [2012] UKSC 16

Counsel (with Dinah Rose QC) for the Secretary of State in this case relating to the default retirement age and the justification of direct age discrimination.

## Financial Services

Emma's background as a mathematician means that she particularly enjoys undertaking financial services work and she is currently instructed in a number of financial services cases in the regulatory and public law field. She has recently undertaken work relating to: the collapse of BHS; the alleged mis-selling of structured products; and the standards applicable to financial auditors. Her work includes cases of actual or proposed regulatory action by the FCA and by the Financial Reporting Council (FRC) against both financial institutions and third parties.

## Telecommunications

Emma has significant experience of advising telecommunications and internet service providers in relation to regulatory matters in a range of fields. She has advised clients subject to proposed regulatory action by regulators including the Information Commissioner's Office, Ofcom and the Phone Standards Authority, and in relation to the regulatory regimes applicable under (inter alia) the Privacy and Electronic Communications (EC Directive) Regulations 2003 and the Phone-Paid Services Authority Code of Practice under the Communications Act 2003. She has also provided advice and representation in related judicial review proceedings and in relation to the proposed freezing of a client's assets by a regulator.

## Civil Liberties & Human Rights

Emma is a human rights practitioner who has appeared before the ECtHR and the ECJ as well as arguing human rights and discrimination law points before a wide variety of domestic courts and tribunals. She takes a particular interest in cases involving the right to a fair trial; freedom of expression; property rights; and the right to equality/non-discrimination (with particular breadth and depth of experience in cases relating to ECHR Article 14 and domestic equality legislation).

Emma takes a particular interest in cases involving religious rights and freedoms, including the interaction between the rules of particular religions and discrimination law. She has given seminars on religion and discrimination and recently acted as a volunteer judge at the LSE LGBT moot competition considering a problem relating to sexual orientation discrimination and religious freedom. Emma was also instructed (with Tom Cleaver) on behalf of a religious organisation in a civil claim for damages in relation to childhood abuse.

***“Highly intelligent, able to grasp the issues quickly and provide valuable considered advice.”***

– LEGAL 500, 2018

## Cases

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### **Peaden v Methodist Conference**

(Employment Tribunal)

Counsel for the Methodist Conference (leading Shane Sibbel) in this case which raised the issue of whether the Church owed duties under the Equality Act 2010 and the scope of any duty to make reasonable adjustments for carers of disabled children.

### **C.D. v S.T. (Case C-167/12)**

[2014] 3 CMLR 15, [2014] ICR D26, ECJ

Counsel for the UK Government in this case about the EU law rights of a commissioning or intended mother in a surrogacy arrangement.

### **President of the Methodist Conference v Preston**

[2013] ICR 833, [2013] UKSC 29 (Supreme Court)

Counsel for the Methodist Conference (with Dinah Rose QC) in this case about the employment status of ministers of religion.

### **Catholic Care (Diocese of Leeds) v Charity Commission**

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Counsel for the Respondent, the Charity Commission, in this case relating to the refusal of a catholic charity to offer its adoption services to same-sex couples.

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[2012] ICR 716, [2012] 2 CMLR 50, [2012] UKSC 16

Counsel (with Dinah Rose QC) for the Secretary of State in this case relating to the default retirement age and the justification of direct age discrimination.

## **Discrimination**

Emma has for many years specialised in equality law, with particular breadth and depth of expertise in challenges under Article 14 ECHR and those relating to discrimination on grounds of disability, religion, sex, sexual orientation and transgender status.

Emma takes a particular interest in cases involving religious rights and freedoms, including the interaction between the rules of particular religions and discrimination law. She recently acted as a volunteer judge at the inaugural LSE-Featherstone LGBT moot competition considering a problem relating to sexual orientation discrimination and religious freedom.

Emma was a member of the Bar Pro Bono Unit's Developing Discrimination Advice Mentoring Scheme, which paired discrimination law practitioners with more than ten years' experience with front line advisers in third sector organisations. In this capacity she mentored an adviser at Terrence Higgins Trust and subsequently at Equity, the performers' union.

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Counsel for the Methodist Conference (with Dinah Rose QC) in this case about the employment status of ministers of religion.

## Environment

Emma has broad experience of environmental law in diverse fields, including: animal experiments; biodiversity; climate change; the CRC energy efficiency scheme; environmental impact assessment (EIA); electricity; energy; EU environmental law; Export Credit Guarantee issues; fisheries; habitats; marine environment; pesticides; planning; the precautionary principle; renewable energy (including ROCs); sewerage and water supply; State Aid; sustainable communities; village greens; waste; water resources; waterways; and wildlife.

***“A joy to work with.”***

– CHAMBERS AND PARTNERS, 2019

## Cases

### **R (ClientEarth) v Secretary of State**

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Appeared (with Dinah Rose QC and Ben Jaffey) in the Supreme Court and in the ECJ in this landmark air pollution case, successfully arguing for a declaration that the UK is in breach of EU air quality limits for NO<sub>2</sub> in London and other major urban areas.

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Instructed by the UK Government, successfully arguing before the ECJ that the scope of Environmental Impact Assessment ('EIA') should not extend to effects on the financial value of assets, including land and house prices.

## Employment

Emma

has longstanding and very extensive experience of employment law and was in the early years of her practice an almost daily visitor to Employment Tribunals around the country. She now appears mainly in the appellate courts in employment cases, including as a member of the ELAAS (Employment Lawyers Appeals Advice) scheme.

## Cases

### **Peaden v Methodist Conference**

(Employment Tribunal)

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Counsel (with Dinah Rose QC) for the Secretary of State in this case relating to the default retirement age and the justification of direct age discrimination.

## **Media & Entertainment**

Emma

has for many years pursued a particular specialism in public law matters relating to journalism and the media.

She was junior counsel in the landmark case of Reynolds v Sunday Times [2001] 2 AC 127 (protection for political speech) and advised the BBC in relation to the passage of the Broadcasting Act and Defamation Act 1996.

She

now regularly advises broadcasters as to their public law obligations, including in relation to freedom of speech, discrimination law and political/election issues.

## **ACHIEVEMENTS**

### **Education**

BA Hons (Cantab)

## Selected earlier reported cases

### Public & Regulatory

- R (Tate & Lyle) v Secretary of State for Energy & Climate Change [2011] ACD 92
- R (Medical Justice) v SSHD [2011] 1 WLR 2852
- R (Age UK) v Secretary of State for Business, Innovation and Skills [2010] ICR 260
- Isle of Anglesey CC v Welsh Ministers [2010] QB 163
- R (Buglife) v Thurrock Thames Gateway Development Corporation [2009] Env LR 18
- R (Director of Revenue and Customs Prosecutions) v CCRC [2007] 1 Cr App R 30
- R (Da Silva) v DPP [2006] Po. L.R. 176
- Christmas v Hampshire CC [1998] ELR 1

### Civil Liberties & Human Rights

- R (Age UK) v Secretary of State for Business, Innovation and Skills [2010] ICR 260
- R (Garnham & Harrison) v Secretary of State for Health (2009) 12 CCL Rep 355, [2009] ACD 61
- Kay v Commissioner of Police of the Metropolis [2008] 1 WLR 2723
- R (Director of Revenue and Customs Prosecutions) v CCRC [2007] 1 Cr App R 30
- R (Da Silva) v DPP [2006] Po. L.R. 176

### EU & Competition

- Case C-44/12 Kulikauskas v MacDuff Shellfish & Anr [2011] ICR 48
- R (Tate & Lyle) v Secretary of State for Energy and Climate Change [2011] ACD 92
- Cooper v Attorney-General [2011] QB 976, [2010] 3 CMLR 28
- R (Downs) v DEFRA [2009] 3 CMLR 46

### Discrimination

- R (Tate & Lyle) v Secretary of State for Energy & Climate Change [2011] ACD 92
- R (Age UK) v Secretary of State for Business, Innovation and Skills [2010] ICR 260
- R (Garnham & Harrison) v Secretary of State for health (2009) 12 CCL Rep 355, [2009] ACD 61

### Environment

- R (Tate & Lyle) v Secretary of State for Energy & Climate Change [2011] ACD 92
- Cooper v Attorney-General [2011] QB 976, [2010] 3 CMLR 28
- Isle of Anglesey CC v Welsh Ministers [2010] QB 163
- R (Downs) v DEFRA [2009] 3 CMLR 46
- R (Buglife) v Thurrock Thames Gateway Development Corporation [2009] Env LR 18
- Kay v Commissioner of Police of the Metropolis [2008] 1 WLR 2723

### Employment

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## Media & Entertainment

- Reynolds v Times Newspapers Ltd [2001] 2 AC 127