

Emma Dixon

“She’s a very brilliant barrister – a smart operator who is incredibly experienced.”

– CHAMBERS AND PARTNERS, 2022

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



Emma Dixon is a highly rated public law, regulatory and EU practitioner with especial expertise in equality law.

Emma specialises particularly in public law, equality and human rights challenges relating to charities; civil liberties and human rights; commercial JR; covid-19; 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 the regulation of the Internet, radio & TV broadcasting, and telecommunications.

Emma is frequently instructed to appear on her own against Queen’s Counsel. She has extensive experience of advising central and local Government, having been a member of the Attorney General’s panels for a number of years earlier in her career.

Emma’s clients include a broad range of private, third sector, and public bodies, the latter including: the Bar Standards Board, 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 is a member of the Equality and Human Rights Commission (‘EHRC’) A panel of counsel.

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

Emma has a strong commitment to pro bono work, and in October 2021 became one of the first barristers to complete Advocate’s ‘25 for 25’ Challenge marking the 25th anniversary of the Bar Pro Bono Unit.

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 BSB, the SRA and the Solicitors' Disciplinary Tribunal); police (Emma has acted for both HMIC and the IPCC); pharmacies regulation; and internet/telecoms regulation (including cases relating to action by the ICO, Ofcom, the Phone Standards Authority and in relation to the Privacy and Electronic Communications (EC Directive) Regulations 2003 and the Phone-Paid Services Authority Code of Practice under the Communications Act 2003 as well as in relation to asset-freezing in this field).

Emma has a particular interest in cases involving the NHS, including NHS funding of commercial activities and end-of-life treatment and care.

“Brilliant, thoughtful and diligent.”

– LEGAL 500, 2021

Cases

Re: the draft Online Safety Bill

Advised on the human rights and equality impacts of the draft Online Safety Bill.

R (oao A Broadcaster) v Ofcom (2021, ongoing)

Acting for a broadcaster in a judicial review challenge to Ofcom's oversight of radio broadcasting in the digital age.

Re: licensing under the Human Fertilisation and Embryology Act

Gave advice and assistance in relation to an appeal by a centre which had been made subject to conditions prohibiting the undertaking of certain activities relating to gamete or embryo donors, and to donor sperm or embryos (including surrogacy cases); and prohibiting the import of gametes.

Re: a local authority and advertising during the Covid-19 crisis

Advised an advertiser who had lost revenue during the Covid-19 crisis as to its position as against a local authority which was refusing to renegotiate terms.

Re: a solicitor

Advised the Solicitors Disciplinary Tribunal as to proposed public law proceedings brought against it by a complainant who had been subject to an adverse ruling.

Re: the UK Internal Market Bill 2019-21

Advised in relation to the environmental impacts of the UK Internal Market Bill 2019-21, and how these might be mitigated by legislative means.

Re: Advertising Standards Authority

Acted for an advertiser in a proposed judicial review of the ASA after it sought to publish an adverse ruling in relation to an advertisement at the height of the Covid-19 crisis despite its stated approach of 'regulatory forbearance'. Successfully obtained interim measures preventing publication of the ASA's ruling.

R (oao Abbott Laboratories Ltd) v NHS Herts Valleys CCG & anr

(2019)

Successfully acted for the Interested Party, a manufacturer of milkshake-style sip feeds supplied to the NHS, in resisting a proposed claim for judicial review by a commercial competitor which would have prevented the Interested Party from entering into a discount agreement.

Re: an NHS Trust

Provided advice as to the law applicable to an NHS Trust which wished to provide commercial services outside the NHS in order to raise revenue for its NHS work.

R (oao Corbiere Ltd) v Secretary of State for Justice

[2017] EWHC 3364 (Admin) (see also Corbiere v Xu [2018] EWHC 12 (Ch))

Led the public law junior counsel team in this complex case relating to the deportation of a foreign national criminal who had misappropriated the client's confidential information.

Professional Discipline

Emma has many years' experience acting for and against regulators, particularly in the medical/healthcare and legal professional fields. She is an Equality and Diversity Law Adviser to the Bar Standards Board as part of its 'APEX' panel of experts.

"She's very accessible and easy to work with."

— CHAMBERS AND PARTNERS, 2022

Cases

Re: s.22 of the Gender Recognition Act

(Autumn 2021)

Advised a regulatory body as to the lawful holding & use of protected information within the meaning of section 22 GRA, and as to the principles of good practice in that regard in order to ensure respect for the dignity & human rights of trans employees and individuals.

Re: a midwife

Ongoing

Acted pro bono for a midwife dismissed by an NHS Trust after many years' unblemished service for an alleged breach of professional standards. There are parallel professional disciplinary proceedings.

Re: Health and Care Professionals Council ('HCPC') disciplinary allegations against Extinction Rebellion ('XR') protests

Acting pro bono for a healthcare professional subject to professional disciplinary allegations.

Re: professional examinations and covid-19

Provided advice to a professional regulator on the equality implications of remote testing during the covid-19 pandemic.

Re: a regulator's obligations under the Gender Recognition Act ('GRA')

Provided advice to a regulator as to its obligations under the GRA in relation to transgender professionals.

Re: a professional regulator and overseas qualified persons

Advised on the impact of Brexit upon overseas qualified persons both in the EU and outside it.

Re: a financial services matter

Advised on an investigation into the collapse of an investment scheme.

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.

“She is brilliant and has a broad-ranging EU law track record.”

– LEGAL 500, 2021

Cases

Re: a professional regulator and overseas qualified persons

Advised on the impact of Brexit upon overseas qualified persons both in the EU and outside it.

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.

Cases

Re: a financial advice website

Advised the operator of a financial advice website in relation to a claim for disability discrimination brought against it by a user of the site. The claim was successfully resolved.

Re: PQR

Acted in a case involving the protection of foreign nationals who had been subjected to false allegations of wrongdoing abroad.

Re: a financial services matter

Advised on an investigation into the collapse of an investment scheme.

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. Emma has particular breadth and depth of experience in cases involving the right to a fair trial (under Article 6 ECHR) and the right to non-discrimination in the enjoyment of human rights (under Article 14 ECHR), including in relation to: disability discrimination and reasonable adjustments; transgender rights; religious equality; pregnancy and surrogacy; and the right to a fair trial without discrimination. She takes a particular interest in cases involving the balancing of competing rights (such as, for example, in the case of religion and sexual orientation). She has expertise in the human rights aspects of Internet regulation (including the draft Online Safety Bill). Emma is also interested in, and has written on, topics relating to the human rights implications of public health restrictions during the covid-19 pandemic (both as to restrictions in general and on the particular issue of the wearing of masks).

“Grasps the client’s concerns and always exceeds expectations combining strong professionalism with good people skills.”

– LEGAL 500, 2022

Cases

Re: the draft Online Safety Bill

Advised on the human rights and equality impacts of the draft Online Safety Bill.

Re: s.22 of the Gender Recognition Act

(Autumn 2021)

Advised a regulatory body as to the lawful holding & use of protected information within the meaning of section 22 GRA, and as to the principles of good practice in that regard in order to ensure respect for the dignity & human rights of trans employees and individuals.

Re: Digital Exclusion

(Autumn 2021)

Helped to achieve a mediated settlement of proposed claims for age and disability discrimination on behalf of a company which had moved to an 'online-only' service model during the Covid-19 pandemic.

Re: Health and Care Professionals Council ('HCPC') disciplinary allegations against Extinction Rebellion ('XR') protests

Acting pro bono for a healthcare professional subject to professional disciplinary allegations.

X v Y School

Advised a school in relation to the termination of employment of a minister of religion in circumstances giving rise to issues about discrimination on grounds of religion or belief; sexual orientation discrimination; and freedom of expression.

Re: a financial advice website

Advised the operator of a financial advice website in relation to a claim for disability discrimination brought against it by a user of the site. The claim was successfully resolved.

Re: PQR

Acted in a case involving the protection of foreign nationals who had been subjected to false allegations of wrongdoing abroad.

Re: a professional regulator and the Covid-19 crisis

Advised a professional regulator as to the possibility of claims under the Equality Act 2010 arising out of changes made by the regulator to its procedures during the Covid-19 crisis.

Discrimination

Emma has for many years specialised in equality law, with significant expertise in all areas of this subject including challenges relating to discrimination on grounds of disability, pregnancy and surrogacy, religion or belief, sex, sexual orientation and transgender status, under the Equality Act 2010 as well as under relevant provisions of EU law and under the ECHR. She takes a particular interest in new and developing areas of discrimination law, for example in relation to: the regulation of Internet service providers (including under the draft Online Safety Bill); the topic of digital exclusion; and the discriminatory impacts of the pandemic. Emma also has significant experience of mentoring junior discrimination law practitioners, including through the Advocate Discrimination Law Mentoring scheme.

Cases

Re: the draft Online Safety Bill

Advised on the human rights and equality impacts of the draft Online Safety Bill.

Re: a midwife

Ongoing

Acted pro bono for a midwife dismissed by an NHS Trust after many years' unblemished service for an alleged breach of professional standards. There are parallel professional disciplinary proceedings.

Re: professional examinations and covid-19

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Re: a financial advice website

Advised the operator of a financial advice website in relation to a claim for disability discrimination brought against it by a user of the site. The claim was successfully resolved.

Barrister v Chambers

Advised the Bar Standards Board in relation to a high-profile case of alleged sex and disability discrimination by a set of Chambers against a barrister.

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 is a member of the ELAAS (Employment Lawyers Appeals Advice) scheme (providing pro bono representation to appellants in the EAT) and the ELIPS scheme (providing 'clinic' style pro bono advice and assistance at the Central London Employment Tribunal). She has particular expertise in discrimination law (including sex discrimination; equal pay; disability discrimination; gender reassignment and trans issues; sexual orientation (and civil partnerships); and religion or belief).

Cases

Re: s.22 of the Gender Recognition Act

(Autumn 2021)

Advised a regulatory body as to the lawful holding & use of protected information within the meaning of section 22 GRA, and as to the principles of good practice in that regard in order to ensure respect for the dignity & human rights of trans employees and individuals.

Re: Digital Exclusion

(Autumn 2021)

Helped to achieve a mediated settlement of proposed claims for age and disability discrimination on behalf of a company which had moved to an 'online-only' service model during the Covid-19 pandemic.

Quarm v Commissioner of Police of the Metropolis

(EAT 13.10.21)

Successfully represented the Appellant, a serving Metropolitan police officer, at a rule 3(10) hearing concerning his whistleblowing and victimisation claims.

Re: a barrister

Advised the Bar Standards Board ('BSB') as to a number of allegations of sexual orientation discrimination, age discrimination and race discrimination made by a barrister against his employer. Questions arising included whether there were arguable breaches of the Equality Act 2010 and whether these were made out on the evidence.

Barrister v Chambers

Advised the Bar Standards Board in relation to a high-profile case of alleged sex and disability discrimination by a set of Chambers against a barrister.

X v Y School

Advised a school in relation to the termination of employment of a minister of religion in circumstances giving rise to issues about discrimination on grounds of religion or belief; sexual orientation discrimination; and freedom of expression.

Y (name confidential) v Z Nursery

(EAT, rule 3(10) hearing 2 October 2019)

Acted for the Appellant in relation to her claim of disability discrimination and unlawful victimisation following her resignation from her job. The Appellant had OCD and anxiety which the employer had not properly taken into account and had suffered harassment. There had also been a failure to make reasonable adjustments.

I v J Bank plc

(rule 3(10) hearing 3 April 2019)

Successfully acted for the Appellant in contending there had been arguable disability discrimination in withholding his bonus when his performance at work declined following a grief reaction. A key issue was whether a grief reaction following a bereavement might amount to a 'disability' for the purposes of the Equality Act 2010 definition.

X v Secretary of State

(EAT, rule 3(10) hearing 3 April 2019)

Acted for the Appellant who had been dismissed from her employment with a national public sector service. Successfully contended there had been an arguable breach of her rights under Article 8 ECHR by virtue of the employer's decision to dismiss her on the basis of highly sensitive matters which had occurred in the Appellant's private life and involved her ex-partner and children.

Environment

Emma has longstanding experience of environmental law in diverse fields. She now takes a particular interest in climate change (including the extinction rebellion movement) and in the impact of Brexit upon environmental law.

Recent cases include:

Re: the UK Internal Market Bill 2019-21

Advised in relation to the environmental impacts of the UK Internal Market Bill 2019-21, and how these might be mitigated by legislative means.

“She was brilliant and provided very excellent advice and help throughout.”

– CHAMBERS AND PARTNERS, 2022

ACHIEVEMENTS

Education

BA Hons (Cantab)

Other

- EHRC 'A' Panel of Counsel (appointed 2019).
- Bar Standards Board APEX (Advisory Panel of Experts), Equality and Diversity Law Expert (appointed 2016; reappointed 2020).
- Completed training as an End of Life Doula with Living Well Dying Well/End of Life Doula UK (2021).
- Recent postgraduate studies: Coroners and Inquests (taught by the former Chief Coroner), Kings College London (2019); Bioarchaeology, Birbeck, University of London (2020).

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

- Green v Independent Police Complaints Commission [2016] EWHC 2078 (Admin)
- Human Dignity Trust v Charity Commission [2015] WTLR 789
- President of the Methodist Conference v Preston [2013] ICR 833, [2013] UKSC 29 (Supreme Court)
- 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

- R (ClientEarth) v Secretary of State [2015] 1 CMLR 55 (ECJ); [2015] PTSR 909 (Supreme Court and ECJ)
- Bollacke v Klaas & Kock (Case C-118/13) [2015] 1 CMLR 4, [2014] ICR 828, ECJ
- C.D. v S.T. (Case C-167/12) [2014] 3 CMLR 15, [2014] ICR D26, ECJ
- Leth v Republic of Austria (Case C-420/11) [2013] PTSR 805, [2013] 3 CMLR 2, [2013] Env LR 26 ECJ
- Case C-521/12 Briels v Minister van Infrastructuur en Milieu [2014] PTSR 1120, ECJ
- Seldon v Clarkson Wright & Jakes [2012] ICR 716, [2012] 2 CMLR 50, [2012] UKSC 16
- 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

- C.D. v S.T. (Case C-167/12) [2014] 3 CMLR 15, [2014] ICR D26, ECJ
- Catholic Care (Diocese of Leeds) v Charity Commission [2012] EqLR 1119, [2013] 1 WLR 2105, [2012] UKUT 395 (TCC)
- 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 (ClientEarth) v Secretary of State [2015] 1 CMLR 55 (ECJ); [2015] PTSR 909 (Supreme Court and ECJ)
- 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

- President of the Methodist Conference v Preston [2013] ICR 833, [2013] UKSC 29 (Supreme Court)
- C.D. v S.T. (Case C-167/12) [2014] 3 CMLR 15, [2014] ICR D26, ECJ
- Seldon v Clarkson Wright & Jakes [2012] ICR 716, [2012] 2 CMLR 50, [2012] UKSC 16
- Case C-44/12 Kulikauskas v MacDuff Shellfish & Anr [2011] ICR 48
- R (Age UK) v Secretary of State for Business, Innovation and Skills [2010] ICR 260

Media & Entertainment

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

VAT registration number: 447008068

Barristers regulated by the Bar Standards Board