

# Emma Dixon

*"So clever; she is a go-to counsel for advice on complex matters."*

– CHAMBERS & PARTNERS, 2024

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



Emma Dixon is a highly rated human rights, public law, regulatory practitioner with particular expertise in, and passion for, discrimination and equality law.

Emma undertakes public law, equality and human rights challenges in a range of areas including: charities; civil liberties; commercial JR; discrimination and equality; end of life issues; EU law and Brexit; healthcare; NHS issues; regulatory and professional disciplinary matters; religious organisations; the regulation of the Internet, radio & TV broadcasting; telecommunications regulation; and transport.

Emma has extensive experience of advising central and local Government and other public bodies. She is a member of the Equality and Human Rights Commission ('EHRC') A panel of counsel, and also sits as a Legally Qualified Chair for the MPTS (which makes independent decisions about whether doctors are fit to practise medicine).

Emma's clients include a broad range of private clients (including a number in the music and entertainment sector); third sector bodies (including charities and NGOs, both large and small); and public bodies (including: the Bar Standards Board, 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).

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, environment and professional discipline. Recent quotes include:

- "A phenomenally bright junior."- Legal 500, 2024
- "So clever; she is a go-to counsel for advice on complex matters."- Chambers & Partners, 2024

Previous quotes include:

- "She is brilliant, knowledgeable and also has an extremely high level of client service."- Legal 500, 2023
- "She's great to work with, very approachable and very clever."- Chambers UK, 2023
- "She is technically excellent, very responsive, and gets to the nub of the issue really quickly. Emma is an intellectual giant."- Chambers UK, 2023

Emma undertakes a range of pro bono activities. She has undertaken work on the ELAAS (Employment Law Appeal Advice) scheme and for Advocate (formerly the Bar Pro Bono Unit) and also carries out a range of mentoring activities (notably with students at the University of Westminster as well as via the Bar Council Discrimination Law Mentoring Scheme and Maternity Mentoring Scheme). She has also provided legal and other support to a number of environmental campaigns, notably in relation to the climate emergency.

## EXPERIENCE

### Public & Regulatory

Emma acts for both claimants and defendants in a wide variety of cases, ranging from environmental judicial review to discrimination law challenges and professional disciplinary matters before the Administrative Court and in specialist tribunals.

Emma's public law practice covers a wide range of areas and interests including in particular: advertising; biodiversity; charities; the climate emergency; coroners and inquests; discrimination and equality; ecology and the natural environment; healthcare and end of life; internet regulation and new technologies; planning; and the regulation of broadcasting and telecommunications.

In the regulatory law field, Emma has particular expertise in the following areas: Advertising Standards Authority cases; charities (including appearances before the Charity Tribunal and Upper Tribunal both for and against the Charity Commission); environmental regulation; EU law and Brexit; healthcare (including cases involving healthcare regulators in the field including the PSA, as well as a number of Royal Colleges); HFEA issues; legal regulators (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 the Phone-Paid Services Authority).

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

***"Brilliant, thoughtful and diligent."***

– LEGAL 500, 2021

### Cases

#### **Re: UK import controls post-Brexit**

Advised on a number of complex issues of EU law and public law as to the post-Brexit arrangements for imports into the United Kingdom.

**Phone-paid Services Authority v SB7 Mobile Limited**

(6 September 2023)

Represented the adjudicated party (SB7 Mobile Limited) in this case raising issues of vires under the Communications Act 2003 to impose fines upon innocent third parties for the late provision of information.

**Re: social housing and the rights of transgender tenants and children**

Provided advice to a provider of social housing as to the rights of transgender tenants and applicants for accommodation; and as to the application of overcrowding provisions where a young person is undergoing gender reassignment.

**R (Radiocentre Ltd) v Ofcom and the BBC (as Interested Party)**

[2023] EWHC 1977 (Admin)

Acted for the Claimant in a challenge to Ofcom's regulation of the launch of BBC Radio 1 Dance.

**R (on the application of Marouf) (Appellant) v Secretary of State for the Home Department (Respondent)**

[2023] UKSC 23

Emma acted as junior counsel for the Appellant (led by Ben Jaffey KC) in this appeal to the Supreme Court about the territorial scope of the public sector equality duty ('PSED') in section 149(1) of the Equality Act 2010, which requires public authorities to have due regard to equality issues. The Appellant was a vulnerable Palestinian refugee from Syria seeking resettlement in the UK.

**Re: the draft Online Safety Bill**

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

**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.

## Professional Discipline

Emma has many years' experience acting for and against regulators, particularly in the medical/healthcare and legal professional fields. She also sits as a legally qualified chair of the MPTS which takes independent decisions as to whether doctors are fit to practise medicine.

***“She is technically excellent, very responsive, and gets to the nub of the issue really quickly. Emma is an intellectual giant.”***

– CHAMBERS AND PARTNERS, 2023

## Cases

**Re: judicial office holders under the Equality Act 2010**

Advised a professional disciplinary tribunal as to the extent to which its members were exempted from provisions of the Equality Act 2010; and as to other equality and diversity obligations falling upon them including by virtue of the Equal Treatment Benchbook and the caselaw.

**Phone-paid Services Authority v SB7 Mobile Limited**

(6 September 2023)

Represented the adjudicated party (SB7 Mobile Limited) in this case raising issues of vires under the Communications Act 2003 to impose fines upon innocent third parties for the late provision of information.

**Re: a professional regulator and dealing with transphobia/misgendering:**

Provided advice to a professional regulator on how to deal with potentially transphobic content published by professionals on social media, in the light of the requirements of equality and human rights law as to, respectively, the prevention of discrimination on the ground of sex or gender reassignment and the right to freedom of expression.

**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 and Brexit 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: UK import controls post-Brexit**

Advised on a number of complex issues of EU law and public law as to the post-Brexit arrangements for imports into the United Kingdom.

### **Re: a social media platform and the Equality Act 2010**

Emma gave advice as to the extent of liability under the Equality Act 2010 of a social media platform which sought exemption under the Equality Act 2010 on the basis of the framework set out in the EU E-Commerce Directive.

### **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.

## 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. In the human rights field, Emma has particular breadth and depth of experience in cases involving the right to a fair trial (under Article 6 ECHR), the right to freedom of expression (Article 10 ECHR), and the right to

non-discrimination in the enjoyment of human rights (under Article 14 ECHR). In the discrimination law field Emma has extensive experience of giving advice and arguing cases relating to: disability discrimination and reasonable adjustments; transgender rights; religious equality; pregnancy and surrogacy; and the right to a fair trial without discrimination. Emma enjoys taking a creative and proactive approach to dispute resolution and has for example assisted in negotiated settlements of a number of cases with multiple claimants in the fields of disability and age discrimination. She also has special expertise in equality cases involving the entertainment industry, the music industry, event planning, social media, and broadcasting. Emma 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 equality law human rights aspects of Internet regulation (including the draft Online Safety Bill) and the liabilities of social media platforms (including under EU law).

***“Incisive and clear thinking in her approach to complex issues. Grasps the client’s concerns and always exceeds expectations combining strong professionalism with good people skills.”***

— LEGAL 500, 2023

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**Re: a train operating company and the Office of Rail Regulation**

Advised on the obligations under the Equality Act 2010 of train operating companies and the ORR in relation to proposed staffing reductions at railway stations and on trains and the likely impact of that on disabled travellers.

**Re: a professional regulator and dealing with transphobia/misgendering:**

Provided advice to a professional regulator on how to deal with potentially transphobic content published by professionals on social media, in the light of the requirements of equality and human rights law as to, respectively, the prevention of discrimination on the ground of sex or gender reassignment and the right to freedom of expression.

**Re: social housing and the rights of transgender tenants and children**

Provided advice to a provider of social housing as to the rights of transgender tenants and applicants for accommodation; and as to the application of overcrowding provisions where a young person is undergoing gender reassignment.

**Re: event planning and the Equality Act 2010**

Advised an event planner in relation to a large multi-party claim relating to alleged disability discrimination in the provision of services.

**R (on the application of Marouf) (Appellant) v Secretary of State for the Home Department (Respondent)**

[2023] UKSC 23

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**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.

## Cases

### **Re: judicial office holders under the Equality Act 2010**

Advised a professional disciplinary tribunal as to the extent to which its members were exempted from provisions of the Equality Act 2010; and as to other equality and diversity obligations falling upon them including by virtue of the Equal Treatment Benchbook and the caselaw.

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### **Re: a train operating company and the Office of Rail Regulation**

Advised on the obligations under the Equality Act 2010 of train operating companies and the ORR in relation to proposed staffing reductions at railway stations and on trains and the likely impact of that on disabled travellers.

### **Re: a music venue**

Advised on a race discrimination claim raising issues of cultural appropriation and the provision of services under the Equality Act 2010.

### **Re: a professional regulator and dealing with transphobia/misgendering:**

Provided advice to a professional regulator on how to deal with potentially transphobic content published by professionals on social media, in the light of the requirements of equality and human rights law as to, respectively, the prevention of discrimination on the ground of sex or gender reassignment and the right to freedom of expression.

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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, in Employment Tribunals and in the EAT. She is a member of the ELAAS (Employment Lawyers Appeals Advice) scheme (providing pro bono representation to appellants in the EAT) and has also assisted 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); age discrimination and religion or belief discrimination).

## Cases

**Re: judicial office holders under the Equality Act 2010**

Advised a professional disciplinary tribunal as to the extent to which its members were exempted from provisions of the Equality Act 2010; and as to other equality and diversity obligations falling upon them including by virtue of the Equal Treatment Benchbook and the caselaw.

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(Autumn 2021)

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**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.

## **Environment**

Emma has longstanding experience of environmental law in diverse fields. She now takes a particular interest in the biodiversity and climate emergencies and the provision of legal support for activists in the field.

***“She is brilliant, knowledgeable and also has an extremely high level of client service.”***

– LEGAL 500, 2023

## **Cases**

### **Re: UK import controls post-Brexit**

Advised on a number of complex issues of EU law and public law as to the post-Brexit arrangements for imports into the United Kingdom.

## ACHIEVEMENTS

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### 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).
- 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