

Hanif Mussa

“Easy-going but ridiculously sharp.”

– CHAMBERS AND PARTNERS, 2019

Year of call: 2007
Degree: BA Hons (Cantab.) History, (Double First); Kennedy Scholar, Harvard University (First place nationally); Diploma in Law, City University (Distinction, top of year); Bar Vocational Course, Inns of Court School of Law (Outstanding, top of year)
Languages: Kutchi (fluent), French (working knowledge)



Hanif is recommended in both of the leading independent legal directories. He currently has twelve rankings across eight different practice areas. Recent comments include: "Easy-going but ridiculously sharp." (Chambers and Partners 2019); "One of the brightest barristers I've ever worked with" (Chambers and Partners 2019); "Exceptionally brilliant" (Legal 500 2018); "He has a brain of the size of the planet and is at least three steps ahead of everyone else" (Legal 500 2017); "He has a first-class intellect and distils complex legal material into commercial advice" (Legal 500 2017); "Genius..." (Legal 500 2017); "Intellectually sharp and technically brilliant" (Legal 500 2017); and "A great all-rounder who is incredibly bright" (Chambers 2018).

His broad-ranging practice combines core and complementary strengths in public and private law. He has expertise in Public & Regulatory law, Civil Liberties & Human Rights (including Discrimination law), EU law, Competition law, Commercial law, and Public and Private International Law amongst other areas. He also has significant experience of cases in the Employment, Telecommunications, Financial Services, Environment, Energy and Professional Discipline sectors.

Hanif has amassed considerable advocacy experience before a wide range of courts and tribunals and has appeared as sole counsel in a number of high-profile cases. Hanif is currently Junior Counsel to the Crown (A Panel), having previously been a member of the B Panel.

EXPERIENCE

Public & Regulatory

Hanif's practice encompasses all areas of public law, including commercial judicial review and public procurement as well as civil liberties and human rights. He was shortlisted for the Legal 500 junior of the year for Public Law in 2018-19.

“Phenomenally bright; he will often spot a point or angle that others would miss”

– LEGAL 500, 2016

Examples of high-profile litigation in the commercial and regulatory context include acting on behalf of Uber in defence of various challenges to its ability to operate in London, on behalf of a tobacco manufacturer in seeking to obtain the refund of a fine of £50 million imposed for alleged breaches of competition law, on behalf of KPMG LLP in a case concerning whether its decisions were amenable to judicial review, on behalf of Virgin Trains in its successful challenge to the tender process for the West Coast Main Line, and on behalf of Tottenham Hotspur in its challenge to decisions concerning the legacy use of the Olympic Stadium.

Cases

R (Holmcroft Properties Ltd) v KPMG LLP and others

[2018] EWCA Civ 2093; [2016] EWHC 323 (Admin)

Acting successfully for the defendant in proceedings concerning whether decisions of an independent reviewer appointed under s.166 of the Financial Services and Markets Act 2000 are amenable to judicial review (with Javan Herberg QC).

Uber London Limited v Transport for London

(Westminster Magistrates' Court, June 2018)

One of The Lawyer's Top 20 cases of 2018. Acting for Uber in its successful appeal against the decision of Transport for London to refuse to renew its London operator's licence.

R(Gallaher Group Limited and others) v Competition and Markets Authority

[2018] UKSC 26; [2016] EWCA CIV 719

Acting in an appeal to the Supreme Court concerning the scope of the defence of objective justification in respect of a claim of unequal treatment or substantive unfairness arising out of the OFT's Tobacco investigation.

R(Uber London Limited and others) v Transport for London

[2017] EWHC 435 (Admin); [2018] EWCA Civ 1213

One of The Lawyer's Top 20 cases of 2017. Acting on behalf of Uber in challenges to a series of new regulations implemented by TfL, including those imposing a new English language requirement on private hire vehicle drivers and requiring Uber to provide a new telephone support facility. The new regulations were alleged to infringe rights to freedom of establishment and to give rise to racial discrimination.

R(Langton) v Secretary of State for the Environment, Food and Rural Affairs (No 2)

(ongoing)

Acting for the Defendant in a challenge to the government's policy of licensing badger control in the Low Risk Area of England, as part of its efforts to combat TB in cattle.

R(Langton) v Secretary of State for the Environment, Food and Rural Affairs

[2018] EWHC 2190 (Admin)

Acting successfully for the defendant in resisting a challenge to the government's decision to license the supplementary culling of badgers as part of its strategy to combat bovine TB.

R(GGV(S) Limited) v Southampton City Council

[2017] EWHC 165 (Admin)

Acting as sole counsel on behalf of the Claimant in a challenge by way of judicial review to the award of a provisional statement for the grant of a large casino licence.

Southern Rail judicial review: R(Association of British Commuters) v Secretary of State for Transport

(Administrative Court, 2017)

Acting successfully on behalf of the Defendant in resisting a claim alleging an unlawful delay in enforcing the obligations of the operator of the Southern Rail network.

Napp v United Kingdom; Mundipharma NL v Netherlands; Mundipharma DE v Germany

(ongoing)

Proceedings before the European Court of Human Rights concerning violations of rights under Article 6 ECHR and A1P1 as a result of the determination of valuable patent rights by the European Patent Office (with Monica Carss-Frisk QC and James Segan).

R (Barraud) v Civil Aviation Authority and others

(ongoing)

Acting on behalf an interested party in a judicial review case in the Court of Appeal concerning whether there are obligations of consultation in respect of changes to vectoring practices of aircraft arriving at Gatwick Airport (with Javan Herberg QC).

LTDA v Transport for London, Uber London Limited and others

(Court of Appeal, 2016)

Acting for Uber in an appeal to the Court of Appeal considering whether its system makes provision of a taximeter contrary to the requirements of applicable legislation.

R (Diomed Direct Limited) v Clearcast Limited

(Administrative Court, 2016)

Acting successfully on behalf of the Clearcast Limited in proceedings alleging that Clearcast's pre-clearance functions in relation to television broadcasting were amenable to judicial review. The challenge was withdrawn after permission was refused.

R (LPHCA) v Transport for London, Uber London Limited and others

(Administrative Court, 2016)

Acting successfully for Uber in defending proceedings for judicial review brought by a trade body to contest Uber's licence to operate in London. The challenge was withdrawn at the permission stage.

HCA International Limited v Competition and Market Authority

[2015] EWCA Civ 492

An appeal to the Court of Appeal concerning the circumstances in which a court quashing a decision on an application for judicial review is obliged to remit the matter for reconsideration by a fresh decision-maker (with Dinah Rose QC).

DECC v Breyer Group and others

[2015] EWCA Civ 408

An appeal to the Court of Appeal concerning whether a proposal made by a government department to modify a statutory subsidy scheme was capable of violating the rights of providers of solar photo-voltaic technology under A1P1 ECHR (with Michael Beloff QC).

British Gas Trading v Gas and Electricity Markets Authority; Northern Power Grid v Gas and Electricity Markets Authority

(Competition and Markets Authority, 2015)

Acting on behalf of Ofgem in the first appeals under the new statutory licence modification appeal process applicable to the UK energy sector.

R (Association of Member Directed Pension Schemes) v Financial Conduct Authority

(2015)

Acting on behalf of the AMPS in challenge by way of judicial review to the decision of the FCA imposing enhanced capital requirements for SIPP operators (with Dinah Rose QC).

Secret Hotels2 Limited v HMRC

[2014] 2 All ER 685 (Supreme Court)

An appeal to the Supreme Court concerning the proper meaning and application of the Sixth Directive on VAT in the context of the online hotel accommodation sales industry (with Sam Grodzinski QC).

Cabinet Office judicial review

A confidential claim for judicial review concerning decisions made by the Cabinet Office in the public procurement context in respect of strategic suppliers to central government.

R (Virgin Trains Limited) v The Secretary of State for Transport

Acting for Virgin in a challenge to the decision of the Secretary of State to award the franchise to run the West Coast Main Line to First West Coast Limited (with Michael Beloff QC).

R (Tottenham Hotspur) v OPLC and others; R (Tottenham Hotspur) v Newham BC and others

Acting for Tottenham in two sets of judicial review proceedings challenging decisions to appoint West Ham as preferred bidder for the Olympic Stadium (with Dinah Rose QC).

R(Coughlan) v Minister for the Cabinet Office

[2019] EWHC 641 (Admin)

Acting successfully in defending an urgent expedited claim for judicial review concerning whether the government is permitted to authorise the use of identification requirements at the local government elections in May 2019.

R(FACT) v Secretary of State for Environment, Food and Rural Affairs

(ongoing)

Acting in a claim concerning whether restrictions imposed by the Ivory Act 2018 in relation to the commercial trade in antique ivory products are compatible with EU law.

Civil Liberties & Human Rights

In the field of civil liberties, Hanif has acted in a number of cases before the European Court of Human Rights and the Supreme Court. Recent work includes consideration of the rights of children in international law during times of armed conflict, the potential to challenge decisions of the Foreign Office to decline to provide diplomatic assistance, and litigation concerning the potential to hold a private company accountable for alleged violation of human rights by the security forces of a foreign state.

“Phenomenally bright; he will often spot a point or angle that others would miss”

— LEGAL 500, 2016

Cases

Children in armed conflict

A project analysing the existing international legal protections for children during times of armed conflict, and in particular the regime governing child soldiers, with a view to presenting recommendations for reform to the United Nations.

R(Coughlan) v Minister for the Cabinet Office

[2019] EWHC 641 (Admin)

Acting successfully in defending an urgent expedited claim for judicial review concerning whether the government is permitted to authorise the use of identification requirements at the local government elections in May 2019.

R(Wedde) v Secretary of State for Justice

(ongoing)

A claim for judicial review brought by a long-term prisoner for breach of rights under Article 5(1) ECHR and Article 3 ECHR by reason of his failure to progress in his sentence and the conditions of his detention.

Andrews v Minister for the Cabinet Office

[2019] EWHC 1126 (Admin)

Acting as sole counsel in a challenge concerning whether sufficient provision has been made by the government to assist blind voters at parliamentary elections.

Vilca and others v Xstrata Ltd and others

(pending before the Court of Appeal); [2016] EWHC 389 (QB); [2016] EWHC 946 (QB); [2016] EWHC 1824 (QB); [2016] EWHC 2757 (QB); [2016] EWHC 2758 (QB)

Acting in proceedings concerning whether an international mining company can be held responsible for violations of human rights alleged to have been committed by foreign security forces in the vicinity of its property.

Article 8 litigation

Acting as sole counsel in an appeal to the Court of Appeal concerning the scope rights under Article 8 ECHR in the context of removal decisions.

R(Lowery) v Secretary of State for Defence

Acting for Liberty in a claim for judicial review concerning HIV discrimination in the armed forces, contrary to Articles 8 and 14 ECHR and contrary to the provisions of the Equality Act 2010.

Human rights challenges to the security and intelligence services

Acting for Reprieve in a series of confidential cases concerning potential breaches of human rights by the security and intelligence services in conducting counter-terrorism activity.

R (Haney, Kaiyam, Robinson and Massey) v Secretary of State for Justice

[2015] 2 WLR 76 (Supreme Court)

Appeals in the Supreme Court concerning whether the Secretary of State's arrangements for the transfer of indeterminate sentence prisoners to open conditions violated Articles 5(1) and 14 of the ECHR and whether his delay in making provision for rehabilitative courses for indeterminate sentenced prisoners violated Article 5(1) ECHR (with James Eadie QC).

R (Kaiyam) v Secretary of State for Justice

[2014] 1 WLR 1208

An appeal to the Court of Appeal concerning the nature of the Secretary of State's common law duties in making provision for rehabilitative courses for indeterminate sentenced prisoners (with Tom Weissenberg QC).

R (Qasim and others) v Secretary of State for Defence

[2014] EWHC 1369 (QB)

Acting for Afghan nationals formerly detained for a period of 10 months at Camp Bastion without charge or trial, who contended that their rights under Article 5 ECHR had been violated (with Mike Fordham QC and Shaheed Fatima).

R (HC, a child) v Secretary of State for the Home Department and others

[2014] 1 WLR 1234 (Divisional Court)

Acting as sole counsel in a claim in the Divisional Court for judicial review of the failure of the Secretary of State to make additional provision for the support of 17 year olds detained in police custody, relying upon the United Nations Convention on the Rights of the Child.

O v Legal Aid Agency

Acting as sole counsel in proceedings for judicial review challenging decisions of the Legal Aid Agency in allocating contracts for mental health work.

R (Hall and others) v Secretary of State for Justice

Acting as sole counsel for the Secretary of State in defending numerous ongoing claims for judicial review brought by prisoners concerning alleged violations of Article 5(1) ECHR and the Secretary of State's public law duties arising from the failure to make adequate provision for rehabilitation.

Her Majesty's Attorney General v Stephen Pardon

[2012] EWHC 3402 (Admin)

Acting as sole counsel on behalf of the Attorney General in proceedings in the Divisional Court before the Lord Chief Justice for an Order of Committal for contempt.

R (Hadjarab) v Secretary of State for the Home Department and others

Acting for a detainee at Guantanamo Bay in a claim for Norwich Pharmacal relief seeking disclosure of exculpatory information necessary to secure his release and resettlement (with Ben Jaffey).

R (Khazaal and others) v Secretary of State for the Home Department

Acting for four Iraqi civilians who have brought claims of breach of Article 3 and Article 5 of the ECHR relating to their detention and treatment by British military forces in southern Iraq between 2005 and 2008.

EU & Competition

Hanif practices in all areas of EU law and competition law, and has appeared in cases before the Courts in Luxembourg. He was shortlisted for the Legal 500 junior of the year for EU and competition law in 2017-2018.

Hanif's EU law work includes cases concerning the Charter of Fundamental Rights, the free movement of goods, services and persons, and many of the special regimes of EU secondary law. He has recently acted in high profile sanctions cases before the General Court.

“He has a laser-like attention to detail, suited to technically complex cases”

— LEGAL 500, 2016

Hanif also has a wide-ranging competition law practice that encompasses regulatory proceedings and private law claims. He has experience of market investigations, mergers and state aid issues, and has particular expertise in the competition law issues raised in the telecoms sector. In Legal 500 2019, Hanif is ranked in the highest tier for competition law.

Cases

R(Uber London Limited and others) v Transport for London

[2017] EWHC 435 (Admin); [2018] EWCA Civ 1213

One of The Lawyer's Top 20 cases of 2017. Acting on behalf of Uber in challenges to a series of new regulations implemented by TfL, including those imposing a new English language requirement on private hire vehicle drivers and requiring Uber to provide a new telephone support facility. The new regulations were alleged to infringe rights to freedom of establishment and to give rise to racial discrimination.

Emerald Supplies Limited and others v British Airways and others

(ongoing)

Acting on behalf of Thai Airways in defending additional claims brought in the context of substantial follow-on claims for damages for infringements of competition law in the air freight sector.

Proceedings re: sanctions

Acting in three sets of annulment proceedings brought in the General Court concerning the imposition and renewal of sanctions against high profile individuals associated with the former government of Ukraine.

AXA PPP v Competition and Markets Authority

(CAT, 2015-17)

Acting for an intervener in proceedings before the Competition Appeal Tribunal arising from the CMA's private healthcare investigation.

Gallaher Group Limited and others v Competition and Markets Authority

[2018]; UKSC 26; [2016] EWCA Civ 719

Acting for the respondent in an appeal to the Supreme Court in relation to a claim for judicial review brought against the CMA seeking the repayment of a fine of more than £50 million imposed for an alleged cartel infringement.

Multilateral interchange fees litigation

(Commercial Court, 2016)

Acting in substantial standalone and follow on damages claims brought by a retailer in respect of card charges levied by payment card schemes.

Cases T-265/12 and T-267/12 Schenker and Deutsche Bahn and others v European Commission

(General Court, 29 February 2016)

Acting successfully for the European Commission in proceedings before the General Court in defence of a decision imposing fines on participants in an international freight forwarding cartel (with Brian Kennelly).

Merger control advice

Advising in relation to competition law issues arising from a substantial merger in a foreign jurisdiction.

HCA International Limited v Competition and Market Authority

[2014] CAT 23

Successfully representing the Applicant in proceedings before the Competition Appeal Tribunal challenging the decision of the CMA to require the divestiture of two central London Hospitals (with Dinah Rose QC).

Secret Hotels2 Limited v HMRC

[2014] 2 All ER 685 (Supreme Court)

Acting for the Respondent in an appeal to the Supreme Court concerning the proper meaning and application of the Sixth Directive on VAT in the context of the online hotel accommodation sales industry (with Sam Grodzinski QC).

Case C-279/12 Fish Legal and Shirley v Information Commissioner and others

[2014] 2 WLR 568

A reference for a preliminary ruling from the Grand Chamber of the Court of Justice of the European Union in respect of the EU Environmental Information Directive (assisting Tom de la Mare QC).

Talk Talk Group Plc v Office of Communications – wholesale broadband access

[2013] EWCA Civ 1318

Acting successfully for the Respondent in an appeal to the Court of Appeal concerning the circumstances in which there is a material change in the market for the purposes of ex ante competition law.

R (Virgin Trains Limited) v The Secretary of State for Transport

Acting for Virgin in a challenge to the decision of the Secretary of State to award the franchise to run the West Coast Main Line to First West Coast Limited, relying on EU principles of transparency and equal treatment (with Michael Beloff QC).

British Telecommunications Plc v Office of Communications – partial private circuits

[2012] EWCA CIV 1051

Acting successfully for Ofcom in an appeal against a decision of the Competition Appeal Tribunal to uphold Ofcom's finding requiring BT to repay some £42 million for breach of ex-ante competition rules concerning pricing (with Pushpinder Saini QC).

R (Tottenham Hotspur) v OPLC and others; R (Tottenham Hotspur) v Newham BC and others

Acting for Tottenham in a State Aid challenge relating to the decision to appoint West Ham as preferred bidder for the Olympic Stadium (with Dinah Rose QC and James Segan).

Talk Talk Group Plc v Office of Communications – wholesale broadband access

[2012] CAT 1

An appeal in the Competition Appeal Tribunal concerning the circumstances in which there is a material change in the market for the purposes of a market review conducted by Ofcom prior to imposing an SMP condition in compliance with EU law.

R((1) Petsafe Ltd (2) ECMA) v The Welsh Ministers

[2011] EuLR 270

A challenge to delegated legislation relying on TFEU provisions on the free movement of goods and the freedom of establishment.

Uber London Limited v Transport for London

(Westminster Magistrates' Court, June 2018)

One of The Lawyer's Top 20 cases of 2018. Acting for Uber in its successful appeal against the decision of Transport for London to refuse to renew its London operator's licence.

R(FACT) v Secretary of State for Environment, Food and Rural Affairs

(ongoing)

Acting in a claim concerning whether restrictions imposed by the Ivory Act 2018 in relation to the commercial trade in antique ivory products are compatible with EU law.

Commercial

Hanif undertakes work in all areas of commercial law and has experience of specialist competition, intellectual property, and financial services litigation. He has recently been involved in a number of heavy commercial cases, including an eight-week trial of foreign law tort claims, a £1 billion cartel damages claim, and a £200 million property rights claim.

Cases

Vilca and others v Xstrata Ltd and others

(pending before the Court of Appeal); [2016] EWHC 389 (QB); [2016] EWHC 946 (QB); [2016] EWHC 1825 (QB); [2016] EWHC 2757 (QB); [2016] EWHC 2757 (QB); [2017] EWHC 1582 (QB); [2018] EWHC 27 (QB)).

Acting successfully for the defendants in a tort claim by 22 Peruvians regarding a protest in Peru which raises issues of foreign act of state, choice of law and corporate liability for the acts of the Peruvian National Police. The litigation has already led to a number of important judgments including on issues of disclosure ([2016] EWHC 389 (QB); [2016] EWHC 946 (QB); [2016] EWHC 1825 (QB)) and expert evidence ([2016] EWHC 2757 (QB); [2017] EWHC 1582 (QB); [2018] EWHC 27 (QB)).

Emerald Supplies Limited and others v British Airways and others

(ongoing)

Acting on behalf of Thai Airways in defending additional claims brought in the context of substantial follow-on claims for damages for infringements of competition law in the air freight sector.

Altair Green LLP and others v Carbon Capital Limited and others

(ongoing)

Acting in major commercial fraud proceedings concerning very substantial claims relating to a collective investment scheme (with Tom Weisselberg QC).

Breyer Group and others v DECC

Acting on behalf of the Defendant in defending claims for damages totalling almost £200 million in respect of the alleged breach of property rights of businesses operating in the solar photovoltaic industry. The case settled shortly before a ten-week trial.

Howard and others v Chelsea Yacht and Boat Company Limited and others

(ongoing)

Acting for the Defendant in a Part 8 claim raising the issue of whether commercial proceedings may be used to obtain a declaration relating to criminal liability.

Burrell and others v Helical (Bramshott Place) Ltd

(High Court, 2016)

Defending a property developer against substantial claims brought under the Unfair Terms in Consumer Contracts Regulations. The claims were discontinued shortly before trial.

Multilateral interchange fees litigation

(Commercial Court, 2016)

Acting in substantial standalone and follow on damages claims brought by a retailer in respect of card charges levied by payment card schemes.

ICCI v Taiwan Business Bank

Acting on behalf of a major foreign bank in relation to enforcement proceedings brought in respect of a foreign judgment.

Russian property litigation

Acting on behalf of a company in ongoing international proceedings concerning a dispute over land in Moscow worth some 600 million Euros.

Burrell and others v Helical (Bramshott Place) Ltd

[2015] EWHC 3727 (Ch)

Acting behalf of the Defendant property developer in obtaining summary judgment on a claim brought under the Consumer Credit Act 1974.

ICC arbitration

(2015)

Acting for the Defendant in a complex patent dispute in the mobile telecommunications sector.

ICC arbitration

(2014)

Acting for the Defendant in a claim for 49 million Euros arising out of a failure to launch an IPO (with Andrew Hunter QC).

Team move litigation

Acting as sole counsel for the Defendants in High Court proceedings concerning an alleged team move, raising claims of breach of confidence, conspiracy and various economic torts.

Joint venture dispute

Acting as sole counsel for the Defendant in proceedings in the High Court concerning claims for many millions arising out of the collapse of a complex joint venture.

Khalilifamilienstiftung v Dowlatshahi and others

[2013] EWHC 220 (Comm)

Acting for the Claimant in obtaining summary judgment and a worldwide without notice freezing injunction in proceedings concerning alleged breaches of settlement agreements, fraud and false imprisonment.

Bear Rock Films Ltd and others v Henry and others

(2013)

Proceedings concerning claims for breach of fiduciary duty and trust in relation to management of company funds in the film industry (with Tom de la Mare QC).

EE, H3G, Vodafone and Telefonica v Office of Communications

(ongoing)

Acting in interlocutory proceedings in the commercial court in respect of claims for the restitution of annual licence fees paid by mobile network operators to the telecommunications regulator.

Public International Law

Hanif has a keen interest in public international law and has acted in a number of cases before the domestic and international courts addressing issues of public international law. He is currently working on a project considering the international legal protections for children during armed conflict, with a view to presenting recommendations for reform to the United Nations, and is a contributor to a forthcoming book on the subject.

Cases

**Napp v United Kingdom; Mundipharma NL v Netherlands;
Mundipharma DE v Germany**

(ongoing)

Proceedings before the European Court of Human Rights concerning violations of rights under Article 6 ECHR and A1P1 as a result of the determination of valuable patent rights by the European Patent Office (with Monica Carss-Frisk QC and James Segan).

BIT dispute

Acting on behalf of investors in a claim concerning the breach by a foreign state of obligations under a bilateral investment treaty.

**Case C-279/12 Fish Legal and Shirley v Information Commissioner
and others**

[2015] All ER (EC) 795

A reference for a preliminary ruling from the CJEU raising issues concerning the effect of the Aarhus Convention on the interpretation of the EU Environmental Information Directive (with Tom de la Mare QC).

R (Qasim and others) v Secretary of State for Defence

[2014] EWHC 1369 (QB)

Acting on behalf of formerly detained Afghan nationals in proceedings concerning the relationship between obligations under Article 5 ECHR and international humanitarian law (with Mike Fordham QC and Shaheed Fatima).

R (HC, a child) v Secretary of State for the Home Department and others

[2014] 1 WLR 1234 (Divisional Court)

A claim for judicial review of the failure of the Secretary of State to make additional provision for the support of 17 year olds detained in police custody, relying upon the United Nations Convention on the Rights of the Child.

Bocado S.A. v United Kingdom

A claim before the European Court of Human Rights concerning an alleged violation of rights under Article 1 of the First Protocol in relation to compensation awarded for the compulsory acquisition of rights over land (with Michael Beloff QC).

R (Khazaal and others) v Secretary of State for the Home Department

Acting for four Iraqi civilians who have brought claims of breach of Article 3 and Article 5 of the ECHR relating to their detention and treatment by British military forces in southern Iraq between 2005 and 2008.

Kapil Ghosh v Governor of HMP High Point North

[2012] EWHC 4412 (Admin)

An application for habeas corpus before the Divisional Court concerning the legality of a prisoner's detention pursuant to the Council of Europe's Convention on the Transfer of Sentenced Prisoner's 1983 and the Repatriation of Prisoners Act 1984.

R (Chong Nyok Keyu and others) v Secretary of State for Foreign and Commonwealth Affairs

A judicial review seeking an investigation into the alleged execution of civilians by British troops at Batang Kali in Malaya in 1948, and raising issues concerning investigative duties under customary international law (with Dinah Rose QC and Ben Jaffey).

Children in armed conflict

A project analysing the existing international legal protections for children during times of armed conflict, and in particular the regime governing child soldiers, with a view to presenting recommendations for reform to the United Nations.

Employment

Hanif's employment law practice includes cases in the High Court concerning team moves and other areas of employee competition. He has also amassed experience of multi-day trial advocacy in the Employment Tribunal.

Hanif is a contributor to Goulding (ed), *Employee Competition: Covenants, Confidentiality and Garden Leave* (OUP, 2016), having also been a contributor to the previous edition of the same work.

Cases

Team move litigation

Acting as sole counsel for the Defendants in High Court proceedings concerning an alleged team move in the financial services sector.

Michalak v General Medical Council

Acting for the General Medical Council in proceedings concerning the jurisdiction of the Employment Tribunal under the Equality Act 2010 to consider claims of discrimination brought against a qualifications body.

SB v Check Free Solutions Limited

Acting for the Respondent in resisting claims for sex and age discrimination brought by an employee in the financial services sector.

Bodimeade v Bam Nuttall Limited

Acting for the Respondent in successfully defending proceedings concerning claims of direct disability discrimination, harassment and a failure to make reasonable adjustments.

Whistleblowing claim

Acting on behalf of a financial institution in defending a whistleblowing claim alleged to be worth tens of millions (with Paul Goulding QC).

Power v Nationwide Building Society

Acting for the Respondent in successfully defending a range of serious claims of disability discrimination at a trial listed for five days.

Molyneaux v IBM United Kingdom Limited

A case raising claims of unfair dismissal, age discrimination and disability discrimination. Hanif appeared at trials of preliminary issues where he succeeded in striking out the alleged age discrimination claims and demonstrating that the Claimant was not at the relevant time a disabled person.

Mansfield v French Connection

Acting successfully for the Respondent in a four-day trial concerning a claim for constructive unfair dismissal.

Ajose v Secretary of State for Work and Pensions

Acting for the Respondent in a six-day trial raising claims of direct disability discrimination, disability-related discrimination, failure to make reasonable adjustments, unfair dismissal, wrongful dismissal, and failure to pay holiday pay during a period of sick leave. Hanif succeeded in resisting every claim.

McCann v Kier Maintenance

A case concerning the Tribunal's power to strike out claims of unfair dismissal on the merits without hearing evidence. Hanif acted successfully for the Respondent in striking out the claim before trial.

Telecommunications

Hanif has recently appeared in telecoms cases in the Competition Appeal Tribunal and Court of Appeal, and has advised as sole counsel on diverse issues arising from the revised EU telecommunications framework.

“Very bright, very user-friendly and very good at helping to prepare cases.”

– CHAMBERS UK, 2016

Cases

Hutchinson 3G UK Limited v Office of Communications and others

[2018] EWCA Civ 284

Acting successfully for Ofcom in resisting an appeal to the Court of Appeal by H3G concerning the auction of licences for the use of 2.3 and 3.4 Ghz radio spectrum bands.

(1) British Telecommunications Plc (2) British Sky Broadcasting Limited/Talk Talk Group Plc (3) Virgin Media Limited and Others v Office of Communications – Ethernet

[2017] EWCA CIV 330

Acting successfully on behalf of Ofcom in appeals to the Court of Appeal concerning the extent to which BT overcharged for Ethernet services.

Termination charges litigation

Acting on behalf of a commercial telecommunications operator in a claim concerning its entitlement to termination charges from Mobile Network Operators under the terms of the Standard Interconnect Agreement (ongoing).

Patent and royalties dispute

Acting on behalf of a major developer of mobile telecommunications technology in a complex patent and royalties dispute.

(1) British Telecommunications Plc (2) British Sky Broadcasting Limited/Talk Talk Group Plc (3) Virgin Media Limited and Others v Office of Communications – Ethernet

[2014] CAT 4

Substantial proceedings in the Competition Appeal Tribunal concerning claims that BT has overcharged other communication providers for the provision of Ethernet services by some £200 million.

Talk Talk Group Plc v Office of Communications – wholesale broadband access

[2013] EWCA Civ 1318

Acting successfully for the Respondent in an appeal to the Court of Appeal concerning the circumstances in which there is a material change in the market for the purposes of section 86 of the Communications Act 2003.

British Telecommunications Plc v Office of Communications – partial private circuits

[2012] EWCA CIV 1051

Acting successfully for Ofcom in an appeal against a decision of the Competition Appeal Tribunal to uphold Ofcom's finding requiring BT to repay some £42 million for breach of ex-ante competition rules concerning pricing (with Pushpinder Saini QC).

Talk Talk Group Plc v Office of Communications – wholesale broadband access

[2012] CAT 1

Successfully resisting an appeal in the Competition Appeal Tribunal concerning the circumstances in which there is a material change in the market for the purposes of a market review conducted by Ofcom prior to imposing an SMP condition.

EE, H3G, Vodafone and Telefonica v Office of Communications

(ongoing)

Acting in interlocutory proceedings in the commercial court in respect of claims for the restitution of annual licence fees paid by mobile network operators to the telecommunications regulator.

Financial Services

Hanif has acted in a number of public law, regulatory and commercial cases in the banking, financial services, and tax sectors. Hanif recently appeared on behalf of KPMG in R(Holmcroft Properties Ltd) v KPMG and others, a financial services judicial review which was highlighted as one of The Lawyer's top twenty cases of 2016 and subsequently went to the Court of Appeal.

“Has a way of presenting complicated information in a digestible and easy way.”

– LEGAL 500, 2018

Cases

R (Holmcroft Properties Ltd) v KPMG LLP and others

[2018] EWCA Civ 2093; [2016] EWHC 323 (Admin)

Acting successfully for the defendant in proceedings concerning whether decisions of an independent reviewer appointed under s.166 of the Financial Services and Markets Act 2000 are amenable to judicial review (with Javan Herberg QC).

A Firm v The Pensions Regulator

(ongoing)

Acting for a regulated provider of services in the pensions industry in a challenge to sanctions imposed by its regulator.

In the matter of British Home Stores

Advising the former owners of British Home Stores in respect of a departmental select committee inquiry into the failure of BHS, and as to the implications for the BHS pensions scheme.

R (Association of Member Directed Pension Schemes) v Financial Conduct Authority

(2015)

Acting on behalf of the AMPS in challenge by way of judicial review to the decision of the FCA imposing enhanced capital requirements for SIPP operators (with Dinah Rose QC).

Secret Hotels2 Limited v HMRC

[2014] 2 All ER 685 (Supreme Court)

Acting for the HMRC in an appeal to the Supreme Court concerning the proper meaning and application of the Sixth Directive on VAT in the context of the online hotel accommodation sales industry (with Sam Grodzinski QC).

R (B) v Financial Ombudsman Service

(2014)

Acting on behalf of a SIPP operator in a challenge to a FOS decision requiring the payment of compensation in respect of an unsuccessful investment (with Javan Herberg QC).

FSA money laundering investigation

Acting on behalf of a bank being investigated by the Financial Services Authority for alleged breach of obligations in relation to money laundering (with Javan Herberg QC).

VAT assesment dispute

Acting in proceedings for judicial review concerning the proposed modification by the HMRC of its approach to assessing VAT payments due from telecommunications companies.

Professional Discipline

Hanif has considerable experience of regulatory matters across a range of different sectors. Shortly after starting practice, he undertook a secondment at the Office of Gas and Electricity Markets, and had involvement in the drafting of regulatory legislation.

Cases

R (LPHCA) v Transport for London, Uber London Limited and others

(Administrative Court, 2016)

Acting successfully for Uber in defending proceedings for judicial review brought by a trade body to contest Uber's licence to operate in London. The challenge was withdrawn at the permission stage.

Gas and electricity markets regulation

Acting on behalf of Ofgem in two highly sensitive on-going matters concerning the new EU framework for the regulation of gas and electricity markets (with Pushpinder Saini QC).

British Gas Trading v Gas and Electricity Markets Authority; Northern Power Grid v Gas and Electricity Markets Authority

(Competition and Markets Authority, 2015)

Acting on behalf of Ofgem in the first appeals under the new statutory licence modification appeal process applicable to the UK energy sector.

Michalak v General Medical Council and others

Acting on behalf of the General Medical Council in a claim concerning the entitlement of a doctor to challenge the conduct of professional discipline proceedings before an Employment Tribunal.

Money laundering regulations challenge

Acting for the OFT in proceedings concerning breaches by a regulated person of obligations to register under the Money Laundering Regulations 2007.

British Telecommunications Plc v Office of Communications – partial private circuits

[2012] EWCA CIV 1051

Acting successfully for Ofcom in an appeal against a decision of the Competition Appeal Tribunal to uphold Ofcom's finding requiring BT to repay some £42 million for breach of ex-ante competition rules concerning pricing (with Pushpinder Saini QC).

Michael Hutchinson v Housing Ombudsman

(2012)

Acting successfully for the Housing Ombudsman in a series of judicial review claims brought by a tenant in respect of the treatment of complaints he lodged with the Ombudsman regarding his landlord.

Charity Commission litigation

Acting on behalf of the Charity Commission in relation to a series of judicial review claims concerning the exercise of its regulatory functions in respect of charities.

GMC and RPSGB litigation

Acting for the General Medical Council and the Royal Pharmaceutical Society of Great Britain in a series of High Court proceedings to obtain extensions to orders prohibiting doctors and pharmacists from practising.

A Firm v The Pensions Regulator

(ongoing)

Acting for a regulated provider of services in the pensions industry in a challenge to sanctions imposed by its regulator.

Environment

Hanif has acted in a number of cases in the environmental sector before the domestic and European courts.

“An environment specialist.”

– LEGAL 500, 2018

Cases

R(Langton) v Secretary of State for the Environment, Food and Rural Affairs

[2018] EWHC 2190 (Admin)

Acting successfully for the defendant in resisting a challenge to the government's decision to license the supplementary culling of badgers as part of its strategy to combat bovine TB.

Breyer Group and others v DECC

Acting on behalf of the Defendant in defending claims for damages totalling almost £200 million in respect of the alleged breach of property rights of businesses operating in the solar photovoltaic industry. The case settled shortly before a ten-week trial.

Case C-279/12 Fish Legal and Shirley v Information Commissioner and others

[2014] 2 WLR 568

A reference for a preliminary ruling from the Grand Chamber of the Court of Justice of the European Union in respect of the EU Environmental Information Directive (assisting Tom de la Mare QC).

R (Barraud) v Civil Aviation Authority and others

(ongoing)

Acting on behalf an interested party in a judicial review case in the Court of Appeal concerning whether there are obligations of consultation in respect of changes to vectoring practices of aircraft arriving at Gatwick Airport (with Javan Herberg QC).

R(Langton) v Secretary of State for the Environment, Food and Rural Affairs (No 2)

(ongoing)

Acting for the Defendant in a challenge to the government's policy of licensing badger control in the Low Risk Area of England, as part of its efforts to combat TB in cattle.

R(FACT) v Secretary of State for Environment, Food and Rural Affairs

(ongoing)

Acting in a claim concerning whether restrictions imposed by the Ivory Act 2018 in relation to the commercial trade in antique ivory products are compatible with EU law.

ACHIEVEMENTS

Education

BA Hons (Cantab.) History, (Double First); Kennedy Scholar, Harvard University (First place nationally); Diploma in Law, City University (Distinction, top of year); Bar Vocational Course, Inns of Court School of Law (Outstanding, top of year)

Scholarships & prizes

Before starting practice, Hanif won a series of advocacy and mooted competitions as well as prizes for academic achievement.

- Bar European Group Phoenicia Scholarship
- Inaugural Inner Temple Advocacy Prize for the best pupil advocate at the Inner Temple
- Inner Temple Princess Royal Scholarship
- Senior Scarman Scholarship for the best overall performance at the ICSL (for finishing first in year)
- Stephen Seabrooke Memorial Prize for excellence in procedure and advocacy at the ICSL
- Inner Temple BVC Prize for performance on the BVC Course
- Winner of the Inner Temple Lawson Mooting Competition
- Inner Temple Major Scholarship
- 3 Verulam Buildings Prize for the best law conversioner at City University (for finishing first in year)
- Winner of the City University/Crown Office Mooting Competition
- John F Kennedy Memorial Trust Scholarship to Harvard enabling access as a non-degree special student/visiting fellow to each of the graduate schools at Harvard
- Prize for highest mark on Human Rights and International Politics course at Kennedy School of Government, Harvard
- Gonville & Caius College Senior Scholarships
- Gonville & Caius College Bursary Awards

Selected earlier reported cases

Commercial

- Spring Finance v HS Real LLC [2011] EWHC 57
- Derrick Barr and Others v Biffa Waste Services Limited [2011] EWHC 1003

Telecommunications

- British Telecommunications Plc v Office of Communications – NCCN 1007/Ethernet [2011] CAT 15
- British Telecommunications Plc v Office of Communications – partial private circuits [2011] CAT 5

Lecturing

Hanif regularly speaks on a wide-range of legal issues. He has delivered papers to the Public Law Project judicial review conference as well as at numerous seminars. He has recently spoken on issues such as the statutory amendments to the judicial review jurisdiction and the use of public international law in domestic cases.

Prior to coming to the Bar, Hanif was appointed a Visiting Tutor in European and Public Laws at the Department of Law, City University upon finishing the diploma in law course and taught European Law to 150 undergraduates whilst studying for the BVC.

Hanif has previously undertaken work for a range of academic institutions, think-tanks, and NGOs, including the Bingham Centre for the Rule of law, the Carr Center for Human Rights Policy at Harvard, and DEMOS.