

Paul Luckhurst

"He is calm, clear, creative, fiercely intelligent and isn't afraid to push boundaries"

– CHAMBERS AND PARTNERS, 2019

Year of call: **2009**
Degree: **BA in History and Politics (Oxon): Double First & top of year; MPhil (Cantab); Graduate Diploma in Law (City): Distinction; Bar Vocational Course (BPP): Outstanding.**



Paul acts for commercial clients across Chambers' core practice areas of commercial law, public and regulatory law, EU and competition law, and financial services. He also has a strong public international law and human rights practice, acting for States, individuals, and international organisations.

Paul is regularly instructed in high profile commercial and public law cases and has appeared unled in the Court of Appeal and before the Grand Chamber of the Court of Justice of the European Union. He has been appointed to the Attorney General's B Panel and the UK Government's Public International Law C Panel.

Paul is recommended in the legal directories for financial services, public international law, and civil liberties and human rights. Chambers and Partners reports that Paul "has an incredible intellect and gets straight to the heart of matters" and is "calm, clear, creative, fiercely intelligent and isn't afraid to push boundaries". Legal 500 reports comments from clients that he "consistently stuns me with his intellectual acumen, common sense and strategic thinking" and that he has "a deep knowledge of public international law and his drafting is first class".

EXPERIENCE

Commercial

Paul is familiar with a range of commercial litigation including shareholder disputes, damages claims arising out of breach of competition law, banking contracts, professional negligence, commercial fraud, applications for freezing orders, and claims for injunctive relief to protect confidential information.

His recent work has included cases across a range of sectors, including financial services, aviation, energy, and hotels.

Cases

Bermuda Bar Council v Walkers (Bermuda) Ltd

[2019] UKPC 25

Privy Council appeal concerning the regulation of foreign control of companies incorporated in Bermuda (led by Lord Pannick QC).

Allianz Global Investors GmbH and Others v Barclays Bank Plc and Others

Acting for UBS in this damages claim against six banks arising out of alleged breach of competition law in relation to FX benchmark rates and bid/ask spreads (led by Brian Kennelly QC).

Allergan Inc v Amazon Medica

[2018] EWHC 307 (QB)

Acted for an international pharmaceutical company in this application for an order to provide oral evidence and documents in support of US proceedings under the Evidence (Proceedings in Other Jurisdictions) Act 1975.

Federal Deposit Insurance Corporation v Barclays Bank Plc and Others

Acting for UBS in its defence of this claim on behalf of 39 US banks for alleged breach of Article 101 TFEU, arising out of the alleged suppression of USD LIBOR (led by Brian Kennelly QC).

Arbitration under Arbitration Act 1996

(2017-2018)

Acted for a large energy and commodities company in relation to this claim for restitution of sums overcharged in respect of the transport of aviation fuel.

Ryanair Limited v Hertz Europe Limited

(2016-2018)

Acted for the claimant in this Commercial Court claim for breach of contract, named by The Lawyer as one of the top 20 cases of 2018 (led by Brian Kennelly QC).

Marathon Asset Management LLP v James Seddon & Others

[2017] EWHC 300 (Comm)

Acted for the First Defendant in this claim concerning licence fee damages for alleged breach of confidence and breach of contract (led by Pushpinder Saini QC).

Palladyne International Asset Management B.V. v Upper Brook (A) Limited and others

Trial in the Cayman Islands in which the claimant challenged the validity of shareholder resolutions on the grounds that they breached United Nations sanctions freezing shares owned by Libyan state entities (assisting Brian Kennelly QC).

LCIA Arbitration

(2016-2017)

Acted for the respondent in relation to a claim concerning airport charges in an EU Member State and a counterclaim for alleged abuse of dominance contrary to Article 102 TFEU (led by Brian Kennelly QC).

Hosking v Marathon Asset Management LLP

[2016] EWHC 2418 (Ch)

Appeal to the High Court from an arbitral award concerning remedies associated with breach of fiduciary duty (led by Pushpinder Saini QC and Victoria Windle).

Arbitration under CIA and Arbitration Act 1996

(2015)

Acted for the respondent to an arbitration claim against a senior former employee for breach of post-termination restrictive covenants, including non-solicitation covenants, in the context of a successful investment firm (led by Pushpinder Saini QC and Victoria Windle).

Arbitration under CIA and Arbitration Act 1996

(2014-2015)

Acted on behalf of the respondent in complex arbitration claim arising out of the retirement of a partner in an investment business, with allegations of breach of fiduciary duty and contract, conspiracy and inducing breach of contract (led by Pushpinder Saini QC and Joanna Pollard).

LCD Panels

Acted for three of the defendants in a follow on damages claim arising out of the European Commission's 2010 Decision concerning a cartel in the worldwide market for LCD panels (led by Thomas De La Mare QC).

Arbitration (under Football Association Rule K)

(2015)

Acted for the claimant in relation to commission allegedly owed under an agency agreement.

Arbitration (under Football Association Rule K)

(2014)

Acted for the defendant in relation to a claim for commission allegedly owed under an agency agreement.

Grainmarket Asset Management LLP v PGF II SA

[2013] EWHC 1879 (Ch)

Successfully represented the defendant in this trial concerning the construction of an agency agreement between the claimant investment manager and the Luxembourg-domiciled defendant company (led by Andrew Green QC).

Daniel Stewart & Co Plc v Environmental Waste Controls Plc

[2013] EWHC 1763 (QB)

Successfully represented the claimant investment bank in this four day trial concerning commission owed for services rendered in respect of the flotation on the Alternative Investment Market of the defendant company.

Public International Law

Paul's public international law experience includes cases concerning state immunity, diplomatic immunity, international humanitarian law, and the status of Non-Self-Governing Territories. He has been appointed to the Attorney General's Public International Law 'C' Panel. In addition to the UK Government, Paul has acted for companies, individuals, international organisations such as UNHCR, and other States.

“Has a deep knowledge of public international law and his drafting is first class.”

— LEGAL 500, 2018

Cases

R (Hoareau & Bancoult) v SSFCA

[2019] EWCA Civ 1254

Acting for Ms Hoareau in litigation brought by former inhabitants of the Chagos Islands against the British Government arising out of their expulsion from the Islands.

Janah v Libya; Benkharbouche v Sudan

[2017] 3 WLR 957 (Supreme Court); [2016] QB 347 (Court of Appeal); [2014] ICR 169 (EAT)

Acted for the claimants in these successful challenges to the barring of their employment claims by the State Immunity Act, which resulted in the Act being declared incompatible with Articles 6 and 14 ECHR and disapplied pursuant to the EU Charter (led by Timothy Otty QC).

Reyes v Al-Malki

[2017] 3 WLR 923 (Supreme Court); [2016] 1 WLR 1785 (Court of Appeal); [2014] ICR 135 (EAT)

Represented the claimant in her successful challenge to the availability of diplomatic immunity as a defence to a claim of human trafficking brought by a domestic worker (led by Timothy Otty QC).

European Commission v United Kingdom & The Netherlands

Cases C-391/17 & 395/17

Appeared as sole advocate for the UK in infraction proceedings before the Grand Chamber of the Court of Justice concerning losses alleged to have been caused by the customs authorities of Anguilla, a British overseas territory.

R (Jimenez) v HMRC

[2019] EWCA Civ 51 (Court of Appeal); [2018] 1 WLR 2017 (High Court)

Acted for the taxpayer in this challenge to an extra-territorial information notice on the grounds that HMRC had no power to issue the notice, having regard to principles of public international law concerning the extra-territorial exercise of enforcement jurisdiction (led by Rory Mullan).

Case C-266/16 Western Sahara Campaign UK v DEFRA and HMRC

[2015] EWHC 2898 (Admin); [2018] ECLI:EU:C:2018:118

Acting for DEFRA and HMRC in this case concerning the lawfulness of the EU Fisheries Partnership Agreement and Association Agreement with Morocco, in light of the Moroccan presence in Western Sahara (led by Brian Kennelly QC). The matter was referred by the Administrative Court to the Court of Justice of the European Union.

Ministry of Defence v Mohammed

[2017] AC 821 (Supreme Court); [2016] 2 WLR 247 (Court of Appeal); [2014] EWHC 1369 (High Court)

Acted for three of the claimants in these claims concerning the relationship between international law and Article 5 of the European Convention on Human Rights in the context of detention by HM Forces engaged in peacekeeping operations in Iraq and Afghanistan. The issues included whether there is a power to detain in non-international armed conflicts under customary international humanitarian law and the interpretation of United Nations Security Council Resolutions (led by Shaheed Fatima QC).

SXH v CPS (UNHCR Intervening)

[2017] 1 WLR 1401 (Supreme Court)

Acted for the United Nations High Commissioner for Refugees in its intervention in this case concerning refugees' protection against prosecution under Article 31 of the 1951 Refugee Convention (led by Raza Husain QC).

Palladyne International Asset Management B.V. v Upper Brook (A) Limited and others

Trial in the Cayman Islands in which the claimant challenged the validity of shareholder resolutions on the grounds that they breached United Nations sanctions freezing shares owned by Libyan state entities (assisting Brian Kennelly QC).

IAA & Others v UK

(App. No. 25960/13) 31 Mar 2016

Acted for the claimants in this application to the European Court of Human Rights, which concerned the extra-territorial application of Article 8 ECHR in the context of family reunification (led by Raza Husain QC).

Public & Regulatory

Paul has a wide ranging public law practice. He acts for claimants and defendants, including individuals, companies, regulators, and central and local government. His public law experience includes cases where there is a considerable overlap with EU and competition law.

Paul is on the Attorney General's B Panel and was an editor for the journal Judicial Review from 2013 to 2016.

Cases

R (Hoareau & Bancoult) v SSFCA

[2019] EWCA Civ 1254

Acting for Ms Hoareau in litigation brought by former inhabitants of the Chagos Islands against the British Government arising out of their expulsion from the Islands.

Bermuda Bar Council v Walkers (Bermuda) Ltd

[2019] UKPC 25

Privy Council appeal concerning the regulation of foreign control of companies incorporated in Bermuda (led by Lord Pannick QC).

R (Langton) v (1) Secretary of State for Environment, Food and Rural Affairs; (2) Natural England

[2019] Env LR 9

Acted for Natural England in this case concerning the Habitats Regulations.

R (Langton) v Natural England & SSEFRA

[2019] EWHC 597 (Admin)

Acted for Natural England in this case concerning the protection of sites of special scientific interest (SSSIs).

R (RSPB & anr) v Natural England

[2019] EWHC 585 (Admin)

Acted for Natural England in this case concerning the Wild Birds Directive.

Martland v HMRC

[2018] UKUT 0178 (TCC)

Upper Tribunal case providing guidance on the scope of the statutory jurisdiction to admit out of time challenges to tax assessments.

R (Jimenez) v HMRC

[2019] EWCA Civ 51 (Court of Appeal); [2018] 1 WLR 2017 (High Court)

Acted for the taxpayer in this challenge to an extra-territorial information notice on the grounds that HMRC had no power to issue the notice, having regard to principles of public international law concerning the extra-territorial exercise of enforcement jurisdiction (led by Rory Mullan).

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Case C-266/16 Western Sahara Campaign UK v DEFRA and HMRC

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R (Project Management Institute) v Minister for the Cabinet Office

[2016] 1 WLR 1737 (Court of Appeal); [2014] EWHC 2438 (Admin)

Acted for the interested party in this claim concerning the decision of the Privy Council to recommend the grant of a Royal Charter to a professional body (led by Michael Fordham QC).

A Company v United Kingdom

Acted for a company in relation to a potential complaint to the European Court of Human Rights concerning legislation that interferes with the right to property under Article 1 of the First Protocol (led by Lord Pannick QC).

R (Crookenden) v Institute of Chartered Accountants for England and Wales

[2013] EWHC 1909 (Admin)

Acted for the Institute in its defence of this application for judicial review based on allegations of bias and breach of Article 6 ECHR in the course of disciplinary proceedings against the claimant (led by Kate Gallafent QC).

Mobile Phone Spectrum

Acted for Vodafone on issues arising from Ofcom's proposed auction and liberalisation of mobile phone spectra (led by Michael Fordham QC).

Goods Vehicle Licensing

Represented a haulage company in an inquiry before the Traffic Commissioner under the Goods Vehicles (Licensing of Operators) Act 1995.

The Olympic Stadium Litigation

Acted for Newham Council in the applications for judicial review brought by Tottenham Hotspur and Leyton Orient in relation to the decision to make West Ham and Newham Council the preferred bidders for the occupation of the Olympic Stadium after the 2012 Games. The challenges concerned alleged state aid and the scope of the Council's statutory powers. (Led by John Howell QC and Thomas de la Mare QC.)

Civil Liberties & Human Rights

Paul has a wide ranging human rights practice, including claims where there is a considerable overlap with public international law. He also has particular experience in cases involving human trafficking.

Paul's clients include individuals, NGOs, and public interest groups. His recent work has included cases before the Supreme Court, Court of Appeal, Court of Justice of the European Union, and European Court of Human Rights.

“He is destined for really great things. He has an incredible intellect and gets straight to the heart of matters.”

— CHAMBERS AND PARTNERS, 2019

Cases

R (Hoareau & Bancoult) v SSFCA

[2019] EWCA Civ 1254

Acting for Ms Hoareau in litigation brought by former inhabitants of the Chagos Islands against the British Government arising out of their expulsion from the Islands.

Janah v Libya; Benkharbouche v Sudan

[2017] 3 WLR 957 (Supreme Court); [2016] QB 347 (Court of Appeal); [2014] ICR 169 (EAT)

Acted for the claimants in these successful challenges to the barring of their employment claims by the State Immunity Act, which resulted in the Act being declared incompatible with Articles 6 and 14 ECHR and disapplied pursuant to the EU Charter (led by Timothy Otty QC).

Reyes v Al-Malki

[2017] 3 WLR 923 (Supreme Court); [2016] 1 WLR 1785 (Court of Appeal); [2014] ICR 135 (EAT)

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SXH v CPS (UNHCR Intervening)

[2017] 1 WLR 1401 (Supreme Court)

Acted for the United Nations High Commissioner for Refugees in its intervention in this case concerning refugees' protection against prosecution under Article 31 of the 1951 Refugee Convention (led by Raza Husain QC).

IAA & Others v UK

(App. No. 25960/13) 31 Mar 2016

Acted for the claimants in this application to the European Court of Human Rights, which concerned the extra-territorial application of Article 8 ECHR in the context of family reunification (led by Raza Husain QC).

Karugi v The Home Office

Acted for the claimant in this claim against the Home Office for damages under the Human Rights Act for breach of the positive obligation under Article 4 ECHR to protect against trafficking.

R (AB) v Secretary of State for Defence

[2013] EWHC 3908 (Admin)

Acted for the claimant in this claim concerning alleged breach of Articles 2 and 3 ECHR in the context of British military action in Afghanistan (led by Shaheed Fatima).

R (Yiadam) v Secretary of State for the Home Department

Represented the claimant in her application for judicial review of the Secretary of State's failure to take steps to establish whether her son is a British citizen and related issues under Article 8 ECHR and Article 20 TFEU.

Reda v Secretary of State for the Home Department

Acted for the claimant in this appeal to the Court of Appeal on the grounds that his removal from the United Kingdom would breach his rights and his foster mother's rights under Article 8 ECHR and Article 20 TFEU. The appeal was conceded by the Secretary of State before the hearing and the matter remitted to the Upper Tribunal.

R (Cesay) v Secretary of State for the Home Department

Acted for the claimant in this claim against the Secretary of State for unlawful detention and breach of Article 5 ECHR.

Financial Services

Paul has acted both for and against financial services regulators, including the UK Financial Conduct Authority, the Hong Kong Securities and Futures Commission, and the European Securities and Markets Authority.

In addition to contentious and advisory work in the regulatory context, Paul has considerable experience of commercial litigation in the financial services sector.

“He consistently stuns me with his intellectual acumen, common sense and strategic thinking.”

– LEGAL 500, 2018

Cases

Federal Deposit Insurance Corporation v Barclays Bank Plc and Others

Acting for UBS in its defence of this claim on behalf of 39 US banks for alleged breach of Article 101 TFEU, arising out of the alleged suppression of USD LIBOR (led by Brian Kennelly QC).

FCA v An Executive

(2016-2017)

Acted for a senior executive in Upper Tribunal proceedings challenging the FCA's decision to impose a prohibition order and public censure (led by Andrew Green QC).

Allianz Global Investors GmbH and Others v Barclays Bank Plc and Others

Acting for UBS in this damages claim against six banks arising out of alleged breach of competition law in relation to FX benchmark rates and bid/ask spreads (led by Brian Kennelly QC).

FCA v Bruno Iksil

Successfully defended Mr Iksil against allegations of misconduct related to his involvement in what became known in the press as the “London Whale” trades (led by Andrew Green QC).

FCA v Capital Alternatives Limited & Others

[2016] 1 All ER 321 (Court of Appeal); [2014] 3 All ER 780 (High Court)

Acted for three of the defendants in an action brought by the FCA that raised issues as to the meaning of a collective investment scheme under section 235 of the Financial Services and Markets Act 2000 (led by Andrew Green QC).

FSA Mortgage Terms Investigation

Acted for the Financial Services Authority (now the FCA) in an investigation concerning the fairness of a high street bank's mortgage terms under the Unfair Terms in Consumer Contract Regulations (led by Monica Carss-Frisk QC).

R (British Bankers Association) v FSA and others

[2011] Bus LR 1531

Acted for the interested party, Nemo Personal Insurance Ltd, in this case concerning the legality of a policy statement issued by the FSA regarding assessment and redress in respect of payment protection insurance sales (led by Michael Fordham QC).

EU & Competition

Paul has wide ranging EU and competition law experience. He has appeared as sole advocate for the UK in infraction proceedings before the Grand Chamber of the Court of Justice and has been instructed in some of the largest competition damages claims before the UK courts.

Paul's competition law experience includes litigation concerning alleged breach of Articles 101 and 102 TFEU and also "follow on" damages claims.

There is considerable overlap between EU law and Paul's public law work, which has included state aid issues, EU environmental regulation, EU consumer protection law, and competition law issues arising in a regulatory context in the utilities and telecoms sectors.

Cases

Federal Deposit Insurance Corporation v Barclays Bank Plc and Others

Acting for UBS in its defence of this claim on behalf of 39 US banks for alleged breach of Article 101 TFEU, arising out of the alleged suppression of USD LIBOR (led by Brian Kennelly QC).

European Commission v United Kingdom & The Netherlands

Cases C-391/17 & 395/17

Appeared as sole advocate for the UK in infraction proceedings before the Grand Chamber of the Court of Justice concerning losses alleged to have been caused by the customs authorities of Anguilla, a British overseas territory.

R (Langton) v (1) Secretary of State for Environment, Food and Rural Affairs; (2) Natural England

[2019] Env LR 9

Acted for Natural England in this case concerning the Habitats Regulations.

LCIA Arbitration

(2016-2017)

Acted for the respondent in relation to a claim concerning airport charges in an EU Member State and a counterclaim for alleged abuse of dominance contrary to Article 102 TFEU (led by Brian Kennelly QC).

Allianz Global Investors GmbH and Others v Barclays Bank Plc and Others

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Case C-266/16 Western Sahara Campaign UK v DEFRA and HMRC

[2015] EWHC 2898 (Admin); [2018] ECLI:EU:C:2018:118

Acting for DEFRA and HMRC in this case concerning the lawfulness of the EU Fisheries Partnership Agreement and Association Agreement with Morocco, in light of the Moroccan presence in Western Sahara (led by Brian Kennelly QC). The matter was referred by the Administrative Court to the Court of Justice of the European Union.

Janah v Libya; Benkharbouche v Sudan

[2017] 3 WLR 957 (Supreme Court); [2016] QB 347 (Court of Appeal); [2014] ICR 169 (EAT)

Acted for the claimants in these successful challenges to the barring of their employment claims by the State Immunity Act, which resulted in the Act being declared incompatible with Articles 6 and 14 ECHR and disapplied pursuant to the EU Charter (led by Timothy Otty QC).

Case C-519/13 Alpha Bank Cyprus

[2015] I.L.Pr. 47

Acted for the claimant in this reference to the CJEU by the Supreme Court of Cyprus concerning the interpretation of Regulation (EC) No 1393/2007 on the procedures for the cross-border service of judicial documents in civil or commercial matters (led by Brian Kennelly QC).

LCD Panels

Acted for three of the defendants in a follow on damages claim arising out of the European Commission's 2010 Decision concerning a cartel in the worldwide market for LCD panels (led by Thomas De La Mare QC).

London Welsh promotion appeal

Acted for the interested party in proceedings in which it was claimed that the rules of the Rugby Football Union governing promotion to the Premiership infringed Articles 101 and 102 TFEU (led by Adam Lewis QC).

Joined Cases C-495/09 Nokia v Her Majesty's Revenue & Customs and C-446/09 Koninklijke Philips Electronics NV v Lucheng Meijing Industrial Company Ltd

[2012] Bus LR 1850

Acted for HMRC in the Court of Justice of the European Union in this leading case on the meaning of "counterfeit goods" under the Trade Marks Directive (led by Thomas de la Mare QC).

R (RSPB & anr) v Natural England

[2019] EWHC 585 (Admin)

Acted for Natural England in this case concerning the Wild Birds Directive.

Arbitration

Paul is regularly instructed in domestic and international arbitrations. His recent work has included cases in diverse sectors (including financial services, aviation, and energy) involving various types of claim (including breach of fiduciary duty, competition law, and unjust enrichment).

Cases

Arbitration under Arbitration Act 1996

(2017-2018)

Acted for a large energy and commodities company in relation to this claim for restitution of sums overcharged in respect of the transport of aviation fuel.

LCIA Arbitration

(2016-2017)

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[2016] EWHC 2418 (Ch)

Appeal to the High Court from an arbitral award concerning remedies associated with breach of fiduciary duty (led by Pushpinder Saini QC and Victoria Windle).

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(2015)

Acted for the claimant in relation to commission allegedly owed under an agency agreement.

Arbitration (under Football Association Rule K)

(2014)

Acted for the defendant in relation to a claim for commission allegedly owed under an agency agreement.

Sanctions

Paul's expertise in public international law, EU law, public law, and human rights makes him well placed to advise on international sanctions.

He has worked on proceedings involving alleged breach of UN sanctions and, in the domestic context, is familiar with the new OFSI financial penalties regime.

Cases

Palladyne International Asset Management B.V. v Upper Brook (A) Limited and others

Trial in the Cayman Islands in which the claimant challenged the validity of shareholder resolutions on the grounds that they breached United Nations sanctions freezing shares owned by Libyan state entities (assisting Brian Kennelly QC).

ACHIEVEMENTS

Education

BA in History and Politics (Oxon): Double First & top of year; MPhil in Political Thought and Intellectual History (Cantab); Graduate Diploma in Law (City): Distinction; Bar Vocational Course (BPP): Outstanding.

Paul's MPhil dissertation, for which he received a Distinction, examined whether there are universal concepts of human rights or crimes against humanity that legitimise humanitarian intervention.

Prizes & Scholarships

After finishing top of his year at Oxford University, Paul was awarded the Gibbs Proxime Accessit Prize in Politics, a Book Prize for History, and a Wadham College Prize.

Appointments

- Attorney General's B Panel
- Attorney General's Public International Law C Panel

Memberships

- Commercial Bar Association
- Administrative Law Bar Association
- Bar European Group
- Human Rights Lawyers Association
- Financial Services Lawyers Association