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Rachel Jones

Year of call: **2013**
Degree: **BA Law with French Law (Oxon, 3rd in year), LLM (LSE, 1st in year), LLM (Harvard, Kennedy Scholar)**
Languages: **French (working knowledge)**

Rachel practises across the main areas of Chambers' work, with particular specialism in public, regulatory and human rights law (including immigration and asylum). She has appeared before the Supreme Court, the Court of Appeal and the High Court. Rachel has been described by solicitors as "a star", "on a different level" and "extremely bright and hard working".Rachel is on the Committee for the Constitutional and Administrative Law Bar Association (ALBA). She also sits as a Legally Qualified Chair for the MPTS.Before coming to Blackstone, Rachel worked as a lawyer at a leading law reform NGO, and as a Judicial Assistant to Lord Reed and Lord Carnwath in the UK Supreme Court.

EXPERIENCE

Public & Regulatory

Rachel accepts instructions in all areas of public law. She has particular expertise in judicial review and human rights law and was instructed as an adviser to the Independent Human Rights Act Review in 2021. Rachel also has extensive experience of regulatory matters, having been seconded to Ofgem in 2020.

Rachel worked on numerous public and constitutional law appeals as a Judicial Assistant in the Supreme Court, including Pham v SSHD [2015] 1 WLR 1591 (concerning the deprivation of citizenship and proportionality review under EU and common law).

Cases

Advice to political party
(2025)
Advising a political party on aspects of its Standing Orders.

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R (EK and others) v SSHD

[2024] EWCA Civ 1601

Acting for the Claimants in an appeal brought by the Home Secretary. The case concerned the unintentional separation of vulnerable asylum-seeking children from their parents during an attempted crossing of the Channel.

Anonymised Claimant v Secretary of State for the Home Department

(2024)

Representing the Claimant in his urgent challenge to his unlawful detention and to the Defendant's 'public order disqualification' decision, stripping him of the support given to victims of modern slavery. The claim settled before an urgent hearing.

R (SM, SY and YXY) v Secretary of State for the Home Department

(2024)

Representing two individuals, 'SM' and 'SY', in the lead challenge to the Safety of Rwanda Policy, which sought to establish the correct interpretation of the Safety of Rwanda Act 2024 (and alternatively, sought a declaration that parts of the Rwanda Act was incompatible with human rights). These urgent claims were settled in the claimants' favour following the General Election of 4 July 2024. The Home Secretary agreed that the individual claimants would not be removed to Rwanda, their asylum claims would be considered in the UK, and to pay their costs. See here. Instructed by PLP (for SM) and Asylum Aid (for SY). Led by Charlotte Kilroy KC. News coverage of this case is available here and here. The unofficial transcript of the ruling in the interim relief application for SM is available here.

R (Asylum Aid) v Secretary of State for the Home Department

(Ongoing)

Representing the Claimant charity in its challenge to the Safety of Rwanda Policy, arguing that the Policy promulgates a fundamental misinterpretation of the Safety of Rwanda Act 2024. The Home Office accepted, at pre-action stage, that parts of the Policy needed to be withdrawn: see here. The claim was stayed pending resolution of urgent individual challenges which adopted the charity's challenge to the Policy: see here. Following the General Election of 4 July 2024, the Charity's claim was further stayed pending the new Government's review of the Policy: see here. Led by Charlotte Kilroy KC. News coverage of the case is available here, here and here.

R (HS, SS, GS, QS,SAS and MS) v Secretary of State for the Home Department

(2024)

Acting in an urgent challenge (in one of the three claims) to the Home Secretary's refusal to make decisions on a family reunion application, in respect of family members trapped in Gaza who were unable to provide biometric data alongside their application, due to the conflict there. The Upper Tribunal found the refusal to be unlawful. Led by Charlotte Kilroy KC. BBC news coverage here

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Regulatory judicial review

(2023)

Instructed to defend a regulator in proposed judicial review proceedings of a decision taken under a regulated entity's licence.

Advice to Regulator

(2023)

Advising a regulator about a proposed decision and potential public law challenges.

Financial Resilience appeals

(2023)

Acting for the Gas and Electricity Markets Authority (with Ben Jaffey KC and Natasha Simonsen), responding to an appeal before the Competition and Markets Authority against the introduction of a common minimum capital target for energy suppliers. More details here - https://www.gov.uk/cma-cases/financial-resilience-appeal-2023#response-to-the-notice-of-appeal

Advice to University

(2023)

Advising a University on possible mitigations to help students affected by the Marketing & Assessment Boycott, including advising on interpretation of the University's internal governing rules (with Thomas de la Mare KC).

R (Jeremy Cox and others) v (1) The Oil and Gas Authority, (2) Secretary of State for Business, Energy And Industrial Strategy

[2022] EWHC 75 (Admin)

Representing the OGA in a judicial review claim challenging its new Strategy, concerning UK offshore oil and gas production and the Government's 'net zero' target. The OGA successfully resisted the claim that it had misinterpreted the statutory objective and acted irrationally.

R(Christie Elan-Cane) v Secretary of State for the Home Department

[2021] UKSC 56 - On appeal from [2020] EWCA Civ 363

Appeared in the Supreme Court, instructed by Human Rights Watch as Intervener (in support of the Appellant) in a case challenging the legality of the UK Government's policy of refusing to issue non-gender-specific "X" passports to UK nationals. Led by Monica Carss-Frisk QC.

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GA v Secretary of State for the Home Department

[2021] EWCA Civ 1131; [2021] 1 WLR 5966 - On appeal from [2021] ACD 68

Acted for a family (victims of domestic abuse) in an urgent judicial review of a refusal by the Passport Office to grant three of the children their British passports. The case raised issues of sex discrimination, human rights and private international law. It is the first case in this jurisdiction to consider the applicable law provisions of the 1996 Hague Convention on Parental Responsibility and the 'manifestly contrary to public policy' exception in particular.

Rachel acted for the family unled in the two-day hearing before the Administrative Court, and as part of a team successfully defending the Passport Office's appeal in the Court of Appeal (led by Sam Grodzinski QC).

Independent Human Rights Act Review

(2021)

Instructed as an independent legal adviser to the Panel for the Independent Human Rights Act Review, chaired by Sir Peter Gross (a former Court of Appeal judge). The Panel delivered its report to the Lord Chancellor at the end of October 2021. Further information on the Panel can be found here.

Energy price control appeals

(2021)

Acting for the Gas and Electricity Markets Authority (with Daniel Cashman, Tom Coates and others), responding to multiple appeals against GEMA's "RIIO-2" energy price control decisions.

Tavistock and Portman Trust v Bell

[2021] EWCA Civ 1363 - On appeal from [2020] EWHC 3274 (Admin)

Representing an intervener and whistle-blower, Dr David Bell, in written submissions to the Court of Appeal. This appeal concerns the treatment of children with gender dysphoria with puberty blocking drugs. Led by Tristan Jones

O v SSWP

(2021)

Representing the Appellant in her appeal to the SSCS Tribunal against DWP's denial of bereavement payment on the basis that she was not validly married to her spouse at the time of his death. DWP reviewed and overturned their decision after receiving the Appellant's legal submissions.

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R (ota JCWI) v President of the UT(IAC) and ors

[2020] EWHC 3103 (Admin)

Represented the successful Claimant charity in its challenge to the lawfulness of Guidance by which the norm of oral appeal hearings was replaced with a default of paper determinations of statutory asylum and immigration appeals during the Covid-19 pandemic. The President has, in response to the judgment, withdrawn the unlawful guidance. Led by Naina Patel and Charlotte Kilroy QC.

Isbilen v Turkey

2020

Instructed in applications to the European Courts of Human Rights in respect of a Turkish political dissident and prisoner Ilhan Isbilen, formerly a Member of the Turkish Assembly. Led by Lord Garnier QC, who has written about the case in The Times, here.

R (on the application of Cityfibre Ltd) v Advertising Standards Authority

[2019] EWHC 950 (Admin)

Judicial review regarding the test to be applied by the ASA when deciding whether an advertisement is misleading. The advertisements in question concern fibre broadband. (Assisting Dinah Rose QC and Tristan Jones).

R (on the application of FF) v Director of Legal Aid Casework

(2019)

Acting for an individual refused civil legal aid in a judicial review of a decision that the individual's proposed claim would not produce a "benefit" for them within the meaning of LASPO 2012 (assisting Tom Hickman QC).

R (on the application of AM) v the Lord Chancellor & Ors

(2019)

Acting for an individual refused civil legal aid in a judicial review of a decision concerning the automatic application of the disposable income threshold, resulting in a settlement (assisting Tom Hickman QC).

Prisoner damages claim Advice

(2019)

Assisting Fraser Campbell

Regulation of Investigatory Powers Act 2000

Advice (2018) (assisting Tom Hickman QC)

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Citizenship fees Advice
(2018)

(assisting Tom Hickman QC)

Civil Liberties & Human Rights

Rachel accepts instructions in all areas of Chambers' civil liberties and human rights practice, including applications before the European Court of Human Rights.

Cases

Advice on novel international human rights law issue
(2024)

Advice on novel international human rights law issue.

R (EK and others) v SSHD
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Acting for the Claimants in an appeal brought by the Home Secretary. The case concerned the unintentional separation of vulnerable asylum-seeking children from their parents during an attempted crossing of the Channel.

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O v SSWP

(2021)

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R (ota JCWI) v President of the UT(IAC) and ors

[2020] EWHC 3103 (Admin)

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Mr DB Shrestha v Embassy of Nepal (Federal Democratic Republic of Nepal)

2201533/2019

Successfully represented the Claimant employee in a hearing to determine the issue of State immunity and the compatibility of State immunity with human rights. The judgment is available here.

Isbilen v Turkey

2020

Instructed in applications to the European Courts of Human Rights in respect of a Turkish political dissident and prisoner Ilhan Isbilen, formerly a Member of the Turkish Assembly. Led by Lord Garnier QC, who has written about the case in The Times, here.

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NN v Home Office
(2019)

False imprisonment claim against the Home Office for detention of a trafficking victim, resulting in a settlement (assisting Tom Hickman QC).

R (on the application of FF) v Director of Legal Aid Casework
(2019)

Acting for an individual refused civil legal aid in a judicial review of a decision that the individual's proposed claim would not produce a "benefit" for them within the meaning of LASPO 2012 (assisting Tom Hickman QC).

R (on the application of AM) v the Lord Chancellor & Ors
(2019)

Acting for an individual refused civil legal aid in a judicial review of a decision concerning the automatic application of the disposable income threshold, resulting in a settlement (assisting Tom Hickman QC).

Prisoner damages claim Advice
(2019)

Assisting Fraser Campbell

Regulation of Investigatory Powers Act 2000
Advice (2018) (assisting Tom Hickman QC)

Citizenship fees Advice
(2018)

(assisting Tom Hickman QC)

Professional Discipline

Rachel accepts instructions in all areas of Chambers' Professional Discipline practice. Rachel also sits as a Legally Qualified Chair for the MPTS, giving her an invaluable perspective into professional regulatory proceedings.

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Cases

Advice on merits of a case brought against a regulated individual

(2024)

Advice on merits of a case brought against a regulated individual.

FA safeguarding investigation

(2021)

Representing an individual accused of contravening The FA's Safeguarding Children Regulations. Written submissions.

FA safeguarding hearing

(2021)

Representing an individual accused of contravening The FA's Safeguarding Children Regulations at a one-day hearing before a Safeguarding Panel. Oral and written submissions.

Successfully represented the same individual in defending The FA's appeal against the Panel's decision to an Appeal Board.

X v A University

2020

Representing a student in their complaint as to the fairness of a University's disciplinary process, involving allegations of sexual misconduct. Led by Tom Richards.

Advice on Safeguarding Investigation

2020

Advising on a disciplinary investigation involving safeguarding issues.

Disciplinary Hearing

2019

Representing a football club at their County FA disciplinary hearing.

Investigations & Inquiries

Rachel has a developing practice in inquiries and investigations, informed by her expertise sitting as a Legally Qualified Chair on Medical Professional Tribunal hearings since 2023. This Tribunal adjudicates on allegations (often of a serious nature) against doctors.

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Cases

Covid-19 Inquiry

(2024-2025)

Instructed as junior counsel to the Department of Business and Trade in Module 5 and Module 9 of the UK Covid-19 Inquiry.

Independent Human Rights Act Review

(2021)

Instructed as an independent legal adviser to the Panel for the Independent Human Rights Act Review, chaired by Sir Peter Gross (a former Court of Appeal judge). The Panel delivered its report to the Lord Chancellor at the end of October 2021. Further information on the Panel can be found here.

Employment

Rachel accepts instructions on all aspects of employment law and has acted for both Claimants and Respondents. Rachel also sits as a Legally Qualified Chair for the MPTS, bringing an invaluable perspective on disciplinary proceedings.

Cases

X v A Company

(2024)

Instructed by the respondent company to defend claims of unfair dismissal and wrongful dismissal in relation to its investigation of allegations of sexual misconduct by the former employee. The claim settled before trial.

Y v A

2021

Advising an employee teacher as to the interaction between payment in lieu of notice and the effective date of termination.

X v A Company

2020

Advising, pro bono, an employee whose employer refused to furlough them under the Coronavirus Job Retention Scheme.

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Z v A

2020

Acting for one of several respondents to a claim involving alleged whistle-blowing and discrimination.

Mr DB Shrestha v Embassy of Nepal (Federal Democratic Republic of Nepal)

2201533/2019

Successfully represented the Claimant employee in a hearing to determine the issue of State immunity and the compatibility of State immunity with human rights. The judgment is available here.

Y v A Company

2019-2020

Representing the Claimant employee, achieving settlement of a complex claim of long-running sex harassment and sex discrimination.

Lucas v Fuller

[2019]

Acting for the claimant employee. Succeeded in a preliminary hearing on the issue of disability. The judgment can be found here.

Widocks v Birtenshaw

[2019]

Acting for the respondent employer. Succeeded in having the claim dismissed after a preliminary hearing on the issue of disability. The judgment can be found here.

Uber BV & ors v Aslam & others

[2018] EWCA Civ 2748

Test litigation regarding the employment status of drivers who use the Uber app. Permission to appeal to the Supreme Court was granted by the Court of Appeal in December 2018. (Assisting Dinah Rose QC and Fraser Campbell).

Gruber and others v AIG Inc and others

Commercial Court (2019)

$100m claim against various companies in the AIG group by multiple former banker employees. A trial on causation and loss in relation to the claim against AIGFP is listed for 2020. (Assisting Andrew Hunter QC and Peter Head).

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Ishola v Transport for London

UKEAT/0184/18/RN

EAT case raising issues of disability discrimination and victimisation (assisting Tristan Jones).

Quarm v Commissioner of Police of the Metropolis

UKEAT/0200/18/LA

Two appeals before the Employment Appeal Tribunal concerning victimisation discrimination and the Police Conduct Regulations (assisting Tristan Jones).

Public International Law

Rachel accepts instructions in all areas of Chambers' public international law practice. Rachel has been instructed in numerous applications before the European Court of Human Rights.

Rachel also worked on appeals raising various international law issues as a Judicial Assistant in the UK Supreme Court, including: Pham v Secretary of State for the Home Department [2015] 1 WLR 1591 (as to the 1954 UN Convention on the Status of Stateless Persons), and Anson v Commissioners for Her Majesty's Revenue and Customs [2015] 4 All ER 288 (concerning the UK/US Double Taxation Convention 2001).

Cases

Advice on novel international human rights law issue

(2024)

Advice on novel international human rights law issue.

Mr DB Shrestha v Embassy of Nepal (Federal Democratic Republic of Nepal)

2201533/2019

Successfully represented the Claimant employee in a hearing to determine the issue of State immunity and the compatibility of State immunity with human rights. The judgment is available here.

Pro bono research

On the international law of armed conflict for the Oxford Research Group's "Remote Warfare" project, 2018 (assisting Tristan Jones)

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Isbilen v Turkey

2020

Instructed in applications to the European Courts of Human Rights in respect of a Turkish political dissident and prisoner Ilhan Isbilen, formerly a Member of the Turkish Assembly. Led by Lord Garnier QC, who has written about the case in The Times, here.

Environment

Rachel accepts instructions in all areas of environment law.

Cases

Representing regulator in proposed environmental judicial review

(2024)

Representing regulator in proposed environmental judicial review.

R (Jeremy Cox and others) v (1) The Oil and Gas Authority, (2) Secretary of State for Business, Energy And Industrial Strategy

[2022] EWHC 75 (Admin)

Representing the OGA in a judicial review claim challenging its new Strategy, concerning UK offshore oil and gas production and the Government's 'net zero' target. The OGA successfully resisted the claim that it had misinterpreted the statutory objective and acted irrationally.

ClientEarth Report on "Environmental Law & Governance Post-Brexit"

2021

Pro bono assistance to ClientEarth, drafting a high-level review of changes and challenges to UK environmental law post-Brexit (with DLA Piper UK LLP). The report is available here.

Sport

Rachel accepts instructions in all areas of Chambers' Sports practice.

Rachel has a particular interest in safeguarding and disciplinary proceedings, and also sits as a Legally Qualified Chair for the MPTS.

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Cases

FA safeguarding investigation

(2021)

Representing an individual accused of contravening The FA's Safeguarding Children Regulations. Written submissions.

FA safeguarding hearing

(2021)

Representing an individual accused of contravening The FA's Safeguarding Children Regulations at a one-day hearing before a Safeguarding Panel. Oral and written submissions.

Successfully represented the same individual in defending The FA's appeal against the Panel's decision to an Appeal Board.

Advice on Safeguarding Investigation

2020

Advising on a disciplinary investigation involving safeguarding issues.

Disciplinary Hearing

2019

Representing a football club at their County FA disciplinary hearing.

Commercial

Rachel accepts instructions in all areas of commercial litigation.

Rachel also worked on commercial law appeals as a Judicial Assistant in the UK Supreme Court, including: Arnold v Britton [2015] AC 1619 (as to the proper approach to contractual interpretation), ParkingEye Limited v Beavis [2016] AC 1172 (concerning penalty clauses), Anson v Commissioners for Her Majesty's Revenue and Customs [2015] 4 All ER 288 (as to the UK/US Double Taxation Convention 2001).

Cases

F Adam v AWP P&C SA

(2021)

Successfully representing the Defendant insurer in their application to set aside an Order for enforcement of an ombudsman's award, on grounds that the underlying insurance claim was fraudulent.

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Optis v Cellular Technology LLC v Apple Retail UK Ltd

[2019] EWHC 3538 (Pat)

Representing Apple at a hearing about applications to stay or set aside patent claims, inter alia on grounds of abuse of a dominant position contrary to Article 102 TFEU. Led by Michael Bloch QC.

Gruber and others v AIG Inc and others

Commercial Court (2019)

$100m claim against various companies in the AIG group by multiple former banker employees. A trial on causation and loss in relation to the claim against AIGFP is listed for 2020. (Assisting Andrew Hunter QC and Peter Head).

Uber BV & ors v Aslam & others

[2018] EWCA Civ 2748

Test litigation regarding the employment status of drivers who use the Uber app. Permission to appeal to the Supreme Court was granted by the Court of Appeal in December 2018. (Assisting Dinah Rose QC and Fraser Campbell).

Dispute relating to pre-emption rights

LCIA, 2019

A dispute arising out of rights of first refusal under a share purchase agreement (assisting Peter Head).

Dispute relating to share subscription agreements

ICC, 2019

$1bn dispute relating to share subscription agreements (assisting Michael Bloch QC and Peter Head).

I v A

Commercial Court, 2019

£657 million claim under a personal guarantee (assisting Harish Salve SA, Robert Howe QC and Peter Head).

Contractual dispute

LCIA, 2019

(assisting Andrew Green QC and Fraser Campbell)

Supply of goods dispute

LCIA, 2019

(assisting Fraser Campbell)

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Petition for winding-up and relief from unfair prejudice

Chancery Division, 2019

Acting for a respondent (assisting Fraser Campbell).

EU & Competition

Rachel accepts instructions in all areas of EU and competition law.

Before coming to Blackstone, Rachel taught EU law at Balliol College, Oxford. Rachel was seconded to Ofgem for 3 months in 2020, advising on a range of matters relating to the new price control and to judicial review.

Cases

Financial Resilience appeals

(2023)

Acting for the Gas and Electricity Markets Authority (with Ben Jaffey KC and Natasha Simonsen), responding to an appeal before the Competition and Markets Authority against the introduction of a common minimum capital target for energy suppliers. More details here - https://www.gov.uk/cma-cases/financial-resilience-appeal-2023#response-to-the-notice-of-appeal

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(2021)

Acting for the Gas and Electricity Markets Authority (with Daniel Cashman, Tom Coates and others), responding to multiple appeals against GEMA's "RIIO-2" energy price control decisions.

Optis v Cellular Technology LLC v Apple Retail UK Ltd

[2019] EWHC 3538 (Pat)

Representing Apple at a hearing about applications to stay or set aside patent claims, inter alia on grounds of abuse of a dominant position contrary to Article 102 TFEU. Led by Michael Bloch QC.

Wolseley UK Ltd v Fiat Chrysler Automobiles NV

[2019] CAT 12

Competition Appeal Tribunal decision regarding whether an additional party in a cartel damages claim is entitled to sue the claimants for a negative declaration (assisting Tristan Jones).

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Veolia Environnement SA and others v Fiat Chrysler Automobiles NV and others
A damages claim arising out of the EU-wide cartel in trucks (assisting Tristan Jones).

ACHIEVEMENTS

Education

- BA Law with Law Studies in Europe (Oxon, First Class Honours, 3rd in year)
- LLM (LSE, Distinction, 1st in year)
- LLM (Harvard, Kennedy Scholar)

Prizes and scholarships

- Phoenicia Scholarship (Bar European Group, 2018)
- Dean's Scholar Prize (Harvard Law School, 2016)
- Kennedy Scholarship (Kennedy Memorial Trust, 2015-16)
- Lord Denning Scholarship, Hardwicke Entrance Award (Lincoln's Inn, 2012)
- Lawyers' Alumni Prize for highest mark in the year (LSE, 2012)
- 11KBW Prize for highest mark in human rights law (LSE, 2012)
- Falcon Chambers Prize for Land Law (University of Oxford, 2011)
- Balliol College scholar (2009-2011)

Publications

- "The Supreme Court's decision in Unwired Planet –what comes next?" (2020) Comp. Law J. 19(4)
- "Innovations in personally-delivered advice: surveying the landscape" (2018) JUSTICE, available here
- "Applications to Set Aside Permission to Appeal and the Duty of Candour: R (Mohammad Shahzad Khan) v Secretary of State for the Home Department [2016] EWCA Civ 416" (2017) 22 Judicial Review 157-164
- "Planning, confiscation orders and 'criminal lifestyle': a square peg for a round hole?" (2014) 9 Journal of Planning and Environmental Law 972-978

Appointments

- Legally Qualified Chair for the Medical Practitioners Tribunal Service (2023-2027)

Volunteering and Pro Bono

- Rachel regularly acts pro bono, including taking cases through the ADVOCATE scheme (formerly known as the Bar Pro Bono Unit).

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Moots

- UK Environmental Law Association Moot (2014) - winner (judged by Lord Carnwath of Notting Hill)
- European Law Moot Court (2012) - reached the regional semi-finals (in English and French)

VAT registration number: 328381394

Barristers regulated by the Bar Standards Board