Shane Sibbel

“Shane is an excellent barrister with a huge brain. He is responsive and client friendly.”
— CHAMBERS & PARTNERS, 2024

Year of call: 2010
Degree: BA (Oxon) (Jurisprudence, First Class); BCL (Distinction)

Shane is a highly rated senior junior with a practice focused on commercial disputes. He is regularly instructed against leading counsel, and has extensive advocacy experience of both trials and appeals. He balances sole instructions with working as part of a team on larger cases.

Shane is recognised as a leading junior in the current legal directories for commercial litigation, civil fraud, media and entertainment and sport. Recent comments include:

- "Shane is technically excellent, really details-focused, and delivers advice in a client friendly and commercial manner. A real star." - Legal 500, 2024
- "Shane is an excellent barrister with a huge brain. He is responsive and client friendly." - Chambers & Partners, 2024

Previous comments include:

- "A superb junior, who is all over the detail and has good strategic instincts" - Chambers UK, 2023
- "Certainly one of the smartest juniors at the London bar. His drafting is superb and clients like working with him." - Legal 500, 2023

Significant recent work highlights include:

- Vale SA v Steinmetz: US$2bn fraud claim concerning a joint venture for the mining of iron ore in the Republic of Guinea. Shane acted for the Second Defendant. The claims were all dismissed with indemnity costs.
- Jinxin Inc v Aser Media Pte Ltd: US$700m claim brought by a Chinese consortium in connection with the purchase of a majority shareholding in an international sports rights business, which became insolvent. Shane appeared successfully unled at an important recent hearing concerning the application of privilege to company email accounts.
- Suppipat & Ors v Narogdej & Ors: US$1-2bn claim for fraud, breach of contract and unlawful means conspiracy involving 16 defendants and proceedings (substantive and injunctive) across multiple jurisdictions.
Galapagos Bidco SARL v Kebekus: acted for first and seventh defendants in English declaratory proceedings concerning the disputed restructuring of 1.1bn euros of debt.


Advising the Home Office, the Foreign Office and the Treasury in relation to asset seize and the war in Ukraine.

R (ex parte Majera) v SSHD: acted successfully for the intervener in an important recent Supreme Court case on the constitutional principle that a court order must be obeyed until and unless it is set aside or varied by the Court, or overruled by legislation.

Advising a well known pop star in relation to the termination of agreements with their manager, publisher and associated agents.

Appearing unled for a well known F1 driver in a recent arbitration concerning a dispute over their contract.

EXPERIENCE

Commercial

Shane has an extensive commercial practice, covering a broad range of contractual disputes, civil fraud and international arbitration. His cases often involve jurisdictional and cross-border issues. He balances instructions as sole counsel with larger-scale litigation involving teams of counsel.

“He is extremely knowledgeable and very easy to work with.”
— CHAMBERS AND PARTNERS, 2023

Cases

Vale S.A. (& Ors) v Steinmetz (&Ors)  
[2022] EWHC 343 (Comm)  
The claimant members of the Vale mining group brought a claim in fraud for c.US$2 billion, relating to a joint venture for the mining of iron ore in the Republic of Guinea. Shane (led by Robert Weekes KC) acted for the second defendant. A 9-week trial in the Commercial Court commenced in late January 2022. In the fourth week of trial the claimants withdrew all of the claims and agreed to pay the defendants’ costs on the indemnity basis. The second defendant then successfully pursued claims against the claimants under a cross-undertaking in damages provided as part of a WFO.

Jinxin Inc. v Aser Media Pte Limited & Ors  
[2022] EWHC 2431 (Comm); [2022] EWHC 2856 (Comm):  
Claim worth over US$700million brought by a Chinese consortium in connection with the purchase of a majority shareholding in an international sports rights business, which subsequently became insolvent. The Claimant alleges that its entry into the SPA was induced by fraud. Shane acts (with Andrew Hunter KC and Barnaby Lowe) for the First and Tenth Defendants, who deny all alleged wrongdoing. 21 week trial to take place in 2025. Shane recently appeared successfully and unled at a recent hearing on the application of privilege to company email accounts: [2022] EWHC 2856 (Comm).
Galápagos Bidco SARL v Kebekus (& Ors)
FL-2019-0015; [2021] EWHC 68 (Ch)
Shane was instructed on behalf of the First and Seventh Defendants in English declaratory proceedings concerning the disputed restructuring of 1.1 billion euros of debt by (inter alia) the Claimant and its ultimate owners and controllers. The wider dispute encompasses related fraud and insolvency proceedings in New York, Luxembourg and Germany. Jurisdiction challenge in December 2020.

Suppipat & Ors v Narogdej & Ors
CL-2018-000716; [2020] EWHC 3191 (Comm)
Acted for the Claimants in a US$1-2 billion claim for fraud, breach of contract and unlawful means conspiracy involving sixteen defendants and proceedings (substantive and injunctive) across a number of jurisdictions. The First Claimant is a Thai entrepreneur and political refugee, who fled Thailand upon being charged with lèse-majesté (“offending the dignity of the King”). The claim alleges a fraudulent conspiracy to deprive the claims of a majority interest in the leading renewable energy corporation in Thailand.

An important decision of Butcher J in the proceedings clarified (i) the correct approach to costs where a claimant pleads a claim governed by foreign law in reliance upon the default rule in Dicey 25(2), accepting the Claimants’ analysis of the recent Court of Appeal decision in FS Cairo v Brownlie [2020] EWCA Civ 996; and (ii) the scope of the Court’s discretion to grant relief under s.423 of the Insolvency Act 1986 in a case involving foreign elements (dismissing a strike out application brought by D10).

Shane acted as junior Counsel along with Victoria Windle and Andrew Trotter, led by Anthony Peto KC.

Dili Advisors Corp (& Ors) v Production Investment Management Ltd (&Ors)
[2020] EWHC 2669 (Comm)
Acted for all six defendants in a substantial claim concerning various alleged agreements between Ukranian oligarchs relating to (amongst other things) a large scale logistics development project in, and around, the port of Odessa, Ukraine. D4 to D6 successfully challenged jurisdiction, and the remainder of the claims were either struck out or withdrawn (led by Brian Kennelly KC).

NOx Emissions Litigation
Shane has been instructed as junior counsel (led by Tom de la Mare KC and Ben Jaffey KC) to advise in relation to two sets of potential private law claims relating to the alleged use of multiple types of “defeat devices” in the emissions control systems employed by a number of well known car manufacturers, and (in one case) an alleged technology-suppression cartel.

A v B & Ors
Instructed for the potential Defendants in connection with a threatened claim for US$7.17 million alleging breach of contract, partnership, fiduciary and director duties, in connection with the development of an operating system for electrical drivetrains and other electric vehicles (led by Andrew Hunter KC).
LCIA Arbitration for the recovery of a restructured debt
Acting for the Claimant (led by Andreas Gledhill KC) in an arbitration claim for the recovery of c.£20 million in connection with a restructured debt secured by various property developments and gas peaking projects. The Claimant brought a successful application for bifurcation and the Phase 1 trial takes place in early 2023.

Ocado Group plc & Ors v Project Today Holdings Ltd & Ors
BL-2019-00125
Dispute between Ocado and one of its co-founders who has established a rival company, allegedly in breach of confidence, and who now counterclaim for (amongst other things) unlawful means conspiracy against Ocado plc, causing the loss of a contract with Waitrose worth hundreds of millions. In addition to their counterclaim, the Defendants issued an application to discharge search orders said to have been obtained by abuse of process, material non-disclosure and unfair presentation of evidence. Junior counsel for the Defendants (as part of a team with Anthony Peto KC and Daniel Burgess).

In re Foreign Exchange Benchmark Rates Antitrust Litigation
CR-2019-0001717
Advised a former NatWest trader in relation to a contested application for examination under s2 of the Evidence (Proceedings in Other Jurisdictions) Act 1975 in aid of a New York class action concerning the manipulation of the $5tn-per-day international forex market brought against 16 international banks (15 of which settled for >$2.3 bn).

Atlantica Holdings Inc v Sovereign Wealth Fund Samruk-Kazyna JSC
[2019] EWHC 319 (QB)
Acted successfully for the U.S. Plaintiffs in proceedings concerning the fraudulent mis-selling of debt securities worth US$76 million in BTA Bank JSC in the course of restructuring the bank following the well-publicised Ablyazov fraud. Acted for the Plaintiffs in successfully obtaining contested orders for the deposition in England of material witnesses, under s.2 of the Evidence (Proceedings in Other Jurisdictions) Act 1975 (led by Andrew Hunter KC).

PCP Capital Partners LLP & Ors v Barclays Bank Plc
[2017] EWHC 175 (QB)
High profile proceedings arising out of two capital raisings by Barclays Bank in 2008.
Acted successfully as junior counsel for John Varley, ex-CEO of Barclays Bank (led by Javan Herberg KC) on applications to stay the deceit claims brought by PCP against Barclays in connection with the Bank’s capital raising exercises during the height of the credit crunch. The Court held that the claim should not be listed to be heard until October 2019, to enable criminal charges brought by the SFO in respect of the Qatar subscriptions (with which it held there was a substantial overlap) to be heard first. The case is a significant example of a civil court being prepared to stay a substantial trial to permit criminal proceedings to take precedence, on the grounds of possible jury contamination.
Munich Re Capital Limited v Ascot Corporate Name Limited
[2019] EWHC 2768 (Comm)
Claim concerning the temporal scope and content of a facultative reinsurance policy between the claimant and defendant, in the aftermath of an offshore construction disaster causing losses of c.$550 million. The case raised complex questions relating to the objective meaning of a reinsurance policy as applied to unexpected factual circumstances. Led by Gavin Kealey KC at the main hearing, and appeared unled at the consequential hearing, where Shane successfully obtained permission to appeal from the first instance judge.

ICC Arbitration
Substantial contractual claim against a sports commercial rights holder in relation to the correct distribution of revenues, under a series of inter-related agreements, between participants in a top-flight international sporting competition (led by Andrew Hunter KC). The claim settled shortly before trial in October 2020.

[Confidential] 2 LCIA International Arbitrations over loan facilities
Claims under alleged guarantees for loan facilities. The principal sum claimed was approximately $70m. Junior counsel for the First Respondent, a major mining company and one of the largest producers of copper in the world, which alleged it was the victim of a complex fraud involving forgery.

The matter involved 18 separate procedural disputes, and a trial split into four stages over a period of 6 months in 2015 and 2016, with further hearings in 2017.

Farrar v Miller
[2017] EWCA Civ 172; [2018] 2 P&CR DG3
Appeared successfully as sole counsel for the Claimant in the Court of Appeal. The appeal concerned important preliminary issues in respect of the scope of the Pallant v Morgan constructive trust, proprietary estoppel and joint venture fiduciary duties. Permission to appeal to the Supreme Court was refused.

Superdry plc v Jack Wills Ltd
IL-2018-000152
Acted for Jack Wills in a dispute with Superdry plc concerning the alleged misuse of confidential information in sales data and clothing designs (led by Tom Croxford KC).
**GNIC v Holland & Barrett International**  
[2017] EWHC 746 (Ch); [2018] EWCA Civ 1586  
Junior counsel (led by Michael Bloch QC) for the successful Defendants in a claim concerning the operation of a sports nutrition business under a number of trade marks held pursuant to a perpetual licence. The case raised issues regarding the rights of an equitable assignee, alleged breaches of a trade mark licence, trade mark infringement and passing off. Successfully defeated the claim at first instance and succeeded on appeal in relation to a discrete point of construction in the licence concerning use post termination.

**BSM Bank JSC v Chernyakov & Ors**  
[2016] EWHC 3820 (Comm)  
£195 million claim for enforcement of Russian judgments by way of common law claim and under s.25 of the CJJA 1982. Further claim alleging that a loan made by D3 to D2 of €6 million was a sham, alternatively liable to an order pursuant to section 423 of the Insolvency Act 1986. Led by Brian Kennelly KC.  
Sole counsel in an application raising issues over the scope of freezing order exceptions and whether they apply to lawyer’s fees incurred other than in the defence of the proceedings. Successful at first instance and now under appeal.  
Sole counsel in an application concerning hardship payment orders and the scope of CPR 72.7.

**Guralp Holdings Limited & Ors v Cansun Guralp & Ors**  
CL-2016-171  
Proceedings relating to alleged corruption and bribery by the Defendant of a Korean public institute over 13 years, involving claims for breach of warranty and deceit under a share purchase agreement, and breaches of directors duties. Claim worth c. £20 million. Junior counsel for the Third Party. Parallel SFO investigation.

**Erdenet Mining Corp v ICBC Standard Bank & Ors**  
(Comm Court, Court of Appeal, 2017)  
Challenge under sections 67 and 68 of the Arbitration Act 1996, in litigation concerning loans made by Standard Bank to a third party Mongolian corporation and the alleged fraudulent misappropriation and dissipation of the loaned monies. Multiple applications concerning security for sums awarded under section 70(7) of the 1996 Act and worldwide disclosure. The case concerned (amongst other things) the correct merits threshold to be applied in s.70(7) applications in cases (1) involving fraud and (2) involving a challenge to arbitrators’ jurisdiction.  
Junior counsel for the Defendant (as part of a team including Robert Weekes KC).
Civil Fraud, Asset Recovery & Injunctive Relief

Shane is particularly experienced in large-scale and complex fraud litigation, including interlocutory actions and enforcement proceedings. He also has considerable experience of international arbitration practice and procedure in a fraud context.

“Has excellent knowledge of the landscape for fraud-based claims. He combines a thorough and detailed approach with clear guidance on strategy. He is very client friendly and commercial, and always responsive and on hand to assist.”
— LEGAL 500, 2023

Cases

**Vale S.A. (& Ors) v Steinmetz (&Ors)**

[2022] EWHC 343 (Comm)

The claimant members of the Vale mining group brought a claim in fraud for c.US$2 billion, relating to a joint venture for the mining of iron ore in the Republic of Guinea. Shane (led by Robert Weekes KC) acted for the second defendant. A 9-week trial in the Commercial Court commenced in late January 2022. In the fourth week of trial the claimants withdrew all of the claims and agreed to pay the defendants’ costs on the indemnity basis. The second defendant then successfully pursued claims against the claimants under a cross-undertaking in damages provided as part of a WFO.

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Ocado Group plc & Ors v Project Today Holdings Ltd & Ors
BL-2019-00125

Dispute between Ocado and one of its co-founders who has established a rival company, allegedly in breach of confidence, and who now counterclaim for (amongst other things) unlawful means conspiracy against Ocado plc, causing the loss of a contract with Waitrose worth hundreds of millions. In addition to their counterclaim, the Defendants issued an application to discharge search orders said to have been obtained by abuse of process, material non-disclosure and unfair presentation of evidence. Junior counsel for the Defendants (as part of a team with Anthony Peto KC and Daniel Burgess).

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**PCP Capital Partners LLP & Ors v Barclays Bank Plc**

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Proceedings relating to alleged corruption and bribery by the Defendant of a Korean public institute over 13 years, involving claims for breach of warranty and deceit under a share purchase agreement, and breaches of directors duties. Claim worth c. £20 million. Junior counsel for the Third Party. Parallel SFO investigation.

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**Farrar v Miller**

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Appeared successfully as sole counsel for the Claimant in the Court of Appeal. The appeal concerned important preliminary issues in respect of the scope of the Pallant v Morgan constructive trust, proprietary estoppel and joint venture fiduciary duties. Permission to appeal to the Supreme Court was refused.

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**Galazi & Ors v Christofourou & Ors**

BL-2018-001875

Claim concerning monies entrusted by the Claimants to the First Defendant for investment in central London property. The claims concerned, in particular, with the misappropriation of substantial sums in rental and other income, the unauthorised sale of one of the properties, and the unauthorised transfer of security in one of the properties.

Following the settlement of the claims, Shane appeared for the respondents in a High Court appeal brought by a litigation friend in connection with a costs order made against her.
[Confidential] 2 LCIA International Arbitrations over loan facilities


Claims under alleged guarantees for loan facilities. The principal sum claimed was approximately $70m. Junior counsel for the First Respondent, a major mining company and one of the largest producers of copper in the world, which alleged it was the victim of a complex fraud involving forgery.

The matter involved 18 separate procedural disputes, and a trial split into four stages over a period of 6 months in 2015 and 2016, with further hearings in 2017.

Alpha v Y.S. v N.S.
HQ 17X02005

Acted for the Claimant Japanese company which was seeking to enforce a judgment obtained in Tokyo against the Defendant for £4.5 million plus interest. Summary judgment obtained in respect of the principal sum claimed. The Third Party sought to impugn the Japanese judgment and the QBD summary judgment on the basis of allegations of sham and fraud advanced against both the Claimant and the Defendant. Successfully opposed an application by the Third Party to transfer the case to the Family Court. Thereafter the Third Party withdrew the allegations and paid indemnity costs (Led by Anthony Peto KC and Andrew Hunter KC).

BSM Bank JSC v Chernyakov & Ors
[2016] EWHC 3820 (Comm)

£195 million claim for enforcement of Russian judgments by way of common law claim and under s.25 of the CJJA 1982. Further claim alleging that a loan made by D3 to D2 of €6 million was a sham, alternatively liable to an order pursuant to section 423 of the Insolvency Act 1986. Led by Brian Kennelly KC.

Sole counsel in an application raising issues over the scope of freezing order exceptions and whether they apply to lawyer’s fees incurred other than in the defence of the proceedings. Successful at first instance and now under appeal.

Sole counsel in an application concerning hardship payment orders and the scope of CPR 72.7.

Erdenet Mining Corp v ICBC Standard Bank & Ors
(Comm Court, Court of Appeal, 2017)

Challenge under sections 67 and 68 of the Arbitration Act 1996, in litigation concerning loans made by Standard Bank to a third party Mongolian corporation and the alleged fraudulent misappropriation and dissipation of the loaned monies. Multiple applications concerning security for sums awarded under section 70(7) of the 1996 Act and worldwide disclosure. The case concerned (amongst other things) the correct merits threshold to be applied in s.70(7) applications in cases (1) involving fraud and (2) involving a challenge to arbitrators’ jurisdiction.

Junior counsel for the Defendant (as part of a team including Robert Weekes KC).
**Dinwoodie v Fisher**

BL 2018-2031

Sole counsel for the claimant in a complex joint venture dispute concerning the alleged appropriation by the defendant of shares in several companies and an ongoing dilution and restructuring strategy to exclude the claimant from the companies’ businesses. The case raises a variety of issues in relation to fiduciary duties and constructive trusts. The claimant succeeded at first instance and was awarded his costs on the indemnity basis. Enforcement proceedings and appeal proceedings continue.

**Kerr & Ors v Nuttall & Ors**


Acted successfully as sole counsel for the Claimants in a complex two week fraud trial involving a range of alleged fraudulent misrepresentations made to induce a sizeable investment into a purported sports management agency. Successfully opposed an appeal by the Defendants brought on the basis of delay in the hand down of judgment.

**Arbitration**

Shane has extensive experience of commercial and civil fraud arbitrations under the LCIA and ICC rules, as well as sports arbitrations under the FA Rule K procedure and various Formula One procedures.

**Cases**

**LCIA Arbitration for the recovery of a restructured debt**

Acting for the Claimant (led by Andreas Gledhill KC) in an arbitration claim for the recovery of c.$20 million in connection with a restructured debt secured by various property developments and gas peaking projects. The Claimant brought a successful application for bifurcation and the Phase 1 trial takes place in early 2023.

**LCIA Arbitration in an international sale of goods claim**

Instructed as sole counsel for the Defendant in an LCIA Arbitration concerning a contractual dispute arising out of a framework agreement for the international sale of goods.

**[Confidential] 2 LCIA International Arbitrations over loan facilities**


Claims under alleged guarantees for loan facilities. The principal sum claimed was approximately $70m. Junior counsel for the First Respondent, a major mining company and one of the largest producers of copper in the world, which alleged it was the victim of a complex fraud involving forgery.

The matter involved 18 separate procedural disputes, and a trial split into four stages over a period of 6 months in 2015 and 2016, with further hearings in 2017.
Erdenet Mining Corp v ICBC Standard Bank & Ors  
(Comm Court, Court of Appeal, 2017) 
Challenge under sections 67 and 68 of the Arbitration Act 1996, in litigation concerning loans made by Standard Bank to a third party Mongolian corporation and the alleged fraudulent misappropriation and dissipation of the loaned monies. Multiple applications concerning security for sums awarded under section 70(7) of the 1996 Act and worldwide disclosure. The case concerned (amongst other things) the correct merits threshold to be applied in s.70(7) applications in cases (1) involving fraud and (2) involving a challenge to arbitrators’ jurisdiction.

Junior counsel for the Defendant (as part of a team including Robert Weekes KC).

ICC Arbitration 
Substantial contractual claim against a sports commercial rights holder in relation to the correct distribution of revenues, under a series of inter-related agreements, between participants in a top-flight international sporting competition (led by Andrew Hunter KC). The claim settled shortly before trial in October 2020.

FUR v UEFA & Ors 
Shane was instructed to advise the FA in relation to an arbitration claim challenging the lawfulness of UEFA’s ban on Russian football teams participating in certain competitions following the Russian invasion of Ukraine (led by Adam Lewis KC).

Pakistan Cricket Board v Board of Control for Cricket in India 
Advised PCB in relation to their arbitration claim against the BCCI for breach of contract in relation to international cricket fixtures (junior counsel to Lord Pannick KC).

CRB arbitration 
Appeared successfully as sole counsel for a F1 driver in a well-publicised recent arbitration concerning the status of that driver’s contract for the 2022, 2023 and 2024 F1 seasons.

Brennan v FA 
Rule K Arbitration, 2019 
Challenge to an FA disciplinary decision following a dispute over an on-field sanction. Sole counsel for the FA.
Cellino v FA
Rule K Arbitration, 2017
Junior Counsel for the FA (led by Christopher Coltart KC)

Rule K arbitration concerning the sanctioning of a club owner for acting contrary to Rule E3 in relation to the transfer of a footballer.

The Tribunal upheld the finding of liability and imposed a suspension from footballing activity of 12 months (and fine of 100,000) upon Mr Cellino.

ICC Arbitration over football sponsorship
Sole counsel for the Defendant in an ICC arbitration in which a top football club claimed a contractual debt of $8.22 million from one of its former sponsorship partners.

Lynch v FA
(Rule K Arbitration, 2017 - 2018)
Sole counsel in a Rule K Arbitration for the FA, in a challenge by a Club owner to sanction following his admission to a number of charged breaches of Rules E1 and E3, following his breach of undertakings to the FA, his acting as a Director/Officer of the Club at times without written confirmation from the FA, and entering into an improper loan agreement purportedly on behalf of the Club.

Civil Liberties & Human Rights
Shane accepts pro bono instructions on human rights and international law matters, and has appeared in a number supreme Court cases in that area. He is regularly instructed as junior counsel by the UNHCR on Refugee Convention matters: the challenge to the Rwanda refugee policy, FA (Pakistan), WA (Pakistan), AS (Afghanistan). He also appeared successfully, pro bono, in a recent Supreme Court case on the principles concerning the validity of ultra vires court orders (R (ex p Majera) v SSHD [2021] UKSC 46; [2021] 3 WLR 1075).

Cases

R (ex parte Majera) v SSHD
[2021] UKSC 46; [2021] 3 WLR 1075

Important constitutional case on the principle that a court order must be obeyed until and unless it is set aside or varied by the Court, or overruled by legislation, regardless of whether the order is valid, invalid, regular, irregular, or made by a court of limited or unlimited jurisdiction. Shane appeared pro bono with Raza Husain KC and Laura Dubinsky KC for Ball for Immigration Detainees (intervening).
**MS (Pakistan) v SSHD**  
*UKSC 2018/0159*  
Supreme Court appeal concerning (i) the jurisdiction of immigration tribunals to make factual findings in relation to an individual’s human trafficking history, in the course of determining the lawfulness of removal and (ii) the scope and content of positive obligations owed under Article 4 ECHR in human trafficking cases, again in the context of assessing removal decisions. Junior counsel for ECPAT UK (intervening), led by Raza Husain KC.

**AS (Afghanistan) v SSHD (UNHCR intervening)**  
*2019* *EWCA Civ 873*  
Appeal concerning the correct approach to determining the "reasonableness" of an internal flight alternative / internal relocation alternative under the test prescribed in *AH (Sudan) v SSHD [2008] 1 AC 678* and *Januzi v SSHD [2006] 2 AC 426*, and in particular the extent to which the question is to be determined by comparison with the conditions of a "significant minority" in the country concerned. Acted for the UN High Commissioner for Refugees (intervening) (led by Michael Fordham KC).

**WA (Pakistan) v SSHD (UNHCR intervening)**  
*2019* *EWCA Civ 302*  
Appeal concerning the compatibility of the country guidance in *MN (Ahmadis: Country Conditions: Risk: Pakistan) [2012] UKUT 389 (IAC)* with the principle in *HJ (Iran) v SSHD [2010] UKSC 31*, and the responsibility of tribunals to apply that principle to their factual findings, irrespective of the positive case advanced by the applicant. Acted for the UN High Commissioner for Refugees (led by Michael Fordham KC, with Gayatri Sarathi), which intervened in support of the successful appellant.

**Covid-19 and its impact upon the prison service**
Shane was instructed by the Secretary of State for Justice, and HMPPS, as part of a core counsel team, led by Sir James Eadie KC, to advise in relation to a variety of legal issues and potential challenges arising out of the impact of the Covid-19 pandemic upon the prison service.

In that role he has worked on (amongst other things):
- a potential systems challenge by the Howard League for Penal Reform to the policies of HMPPS regarding the release of prisoners during the pandemic (the challenge was not issued);
- Advising HMPPS generally as to its response to the pandemic;
- *R (ex p Davis) v SSJ (CO/1389/2020)*: a claim seeking the immediate release of a prisoner for Covid-19 related health reasons during (the claim was withdrawn);
- *R (ex p Jalil) v SSJ (CO/515/2020)*: a claim which sought (inter alia) to challenge the approach of the SSJ to the prisoner’s transfer to open conditions during the pandemic; and
- Pre-action correspondence in response to a number of further individual challenges to decisions not to release prisoners and/or to the conditions of their detention.
Asset Seizure
Advising the Home Office, Foreign Office and Treasury in connection with asset seizure and the war in Ukraine (led by Sir James Eadie KC).

Legal Aid JRs
Shane is instructed as sole counsel for the Lord Chancellor in two ongoing judicial review claims challenging the lawfulness of guidance issued in relation to (i) the means test and (ii) exceptional case funding under section 4 of LAPSO 2012.

FA (Pakistan) v Secretary of State for the Home Department
UKSC 2016/0167
Appeal to the Supreme Court, in a sequel to the decisions in HJ (Iran) [2011] 1 AC 596 and RT (Zimbabwe) [2013] 1 AC 152. The appeal concerned a refusal of asylum on the expectation that an individual would suppress the expression of their religious faith, where the state criminalised the reasonable expression of that identity. Junior counsel for the UN High Commissioner for Refugees (led by Michael Fordham KC).

R (DS and others) v SSWP; R (DA and others) v SSWP
UKSC 2018/0061 & UKSC 2018/0074
Successfully opposed two expedited appeals to the Supreme Court raising challenges under Article 14 ECHR (taken with Article 8 and/or Article 1 Protocol 1) to the benefit cap legislation. The appeals also raised issues under common law and Article 3(1) of the UN Convention on the Rights of the Child.

Belhaj & ors v Straw & ors
[2017] UKSC 3
Civil claims against the security services, the former foreign secretary and others alleging their complicity in rendition and torture. In a landmark judgment, the Supreme Court concluded that the claims could proceed to trial, dismissing the Defendants' assertions that the claims were barred by state immunity and/or the doctrine of foreign act of state. Junior counsel with Ravi Mehta for the UN Special Rapporteur on Torture and the UN Chair-Rapporteur on Arbitrary Detention (in their first intervention in UK proceedings).

Positive obligations in relation to private criminal acts
Acted for one of the Defendants in a claim in tort and under the HRA concerning the scope of positive obligations on local authorities to prevent and investigate the criminal acts of private individuals (junior counsel to Monica Carss-Frisk KC).

Legal aid in crown dependencies
Advised in relation to a potential ECHR/Constitutional challenge to the system of legal aid in place in a crown dependency (junior counsel to Pushpinder Saini KC).
Scope of prohibition on torture
Advised Freedom from Torture pro bono with Timothy Otty KC and Tristan Jones on recent international jurisprudence regarding the meaning of torture, state responsibility for torture and whether the definition of torture is context sensitive.

Public & Regulatory
Shane accepts instructions across all areas of public law and is a member of the Attorney General’s B Panel of counsel. He is particularly experienced in public law matters with a commercial element. He recently appeared in the Supreme Court for the Government in two joined expedited appeals challenging social welfare legislation.

Cases

R (ex parte Majera) v SSHD
[2021] UKSC 46; [2021] 3 WLR 1075
Important constitutional case on the principle that a court order must be obeyed until and unless it is set aside or varied by the Court, or overruled by legislation, regardless of whether the order is valid, invalid, regular, irregular, or made by a court of limited or unlimited jurisdiction. Shane appeared pro bono with Raza Husain KC and Laura Dubinsky KC for Bail for Immigration Detainees (intervening).

Legal Aid JRs
Shane is instructed as sole counsel for the Lord Chancellor in two ongoing judicial review claims challenging the lawfulness of guidance issued in relation to (i) the means test and (ii) exceptional case funding under section 4 of LAPSO 2012.

Asset Seizure
Advising the Home Office, Foreign Office and Treasury in connection with asset seizure and the war in Ukraine (led by Sir James Eadie KC).

Windrush Scheme and Compensation Scheme
Advised the Home Office (led by Sir James Eadie KC) in connection with various legal issues relating to the application of the Windrush Scheme and Windrush Compensation Scheme, by reference to the historical rights of Commonwealth citizens under statute since 1962.
Covid-19 and its impact upon the prison service

Shane was instructed by the Secretary of State for Justice, and HMPPS, as part of a core counsel team, led by Sir James Eadie KC, to advise in relation to a variety of legal issues and potential challenges arising out of the impact of the Covid-19 pandemic upon the prison service.

In that role he has worked on (amongst other things):

- a potential systems challenge by the Howard League for Penal Reform to the policies of HMPPS regarding the release of prisoners during the pandemic (the challenge was not issued);

- Advising HMPPS generally as to its response to the pandemic;

- R (ex p Davis) v SSJ (CO/1389/2020): a claim seeking the immediate release of a prisoner for Covid-19 related health reasons during (the claim was withdrawn);

- R (ex p Jalil) v SSJ (CO/515/2020): a claim which sought (inter alia) to challenge the approach of the SSJ to the prisoner’s transfer to open conditions during the pandemic; and

- Pre-action correspondence in response to a number of further individual challenges to decisions not to release prisoners and/or to the conditions of their detention.

Law Society v Director of Legal Aid Casework

Advised the Lord Chancellor in relation to a challenge to the fairness of a consultation exercise concerning the transfer of certain legal aid costs assessments from the Courts to the Legal Aid Agency.

Personal Injury Discount Rate

Advised the Lord Chancellor on setting the new personal injury discount rate following the passage of the Civil Liability Act 2018, which amended the provisions of the Damages Act 1996 (led by Sir James Eadie KC).

Jurisdiction of the Judicial Conduct Investigations Office

Advised the JCIO on whether and if so to what extent it has jurisdiction to consider complaints against former judicial office holders under the Constitutional Reform Act 2005 and secondary legislation (led by Sir James Eadie KC).

R (DS and others) v SSWP; R (DA and others) v SSWP

Successfully opposed two expedited appeals to the Supreme Court raising challenges under Article 14 ECHR (taken with Article 8 and/or Article 1 Protocol 1) to the benefit cap legislation. The appeals also raised issues under common law and Article 3(1) of the UN Convention on the Rights of the Child.

Junior counsel for the Secretary of State (as part of a team including Simon Pritchard).
EUROCONTROL v TUIfly GmbH
QB-2019-575
Claim for declarations as to the lawfulness of the detention of aircraft under the Transport Act 2000 (and implementing regulations), at the request of EUROCONTROL, in the context of the international regime established under the EUROCONTROL Convention 1960.

Ofsted v R (ex parte Durand Academy Trust)
[2018] EWCA Civ 2813
Junior counsel for Ofsted in its successful appeal against a decision of the High Court ([2017] EWHC 2097) relating to the fairness of Ofsted’s complaints procedures and the statutory and common law requirements of procedural fairness in relation to reports placing schools into special measures (led by James Eadie KC).

Acted as sole counsel in advising Ofsted on the impact of the Durand decision in several other cases.

SME Finance Inquiry
Junior Counsel to Andrew Green KC, the Specialist Adviser to the Treasury Select Committee, in relation to his evidence to that committee concerning a proposal to create a system of tribunals to determine disputes between SMEs and banks.

R (on the application of Brown) v OFSTED
(Administrative Court, 2017)
Acted successfully for the Defendant in a judicial review of a report asserting safeguarding issues at an independent school.

Export Finance
Advised the Export Credits Guarantee Department as to the applicable public law principles, and potential private law recourse, arising out of admitted misconduct by a previously supported UK business (led by Sir James Eadie KC).

Public infrastructure and pensions reforms
Shane has advised as junior counsel, led by Sir James Eadie KC, on a number of potential reforms to public infrastructure and pensions schemes, which raise overlapping commercial and public law questions.

Legal aid in crown dependencies
Advised in relation to a potential ECHR/Constitutional challenge to the system of legal aid in place in a crown dependency (junior counsel to Pushpinder Saini KC).
Libyan Sanctions
Advised a number of confidential clients on certain matters relating to the UK and EU Libyan sanctions regimes (led by Timothy Otty KC).

Immigration JRs
Shane has also appeared for the Crown in a number of judicial review claims in the Upper Tribunal concerning immigration decisions, and has advised as sole counsel on the application of the Hardial Singh principles and Article 5 ECHR to an immigration detention decision.

Positive obligations in relation to private criminal acts
Acted for one of the Defendants in a claim in tort and under the HRA concerning the scope of positive obligations on local authorities to prevent and investigate the criminal acts of private individuals (junior counsel to Monica Carss-Frisk KC).

Contracting out NHS services
Advised a large firm as sole counsel on the statutory basis for the contracting out of the provision of counter-fraud services to the NHS.

Media & Entertainment
As part of his commercial practice Shane has been involved in a number of intellectual property cases and advices within the sphere of Media and Entertainment. He also has particular experience of litigation concerning mass online copyright infringement.

“Hugely thorough, very good at thinking on his feet. He is a subtle and effective advocate.”
— CHAMBERS AND PARTNERS, 2023

Cases

Music management and publishing agreements dispute
Instructed by a well known pop star in connection with a series of related disputes surrounding the validity and enforceability of their management and publishing agreements (led by Ian Mill KC).

Advice on image rights
Advised a well known band in relation to the use of a deceased member’s name, likeness and biographical material for merchandising and promotional purposes.
John (t/a Quantum Digital) v Lucasfilm Ltd LLC
[2018] EWHC 624
Sole counsel for the successful claimant in a high profile action against Lucasfilm for procuring breach of a contract between the Claimant, an independent film maker, and the organiser of a Star Wars fan convention. Following trial Lucasfilm were found liable in damages and were ordered to pay 75% of the Claimant's costs.

TIME SpA & Freecut v Nir Tibor (a.k.a. Dennis Lloyd)
BL-2018-001933
Acted for the Defendant in a claim brought for the enforcement of alleged option rights under recording and publishing agreements (said to be worth up to £2.4 million). The case raises issues as to construction, rectification, assignment, specific performance and the applicability of foreign law (led by Andrew Green KC).

Advice on "most favoured nation clauses"
Advised a major record label in the course of renegotiations with a top band, in particular in relation to the meaning, lawfulness and application of a "most favoured nation" clause, which purported to constrain the terms upon which the label could contract with other bands in the future (led by Pushpinder Saini KC).

Pixedene Ltd v Dramatico Ltd
IPEC (2017 - 2018)
Claim alleging a contractual entitlement, alternatively a charge or constructive trust, in respect of merchandising revenue from the worldwide exploitation of rights to the Wombles. Sole counsel for the Defendant.

Network Ireland & Ors v SIL
QBD (2018)
Acted for the Respondent in relation to an application for pre-action disclosure. The dispute arose out of a series of distribution and licensing agreements for the international distribution of short films submitted in competition for Academy Awards.

Brandscape Group Limited v Real Point Design Limited
TCC, 2017
Claim under a contract and for professional negligence in relation to the design and coding of a website relating to a well-known BBC production (sole counsel for the Claimant).

Live Nation (Music) Ltd v SH
Acted for the Defendants in a claim alleging breach of restrictive covenants and duties of confidence, in the context of a wider dispute between competitors in the music industry (junior counsel to Tom Croxford KC).
<table>
<thead>
<tr>
<th><strong>Streaming manipulation</strong></th>
<th>Advising a global record industry body in relation to the recent phenomenon of “streaming manipulation” and the civil causes of action that exist in relation to it.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Film rights</strong></td>
<td>Advising a film production company in relation to an agreement concerning the worldwide grant of alleged film and personality rights and purporting to bind third parties upon the death of the original grantor.</td>
</tr>
<tr>
<td><strong>Social media platforms</strong></td>
<td>Advised a global record industry body on the obligations and potential liability, under the E-Commerce Directive, of operators of several social media platforms in relation to infringing activity carried out on or through such websites.</td>
</tr>
<tr>
<td><strong>Legacy record deals</strong></td>
<td>Advised in relation to the scope of grants of right in relation to the making available of sound recordings (junior counsel to Pushpinder Saini KC).</td>
</tr>
<tr>
<td><strong>Music in hotel bedrooms</strong></td>
<td>Advised PRS on the application of the CDPA 1988 to the playing of music in hotel bedrooms (junior counsel to Pushpinder Saini KC).</td>
</tr>
<tr>
<td><strong>Copyright infringement in an international advertising campaign</strong></td>
<td>Advised and acted for the owner of the copyright in a well-known musical composition in relation to the repeated infringement of its rights during an international advertising campaign.</td>
</tr>
<tr>
<td><strong>Agency dispute in relation to music festivals</strong></td>
<td>Acted for the Defendant in a dispute between a provider of logistical support for festivals and the manager of a well-known disc jockey, recording artist and songwriter, concerning alleged breaches of contract and questions of agency.</td>
</tr>
<tr>
<td><strong>Blocking orders in respect of online piracy</strong></td>
<td>Acted for the members of the BPI in obtaining orders under section 97A CDPA 1988 requiring ISPs to block access to 21 BitTorrent Indexing or MP3 Aggregating websites. The orders were successfully obtained.</td>
</tr>
</tbody>
</table>
Pirate Party UK blocking action
Acted for the BPI as junior counsel in the preparation of an application for an injunction to prevent the Pirate Party UK from providing a proxy service on its website permitting internet users to circumvent the blocking orders over The Pirate Bay website granted in Dramatico Entertainment & others v British Sky Broadcasting & others [2012] EWHC 268 (Ch). The Pirate Party UK took down the proxy service in the face of imminent legal action.

Sport
Shane has acted in a range of cases involving sports regulators, clubs and agencies, in the English Courts and in international arbitrations. He recently appeared unled in an F1 CRB arbitration for a well known F1 driver in a high profile contract dispute. He was instructed as junior counsel for WADA in a novel claim by an athlete for private law damages arising out of doping proceedings. He by the FA in Rule K arbitrations. Shane also enjoys acting for players in rugby disciplinary hearings.

He co-authored the chapter on Sports Stadia in De Marco on "Football and the Law" (2nd Ed).

Cases

CRB arbitration
Appeared successfully as sole counsel for a F1 driver in a well-publicised recent arbitration concerning the status of that driver's contract for the 2022, 2023 and 2024 F1 seasons.

Jinxin Inc. v Aser Media Pte Limited & Ors
[2022] EWHC 2431 (Comm); [2022] EWHC 2856 (Comm);
Claim worth over US$700million brought by a Chinese consortium in connection with the purchase of a majority shareholding in an international sports rights business, which subsequently became insolvent. The Claimant alleges that its entry into the SPA was induced by fraud. Shane acts (with Andrew Hunter KC and Barnaby Lowe) for the First and Tenth Defendants, who deny all alleged wrongdoing. 21 week trial to take place in 2025. Shane recently appeared successfully and unled at a recent hearing on the application of privilege to company email accounts: [2022] EWHC 2856 (Comm).
Sakho & Others v World Anti-Doping Agency
HQ 17M02991
High profile claim brought by a well-known Premiership footballer against WADA alleging liability in negligence and defamation following the dismissal of UEFA doping proceedings against that individual. Mr Sakho (and his image rights company) is seeking career-long damages estimated at £16 million. The claim raised novel issues as regards the existence and scope of any private law duty of care owed by WADA to athletes, as well as complex issues surrounding loss of a chance and the quantification of future football earnings. Junior counsel for WADA (led by Ian Mill KC). The claim settled in 2020.

FUR v UEFA & Ors
Shane was instructed to advise the FA in relation to an arbitration claim challenging the lawfulness of UEFA’s ban on Russian football teams participating in certain competitions following the Russian invasion of Ukraine (led by Adam Lewis KC).

CJ Motorsport Consulting Ltd v Bird
[2019] EWHC 2330
Acted for the Defendant, a professional motor racing driver in the FIA Formula E Championship and the FIA World Endurance Championship, in a dispute with his managers/funders concerning restrictive covenants in a management contract and alternative claims in unjust enrichment. Successfully obtained summary judgment in favour of the Defendant on the entire Claim. Led by Ian Mill KC.

ICC Arbitration
Substantial contractual claim against a sports commercial rights holder in relation to the correct distribution of revenues, under a series of inter-related agreements, between participants in a top-flight international sporting competition (led by Andrew Hunter KC). The claim settled shortly before trial in October 2020.

Ipswich Town FC v Chief Constable of Suffolk Constabulary
[2017] EWCA Civ 1484
Landmark decision of the Court of Appeal concerning the right of the police to charge football clubs for policing on “closed roads” during match days. Sole counsel for the intervener, the English Football League, intervening in support of the successful appellant, Ipswich Town F.C.

Sivana Sports International Fze v Whitedunes & Ors
QB-2019-002146
Acted on behalf of a well known sports star in a dispute with a former agent and manager claiming purported commission of US$20 million (led by Andrew Hunter KC).
Pakistan Cricket Board v Board of Control for Cricket in India
Advised PCB in relation to their arbitration claim against the BCCI for breach of contract in relation to international cricket fixtures (junior counsel to Lord Pannick KC).

Policing Football Matches
Advised a Premiership football club in relation to whether policing services provided in an area surrounding the stadium on match days are chargeable under s25 of the Police Act 1996, following the judgment of the Court of Appeal in Ipswich FC v Chief Constable of Suffolk (led by Adam Lewis KC).

ICC Arbitration over football sponsorship
Sole counsel for the Defendant in an ICC arbitration in which a top football club claimed a contractual debt of $8.22 million from one of its former sponsorship partners.

Cellino v FA
Rule K Arbitration, 2017
Junior Counsel for the FA (led by Christopher Coltart KC)

Rule K arbitration concerning the sanctioning of a club owner for acting contrary to Rule E3 in relation to the transfer of a footballer.

The Tribunal upheld the finding of liability and imposed a suspension from footballing activity of 12 months (and fine of 100,000) upon Mr Cellino.

Lynch v FA
(Rule K Arbitration, 2017 - 2018)
Sole counsel in a Rule K Arbitration for the FA, in a challenge by a Club owner to sanction following his admission to a number of charged breaches of Rules E1 and E3, following his breach of undertakings to the FA, his acting as a Director/Officer of the Club at times without written confirmation from the FA, and entering into an improper loan agreement purportedly on behalf of the Club.

Brennan v FA
Rule K Arbitration, 2019
Challenge to an FA disciplinary decision following a dispute over an on-field sanction. Sole counsel for the FA.

Sports admissions and past criminal convictions
Advised an international tournament in relation to a potential claim in contract and under the Bradley jurisdiction concerning the application of admissions policies to cases involving serious past criminal convictions.
ACHIEVEMENTS

Education
BA (Oxon.) First Class (4th in year); BCL (Distinction)

Prizes & Scholarships
- Pupil Advocacy Prize (Inner Temple, 2011)
- Rawlinson Debating Cup: Winner (Inner Temple, 2010)
- Thomas Finlay Intervarsity Moot: Finalist & Best Speaker (UCD Law Society, 2010)
- Princess Royal Scholarship (Inner Temple, 2009 - 2010)
- Freshfields Bruckhouse Deringer Scholarship (Oxford University, 2008)
- Lincoln College Exhibitioner (Oxford University, 2005 – 2007)

Publications
Co-author of Third Party Liability, Chapter 3 in Paul Goulding KC (ed.) Employee Competition 3rd Edition (OUP, 2016)


Other Interests
Travel, Photography, Music, Rugby

VAT registration number: 447008068

Barristers regulated by the Bar Standards Board