

Shane Sibbel

“Excels at thinking outside of the box when it comes to finding solutions to a problem”

– LEGAL 500, 2018

Year of call: **2010**
Degree: **BA (Oxon) (Jurisprudence, First Class); BCL (Distinction)**
Languages: **French (some knowledge), German (some knowledge), Italian (some knowledge)**



Shane has a versatile commercial practice, with a particular focus on commercial fraud, arbitration, intellectual property and sports disputes. He has considerable experience as a trial advocate, and has been instructed as sole counsel in a number of Court of Appeal cases. He regularly works as part of a team on larger commercial disputes in the English Courts and international arbitrations.

Shane also practices in public law. He was appointed to the Attorney General's C Panel in March 2015 and has acted (for and against the Government) in a number of human rights cases in the Supreme Court.

Shane is recognised as a leading junior in the legal directories for his expertise in civil fraud (Legal 500 2018) and the media & entertainment sector (Chambers and Partners 2018; Legal 500 2018).

EXPERIENCE

Commercial

Shane has an extensive commercial practice, covering a broad range of contractual disputes, civil fraud (see below) and international arbitration, as well as matters involving intellectual property, restrictive covenants and insurance. He is equally comfortable in large scale, strategic litigation as he is in fast paced proceedings for injunctive relief or enforcement.

He has co-authored a chapter on economic torts and knowing receipt in the new edition of Paul Goulding QC (ed.) *Employee Competition* (OUP, 2016).

Cases

Atlantica Holdings Inc v Sovereign Wealth Fund Samruk-Kazyna JSC

[2019] EWHC 319 (QB)

U.S. proceedings concerning the fraudulent mis-selling of debt securities in BTA Bank JSC in the course of restructuring the bank following the Abyazov 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 QC).

[Confidential] Fraudulent Conspiracy

[2018] Commercial Court

Acting for Claimants in a US\$1-2 billion claim for fraud, breach of contract and unlawful means conspiracy involving sixteen defendants and proceedings across a number of jurisdictions. Junior Counsel along with Victoria Windle and Andrew Trotter, led by Anthony Peto QC.

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 QC) 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.

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.

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.

[Confidential] ICC Arbitration

Claim worth c.US\$ 9m against a commercial rights holder for breach of contract, concerning the distribution of revenues between participants in an international sporting championship (led by Andrew Hunter QC).

#09 SRL v ThisCompany Ltd & Ors

QB-2019-494

Contractual dispute worth c.£2 m concerning the purported termination of a series of contracts for the international supply of perfume products. Sole counsel for the Italian claimant.

[Confidential] 2 LCIA International Arbitrations over loan facilities

(2013 - 2017)

Claims 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 alleges 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.

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.

Galazi & Ors v Christofourou & Ors

Business and Property Courts (2018 -)

Claim concerning monies entrusted by the Claimants to the First Defendant for investment in central London property. The claim is 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. The transactions involved offshore entities. The claim is also concerned with the professional negligence of solicitors involved in those transactions. Led by Andrew Hunter QC.

Andrew and Shane are also instructed in related proceedings brought by two BVI companies arising out of the same facts.

[Confidential] Misuse of confidential information

[2018]

Acting for the Second Defendant (led by Thomas Croxford QC) in a dispute concerning the alleged misuse of a competitor's asserted confidential information in sales data and clothing designs.

BSM Bank JSC v Chernyakov & Ors

Chancery Division, Court of Appeal, (2016 - 2017)

£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 QC.

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.

[Confidential] 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.

HHH (& Ors) v GGG (&Ors)

Commercial Court, 2017 -)

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, who is defending an additional claim for deceit and for a contribution. Parallel SFO investigation.

[Confidential] LCIA Arbitration over Russian Art

Acting for the defendant in an LCIA Arbitration arising out of the auctioning of Russian art.

Ramon Y Cajal Abogados v A firm & Ors

Business and Property Courts (2018 -)

Junior counsel for the Defendants (led by Tom Croxford QC) in a dispute concerning an alleged team move in Spain in breach of restrictive covenants.

Kolmar Group AG v Iniciativas Bioenergeticas SL

Business and Property Courts (2018 -)

Sole counsel for the Defendant in a commercial dispute arising out of the shipping of 550 metric tonnes of alleged cooking oil from China to Spain.

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.

Pending appeal, in the Court of Appeal, concerning (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).

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. The case raises issues of (inter alia) forgery, invalid share issues and the manipulation of the companies register.

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).

Architectural Wallsz (International) Ltd v Holloway & Ors

Chancery Division (2016 -)

Claim alleging a conspiracy between multiple directors and employees of a company to unlawfully establish a secret competitor business and divert opportunities, confidential information, goodwill, intellectual property and other assets from the company to that new venture.

Munich Re Capital Limited v Ascot Corporate Name Limited

CL-2018-791

Part 8 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.

Bicester GP Ltd & Ors v London & Metropolitan Ltd & Ors

(Commercial Court, 2016)

Large

claim which concerned a series of invoicing frauds and the alleged liability of innocent recipients in unjust enrichment and under a constructive trust. Junior counsel for one of the defendants (led by Robert Howe QC).

Khatau v Gander & White Shipping & Ors

(Chancery Division, 2016)

Claim for alleged liens over goods stored in a warehouse as security for a number of purported credit agreements governed by Swiss law. The liens were disputed as void for lack of formalities and by virtue of undue influence and duress between the parties. Junior counsel for the First and Second Defendants (led by Mark Vinall).

Madoff Securities International Limited v Raven & ors

[2013] EWHC 3147 (Comm)

Litigation arising out of the notorious Ponzi scheme operated by Bernard Madoff. The claim concerned the alleged liability of the directors of the directors of an English company owned by Bernard Madoff and of recipients of payments from that company.

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.

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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.

QBD (2017 -)

Acting for the Claimant Japanese company which is 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 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 Tony Peto QC and Andrew Hunter QC)

BSM Bank JSC v Chernyakov & Ors

Chancery Division, Court of Appeal, (2016 - 2017)

£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 QC.

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

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Dinwoodie v Fisher

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Large

claim which concerned a series of invoicing frauds and the alleged liability of innocent recipients in unjust enrichment and under a constructive trust. Junior counsel for one of the defendants (led by Robert Howe QC).

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.

Madoff Securities International Limited v Raven & ors

[2013] EWHC 3147 (Comm)

Litigation arising out of the notorious Ponzi scheme operated by Bernard Madoff. The claim concerned the alleged liability of the directors of an English company owned by Bernard Madoff and of recipients of payments from that company.

Public & Regulatory

Shane accepts instructions across all areas of public law and has been Junior Counsel to the Crown (C Panel) since 2015. 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

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.

AS (Afghanistan) v SSHD (UNHCR intervening)

Appeal Ref C5/2018/1968

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 QC).

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 QC, with Gayatri Sarathi), which intervened in support of the successful appellant.

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 QC).

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

UKSC 2018/0061 & UKSC 2018/0074

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

The Office for Standards in Education, Children's Services and Skills 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 QC).

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 QC, 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.

Libyan Sanctions

Advising a number of confidential clients on certain matters relating to the UK and EU Libyan sanctions regimes (led by Timothy Otty QC).

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.

Public infrastructure and pensions reforms

Shane has advised as junior counsel, led by James Eadie QC (First Treasury Counsel to the Government), on a number of potential reforms to public infrastructure and pensions schemes, which raise overlapping commercial and public law questions.

Export Finance

Advising 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.

Outsourcing healthcare contracts and TUPE

Advised a large charity in relation to the application of TUPE to the migration of outsourced healthcare contracts between the charity and an NHS trust.

Immigration JR

Shane also regularly appears for the Crown in 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.

Abdul Hakim Belhaj & others v Straw & others

[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 QC).

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.

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 QC).

Defendant cost orders in criminal cases

Advised pro bono on potential challenges to the new costs regime established by Schedule 7 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 and the Costs in Criminal Cases (General Amendment) Regulations 2012, which caps (and sometimes prevents altogether) the recovery by successful defendants in criminal proceedings of their legal costs from the Government.

(1) Kashif Chaudhry and (2) Seifelden Abdelkareem v Qatar Financial Centre Regulatory Authority

(Qatar Financial Centre Regulatory Tribunal, 2012)

Acted for the Qatar Financial Centre Regulatory Authority ("QFCRA") in the first challenge before the QFC Regulatory Tribunal by individuals to a decision notice of the QFCRA. The case concerned the respective roles of the claimants in communications between Al Mal Bank LLC and the QFCRA, and the Bank's subsequent collapse. Junior counsel to Ben Jaffey.

Ratepayers under local government legislation

Acted for the Claimant in a judicial review of the ongoing refusal of a local authority to accept that he is not a "ratepayer" for the purposes of section 43 of the Local Government Finance Act 1988 and the ongoing enforcement actions of that authority against the Claimant.

Prerogative powers in relation to universities

Advised on the merits of a constitutional challenge to an Act of Parliament or an exercise of the Royal Prerogative to alter the name of a University (junior counsel to Michael Beloff QC).

Civil Liberties & Human Rights

Shane has been instructed as junior counsel in the Supreme Court on a number of cases involving human rights and international law. He was junior counsel in the first UN special rapporteur intervention in the Supreme Court (*Belhaj v Straw* [2017] UKSC 3) and has also acted pro bono for the UN High Commissioner for Refugees (*FA (Pakistan)* (UKSC/2016/167)).

Cases

AS (Afghanistan) v SSHD (UNHCR intervening)

Appeal Ref C5/2018/1968

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 QC).

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Junior counsel for the Secretary of State

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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).

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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 QC).

Local authority duties re: human trafficking

(2014)

Advised pro bono on the obligations owed by local authorities to identify and support victims and potential victims of trafficking within the meaning of the Council of Europe Convention on Action against Trafficking in Human Beings, having regard to the EU Trafficking Directive, the ECHR and International law.

Scope of prohibition on torture

Advised Freedom from Torture pro bono with Timothy Otty QC 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.

Adult dependent relatives

Advised pro bono on a potential challenge to changes to the Immigration Rules governing when adult dependent relatives who are non-EEA nationals can be brought into the UK (junior counsel to Naina Patel).

Defendant cost orders in criminal cases

Advised pro bono on potential challenges to the new costs regime established by Schedule 7 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 and the Costs in Criminal Cases (General Amendment) Regulations 2012, which caps (and sometimes prevents altogether) the recovery by successful defendants in criminal proceedings of their legal costs from the Government.

Prerogative powers in relation to universities

Advised on the merits of a constitutional challenge to an Act of Parliament or an exercise of the Royal Prerogative to alter the name of a University (junior counsel to Michael Beloff QC).

Media & Entertainment

As part of his commercial practice Shane has been involved in a number of intellectual property cases within the sphere of Media and Entertainment. He appeared successfully in a recent high profile claim against Lucasfilm (John v Lucasfilm [2018] EWHC 624 (QB)). He also has particular experience of litigation concerning mass online copyright infringement.

“A pleasure to work with; excellent written submissions and first-rate cross examination”

– LEGAL 500, 2018

Cases

[Confidential] 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 QC).

TIME SpA & Freecut v Nir Tibor (a.k.a. Dennis Lloyd)

[2018] Business List (Ch)

Acting for the Defendant (led by Andrew Green QC) 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.

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.

Network Ireland & Ors v SIL

QBD (2018 -)

Acted for the Respondent in relation to an application for pre-action disclosure. The dispute arises out of a series of distribution and licensing agreements for the international distribution of short films submitted in competition for Academy Awards.

Live Nation (Music) Ltd v SH

(QBD, 2016)

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).

Streaming manipulation

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.

EMI Records & others v British Sky Broadcasting & others

[2013] Bus L.R. 884

Acted for the Claimants, suing on behalf of themselves and as representatives of the members of BPI, in relation to three applications under s97A CDPA 1988 requiring ISPs to block access to the Kat.ph website, the h33t.com website and the fenopy.se website (junior counsel in a team led by Ian Mill QC). The orders were successfully obtained.

Film rights

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.

Pixdene 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.

Social media platforms

Advising 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.

[Confidential] Legacy record deals

Advised in relation to the scope of grants of right in relation to the making available of sound recordings (junior counsel to Pushpinder Saini QC).

Music in hotel bedrooms

Advised PRS on the application of the CDPA 1988 to the playing of music in hotel bedrooms (junior counsel to Pushpinder Saini QC).

Copyright infringement in an international advertising campaign

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.

Agency dispute in relation to music festivals

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.

Blocking orders in respect of online piracy

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.

Copyright in cartoon publications

Advised on copyright law issues in relation to the planned publication within the music industry of a series of commemorative cartoons.

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 domestic and international tribunals and arbitrations. He acted successfully as sole counsel for the English Football League intervening in *Ipswich Town FC v Chief Constable of Suffolk* [2017] EWCA Civ 1484, a landmark decision concerning charges for the policing of football matches. He is a co-editor of the Blackstone Chambers Sports Law Bulletin

Cases

[Confidential] ICC Arbitration

Claim worth c.US\$ 9m against a commercial rights holder for breach of contract, concerning the distribution of revenues between participants in an international sporting championship (led by Andrew Hunter QC).

[Confidential] Policing Football Matches

Advising 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 QC.

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.

Shingles v Inglis

HQ 18X02632

Contractual dispute concerning a joint venture between the parties over the acquisition, management and sale of several high quality showjumping horses. Sole counsel for the Defendants.

[Confidential] 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.

Kyle Eastmond RFU Citation

RFU disciplinary hearing 2018

Acted for Kyle Eastmond before an RFU disciplinary panel, following his citation for two counts of dangerous tackling, contrary to Law 9.13, arising during a league match between Wasps and Harlequins on 11 February 2018. The Panel reduced each of Mr Eastmond's bans from six to three weeks to reflect his submissions in mitigation, but determined that the bans had to be served consecutively.

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.

Cellino v FA

Rule K Arbitration, 2017

Junior Counsel for the FA (led by Christopher Coltart QC)

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.

PCB v BCCI (advising in relation to potential arbitration claim)

Advised PCB in relation to their claim against the BCCI for breach of contract in relation to international cricket fixtures (junior counsel to Lord Pannick QC). PCB has since issued its claim before the ICC Dispute Panel, sitting in Dubai.

Sports admissions and past criminal convictions

Advising 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.

Ashely Johnson ERC citation

(2015)

Represented Ashley Johnson in the hearing of his citation under Law 10.4(i), concerning a tackle on David Kearney in the Wasps v Leinster ERCC Pool 2 match on 24 January 2015.

English Cricket Board v Barry

(2014)

Acted for the ECB in the first ever proceedings before the Cricket Discipline Commission of the England and Wales Cricket Board concerning the Players' Agent Regulations. The case concerned the charging by a player's agent of "finders fees" from clubs when negotiating player contracts.

Tevita Taumoepeau v Worcester RFC & Ors

(2013)

Acted for the Claimant in a claim alleging disability discrimination, age discrimination, whistleblowing and unfair dismissal arising out of an injury suffered by the Claimant in the course of playing for the Defendant Club and the treatment he alleges he received from the Club thereafter.

Hala'Ufia v RFU

(2012)

Acted for the Appellant, a London Irish RFC No. 8, in the RFU Disciplinary Appeal Panel and successfully appealed a first instance Panel decision that the Appellant had been guilty of a tip tackle offence contrary to Law 10.4(j). The Appeal Panel held that the first instance Panel had erred in law in failing to construe the elements of "lifting" and "dropping" within Law 10.4(j) offence in a manner consistent with their natural meaning and with the principle against doubtful penalization (junior counsel to Michael Beloff QC).

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 Intersociety 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 QC (ed.) Employee Competition 3rd Edition (OUP, 2016)

Other Interests

Music, Travel, Rugby, Photography