

Tom Hickman QC

“Phenomenal”

– LEGAL 500, 2015

Year of call: **2003**
Appointed to silk: **2019**
Degree: **MA (Cambridge), First Class; LLM Hons (Toronto); PhD (Cambridge)**



Tom Hickman is recognised as a leading barrister across a range of practice areas spanning Commercial, Media, Entertainment and Sport, EU law, Public Law and Regulatory Law, Procurement, Civil Liberties and Human Rights, Energy and Public International Law. He was appointed Queen's Counsel in 2019.

Tom was named in the country's "Hot 100" lawyers by The Lawyer magazine in 2017.

As a junior barrister Tom was ranked by the Chambers and Partners guide in five practice areas and as the “Star Practitioner” in two. Tom was awarded Public Law Junior of the Year in 2019 by the Legal 500 and Public Law and Human Rights Junior of the Year in 2017 by Chambers and Partners.

Since 2017 Tom has been standing counsel to the Investigatory Powers Commissioner's Office (IPCO) which regulates the use of surveillance powers by law enforcement and intelligence agencies in the UK.

Tom has litigated in a wide variety of courts and tribunals including the Commercial Court, Chancery Division, IPEC, Administrative Court, the Court of Arbitration for Sport, sports and professional disciplinary panels, the Special Immigration Appeals Commission, CJEU and the European Court of Human Rights. He has particular experience at appellate levels, and has appeared in twelve cases before the House of Lords/Supreme Court and numerous cases before the Court of Appeal.

Tom was formerly a members of the Attorney General's A Panel, carrying out both public law and commercial work for the Government until he took silk.

Tom is also a Reader in Law and member of the Law Faculty at University College London and regularly publishes, blogs and tweets on legal issues. He has given evidence to Parliamentary committees on several occasions on matters concerning national security law.

In 2016-7, Tom was at the center of R (Miller) v Minister for Brexit, as junior Counsel for Gina Miller and having co-authored the blog post Pulling the Article 50 'Trigger': Parliament's Indispensable Role, which first advanced the argument that an Act of Parliament is necessary to trigger Article 50.

EXPERIENCE

Commercial

Tom acts in commercial matters ranging from commercial fraud to intellectual property cases, particularly copyright and passing off claims. He has considerable experience in obtaining freezing injunctions, Norwich Pharmacal injunctions and other commercial remedies.

Tom is currently acting in *Glaxo Wellcome UK Ltd & Anor v Sandoz Ltd & Ors*, a multi-jurisdictional pharmaceutical passing off / trade mark claim and *Sky plc v SkyKick UK Ltd*, a trade mark case currently the subject of a reference to the CJEU on the bad faith defence.

Tom often acts in complex cases that crossover with other areas of practice, in particular cases with a public law, international law or human rights angle. For example, *Carey Group Plc v AIB Group (UK Ltd)* [2012] Ch 304 concerned the compulsory acquisition of secured lending facilities in the UK by the Irish National Asset Management Agency, pursuant to Irish legislation. In *Snoras Bank v Antonov* [2013] EWHC 131 (Comm Ct) Tom acted for Vladimir Antonov, the former owner of a Lithuanian Bank in a substantial freezing injunction and civil fraud claim raising issues about the right against self incrimination in foreign criminal courts and in extradition proceedings.

Cases

Bernard Ecclestone v HM Revenue and Customs

(Comm Ct), ongoing

This commercial court case challenges the the rescission of a settlement agreement between Bernard Ecclestone and HM Revenue and Customs relating to the settlement of the investigation into the sale of the rights to F1 Racing. The issues include misrepresentation and fraud. Tom represented HMRC.

ED&F Mann Sugar v Tate & Lyle Sugar

(Comm Ct) [settled]

Tom acted for Tate & Lyle Sugar concerning the allegedly wrongful diversion of a sugar cargo. The claim involved allegations of conversion, procuring breach of contract, deceit and conspiracy.

Stretchline Intellectual Property Ltd v H&M Hennes & Mauritz (UK) Ltd

[2016] EWHC 162 (Pat) (Ch. Div)

Tom acted for the high street retailer H&M, in successfully resisting an EU-wide injunction against the company for selling infringing brassieres contrary to a settlement agreement. Distinguishing *Experience Hendrix*, the court also refused to grant an account of profits.

Hewlett Packard Ltd v D&P Data Systems

(2015-2016) [settled]

Acted for HP Ltd in a trade mark infringement and conspiracy claim concerning the acquisition and sale of computer servers.

Kryvenko v Renault Sport Racing Ltd (formerly Lotus)

[2017] [settled]

Tom is acting for Renault Formula 1 Team in a sponsorship dispute over the use of the YotaPhone brand. The claim is proceeding in the commercial court.

Gillingham FC v Centerplate

[2017] EWHC 2978 (QB)

Tom acted for Gillingham FC in substantial contractual dispute concerning hospitality at the Club's ground and hospitality facilities. The Club was awarded £1.4m in damages and costs in this contested high court action.

Icon Hotel Holdings Ltd v FYR Services

(2014-15) [settled]

Claim by owner of hotel chain against an operating company for delivery-up of database information and documents and for breach of fiduciary duty.

Snoras Bank v Antonov

[2013] EWHC 131 (Comm Ct)

Substantial civil fraud claim against Vladimir Antonov, the former owner of a Lithuanian Bank. The judgment of Gloster J relates to various interlocutory issues, including confidentiality rings, the relationship between freezing orders in different jurisdictions, criminal proceedings and extradition proceedings, and the right against self-incrimination.

Glaxo UK Ltd & Glaxo Group plc v Sandoz UK Ltd & Ors

[2018] 3229 (Ch)

One of several interim applications in this multi-jurisdictional litigation concerning the fourth most successful pharmaceutical product in the world. This application concerned use of documents disclosed in the UK in proceedings in Belgium.

World Ventures Marketing Inc.

Tom acts for a global multi-level marketing company concerning the scope of Directive 2005/29/EC and the prohibition on pyramid selling schemes. Tom is involved at an advisory and strategic level, including helping to co-ordinate legal teams in several jurisdictions.

Sky plc v SkyKick

[2017] EWHC 1769 (Ch), [2018] EWHC 155 (Ch), [2018] EWHC 943 (Ch), [2018] EWCA Civ 2004

Tom is acting for the defendant, a US data migration company, in these on-going trade mark proceedings. The case has generated a number of important judgments and is currently the subject of a reference to the CJEU on the issue of the bad faith defence and the scope of the CJEU's ruling in IP Translator. It is one of the most significant trade mark cases of recent years.

Mutu v Switzerland (Chelsea FC intervening) (2018)

App. No. 40575/10

Tom acted for Chelsea FC in this claim by Adrian Mutu in the European Court of Human Rights. It is the first case in which the ECtHR has considered the CAS system and its compliance with human rights standards. Judgment was delivered in 2018.

NF Football Investments v Nottingham Forest FC

[2018] EWHC 1346 (Ch)

Tom acts for Fawaz Al-Hasawi in this £5m dispute over the sale of Nottingham Forest Football Club. The case is listed for trial in early 2019. A judgment in 2018 concerned the construction of an entire agreement clause contained in a Share Purchase Agreement.

Public & Regulatory

Tom is recognised by Chambers & Partners UK as a “Star Individual” in Administrative & Public Law. He regularly appears in the Administrative Court in some of the most high profile and difficult public law cases both for Claimants and for the Government as a member of the Attorney General’s A Panel.

Tom also conducts public law litigation abroad, subject to local requirements. For instance he has conducted two major commercial judicial reviews in the Turks and Caicos Islands, under Order 53 procedure concerning the regulation of private activities in the airport. The first of these led to the important judgment in Flight Support Ltd v The Turks and Caicos Islands Airport Authority in which the Court held that the TCI Airports Authority had no power to enter a joint venture with a multinational ground handling company.

As well as commercial judicial reviews, Tom has acted in many human rights cases, judicial reviews of disciplinary proceedings, and disputes concerning energy regulation (all separately listed).

Clients include the Advertising Standards Authority, Manchester City Council, the General Dental Council, Ofcom, Ofgem, the Institute of Chartered Accountants and Shell.

Tom is author of a leading book on public law (Public Law After the Human Rights Act (Hart 2010)) and has written extensively in and blogs journals in the UK and abroad on public law. He teaches and examines public law at UCL.

“Produces very forceful written and oral submissions and has a fantastic senior junior practice.”

— CHAMBERS AND PARTNERS, 2019

Cases

R (Miller) v Secretary of State for Exiting the European Union

[2017] UKSC 5; [2018] AC 61

This was a challenge to the Prime Minister’s ability to issue a declaration triggering the UK’s withdrawal from the EU without authorisation from an Act of Parliament. This case was heard by a panel of 11 Law Lords. Tom acted as junior counsel to Gina Miller in a team led by Lord Pannick QC.

R (Support Services) v Advertising Standards Agency

(2016)

Judicial review of decision by the ASA that a 'lookalike' passport website is misleading. Tom is acting for the Advertising Standards Agency.

Cheshire & Other Local Authorities v Minister for Local Government

Tom acted for the Government in successfully defending this challenge to the 2015 Local Government Settlement and the structure of the Local Government Grant, issues of major significance and sensitivity.

Provo Air Centre v Turks and Caicos Islands Airports Authority

(2015)

Tom acted in this challenge to the decision of the Turks and Caicos Island Airports Authority to grant permission for the development of a second Fixed Based Operation at the airport. Tom was called to the bar of the TCI and argued the case before the Chief Justice.

Bawa-Garba v GMC

[2015] EWHC 1277 (QB)

Acting for the General Medical Council in proceedings concerning the suspension of a doctor pending a criminal prosecution. The judgment was a significant development of the law on interim suspensions.

R (Sainsbury's Supermarket) v Advertising Standards Agency and Independent Reviewer (Tesco Supermarket Intervening)

[2014] EWHC 3680, [2015] ACD 23

This was a judicial review of an ASA decision and that of the Independent Reviewer upholding the lawfulness of Tesco's Price Promise scheme, on domestic and EU law grounds. Tom successfully defended the claim.

R (D & S) v Manchester City Council

[2012] EWHC 17 (Admin)

Tom successfully defended Manchester City Council from this challenge to the Council's budget for allegedly failing to comply with procedural requirements including the public sector equality duty.

R (Global Knafaim Leasing) v BAA & CAA & Eurocontrol

[2011] 1 Lloyd's Rep. 324

Acted for aircraft leasing company in this challenge to the detention of an aircraft at Glasgow airport under the Fleet Lien power.

Wamala v Tascor Services Ltd

[2017] EWHC 1461 (QB); [2017] 4 WLR 155

Tom acted for the claimant in this substantial case challenging the use of force by private immigration escorts.

Freedom and Justice Party v Foreign Secretary

[2018] EWCA Civ 1719

This was a challenge to the recognition by international law and the common law of special mission immunity. It is a leading case on reception of customary international law into domestic law.

LG & Ors v Secretary of State for the Home Department

[2017] EWHC 1529 (Admin)

Tom acted for LG in this challenge to several Terrorism Prevention and Investigation Measures. Tom represented LG as lead appellant throughout the proceedings, including in respect of a challenge to a relocation measure and at trial in 2017.

R (Heathrow Airport Ltd) v Office of Road and Rail

[2017] EWHC 1290 (Admin)

Tom acted for the Secretary of State for Transport in successfully defending this judicial review challenge to the charging regime for the Heathrow Spur as part of the Crossrail project.

R (News Media Association) v Press Recognition Panel and IMPRESS

[2017] EWHC 2527 (Admin)

This was a challenge to the new press regulatory regime under the Royal Charter on the Regulation of the Press. Tom acted for the independent press regulator IMPRESS.

Media & Entertainment

Tom represents clients in particular in royalty, copyright, trade mark and passing off disputes and has acted in a number of trials and mediations in the media and entertainment sector.

In one of his first cases, Tom acted for the two authors of the original music to Thomas the Tank Engine and Friends in a claim to recover substantial historic royalties (Campbell v Hit Plc). He acted for Rive Droit Music in the well-known copyright dispute culminating in Crosstown v Rive Droit Music Ltd [2012] Ch. 68 and for the former manager of the Bay City Rollers in another royalties dispute (Wainman v Arista Records). More recently, he has acted for the prog-Rock and classical musician Rick Wakeman in a claim to rescind a contract of copyright assignment (Wakeman v Imagem Songs & BMG) and for MC Harvey in a breach of privacy claim brought by Cheryl Cole (Cole v IPC Media & MC Harvey).

Tom has acted in several book and film matters and is currently acting in a copyright dispute over the authorship of a recent Hollywood film.

“He is very responsive and has a good way with clients”

— CHAMBERS AND PARTNERS, 2019

Tom has also acted for Paul McCartney's publishing company in a copyright dispute, Status Quo in a passing-off dispute, INXS in a publishing dispute, and Oxford University Press in a journal ownership dispute. Other clients include: Mark Morrison, Knife Party/Pendulum, Jamiroquai, Penguin books, Channel 4, MTV and Sony.

Cases

British Racing and Sports Car Club Ltd v T

Tom acted in a dispute over the rights to a Mini racing championship. The case was settled in 2016.

UB40 : Duncan Campbell & Ors v Ali Campbell & Ors

(Ch. D)

Tom is currently acting for Ali Campbell, Astro and Mickey of UB40 in an ongoing dispute with the other founding members of UB40 over the right to use the name UB40. The claim raises passing off and partnership issues. A judgment on interim issues was handed down by the Chancery Division on 21 March 2016.

Nick Martin v Julia Kogan

Tom acted for the writer of the screenplay, Florence Foster Jenkins, in a copyright dispute over a claim of joint authorship.

Rick Wakeman v Imagem Songs & BMG

(2013 -)

Tom is acting for the celebrated progressive rock and classical musician Rick Wakeman in a dispute over the validity of contract for copyright assignment.

Cheryl Cole v IPC Media & MC Harvey

(2013)

Tom acted for MC Harvey in a claim brought by Cheryl Cole in breach of privacy and defamation concerning an interview given by MC Harvey in 2011 in which he discussed a relationship with Cheryl Cole.

Crosstown v Rive Droit Music Ltd & Taylor

[2012] Ch. 68

Tom acted for the publishing company Rive Droit Music Ltd which was involved in earlier stages of this high profile litigation.

Campbell v Campell [2016] EWHC 765 (Ch)

Tom acts for Ali Campbell, Astro and Mickey in this passing off and band dispute between two competing versions of UB40.

NF Football Investments v Nottingham Forest FC

[2018] EWHC 1346 (Ch)

Tom acts for Fawaz Al-Hasawi in this £5m dispute over the sale of Nottingham Forest Football Club. The case is listed for trial in early 2019. A judgment in 2018 concerned the construction of an entire agreement clause contained in a Share Purchase Agreement.

Sport

Tom's sports law practice complements his work in the media and entertainment field and he often acts in commercial contract matters and intellectual property rights disputes. He has acted for Liverpool FC in a shirt sponsorship dispute with Reebok in the Commercial Court (Liverpool FC v Reebok UK); for Chelsea FC in its appeal to the Court of Arbitration for Sport from the decision to ban the Club from signing players for two transfer windows (Chelsea v FIFA).

Tom acts as an independent reviewer of prosecutions for UK Anti-Doping.

“He is very responsive and has a good way with clients”

– CHAMBERS AND PARTNERS, 2019

Cases

A National Cricket Association v A Broadcaster

Tom has recently been advising an overseas national cricket association in an extremely high value commercial dispute over broadcasting rights to show matches involving the national team in a third country territory.

Football Rights Dispute

In 2016, Tom advised a national broadcaster on a contractual dispute concerning rights to a major football tournament.

Kryvenko v Renault Sport Racing Ltd (formerly Lotus)

(2017) [settled]

Tom is acting for Renault Formula 1 Team in a sponsorship dispute over the use of the YotaPhone brand. The claim is proceeding in the commercial court.

Mutu v Switzerland (Chelsea FC intervening) (2018)

App. No. 40575/10

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Chelsea FC v FIFA

(2009 - 2010)

Tom represented Chelsea Football Club in its appeal to the Court of Arbitration for Sport from the decision to ban the Club from signing players for two transfer windows. The ban was lifted. Tom was junior Counsel to David Pannick QC and Adam Lewis QC. He has subsequently advised Chelsea FC on associated matters.

Gillingham FC v Centerplate

[2017] EWHC 2978 (QB)

Tom acted for Gillingham FC in substantial contractual dispute concerning hospitality at the Club's ground and hospitality facilities. The Club was awarded £1.4m in damages and costs in this contested high court action.

Bernard Ecclestone v HM Revenue and Customs

(Comm Ct), ongoing

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EU & Competition

Tom regularly acts in cases in which EU law issues arise as well as in cases directly concerning EU law matters. He regularly advises the Government (as a member of the Attorney General's Panel) and public and private bodies on the requirements of EU law and the interpretation of regulations and directives. See in particular Tom's work in the energy sector listed separately here. Tom recently appeared before the Grand Chamber of the CJEU in the major joined cases, Tele2 and Watson (April 2016) concerning data protection and data retention.

In 2014 Tom acted for a global oil company in a challenge to both the implementation of a Directive by the Secretary of State for Business, Innovation and Skills and the Governing EU measure (details confidential). The case settled before trial. In 2015, Tom acted for the Advertising Standards Authority in a case concerning the average consumer test under the consumer protection Directives (R (Sainsburys) v ASA).

In relation to sanctions, Tom acted in various stages of Bredenkamp v FCO, a challenge to EU Zimbabwe sanctions. He has advised extensively on Al Qaeda, Syria and Ukraine sanctions and acted in other sanctions cases.

Cases

Joined cases C-698/15 R (Davis & Watson) v Secretary of State for the Home Department, Law Society intervening and C-203/15 Tele2 Sverige AB v Postoch Telestyrelse

Tom acted in this high profile case on the scope of the Data Protection and ePrivacy Directives and their application to Member States' data retention regimes. The case was heard by a Grand Chamber of the Court of Justice on 12 May 2016, Tom appeared for the Law Society.

R (MR) v Home Secretary

[2016] EWHC 1622 (Admin)

Tom is acting for the claimant in a challenge to the regime for removal of passports, based on Directive 2004/38/EC (free movement). A preliminary judgment established the applicability of EU law to the removal of passports.

World Ventures Marketing Inc.

Tom acts for a global multi-level marketing company concerning the scope of Directive 2005/29/EC and the prohibition on pyramid selling schemes. Tom is involved at an advisory and strategic level, including helping to co-ordinate legal teams in several jurisdictions.

R (Sainsbury's Supermarkets) v Advertising Standards Authority

[2015] ACD 23

Represented the ASA against Sainsbury's Supermarkets (Tesco Intervening) in this claim concerning the interpretation of Directives 2005/29/EC and 2006/114/EC (consumer protection and advertising).

A Global Oil Company v Secretary of State for Business, Innovation and Skills

(2015)

Acted for a multinational company in this challenge (which ultimately settled before a reference was made to the CJEU) to the interpretation and vires of an EU Directive.

EU Sanctions

(ongoing)

Tom has provided extensive advice to various individuals and organizations on EU sanctions issues, including those relating to Iran and Russia/Ukraine.

Bredenkamp v Foreign Office

Acted in various stages of this challenge to EU Zimbabwe sanctions including in relation to a damages claim.

Sky plc v SkyKick

[2017] EWHC 1769 (Ch), [2018] EWHC 155 (Ch), [2018] EWHC 943 (Ch), [2018] EWCA Civ 2004

Tom is acting for the defendant, a US data migration company, in these on-going trade mark proceedings. The case has generated a number of important judgments and is currently the subject of a reference to the CJEU on the issue of the bad faith defence and the scope of the CJEU's ruling in IP Translator. It is one of the most significant trade mark cases of recent years.

Procurement

Tom has advised as sole and junior counsel on a wide range of procurement and related cases. He advised the Department for Work and Pensions in a major dispute concerning the procurement of funding arrangements. He also acted for Leyton Orient FC in Leyton Orient FC v London Legacy Development Corporation, a challenge to the re-tender process for the rights to use the Olympic Stadium. He regularly advises on the procurement and related obligations imposed in the energy field under EU law and domestic implementing regulations.

Tom represented a multi-national casino operating company in Great Eastern Quays Casino Ltd & Ors v Newham London Borough Council, concerning a super-Casino licence dispute and a consortium of banks in advice on the Eurotunnel Concession Agreement.

Energy

Tom has acted in a number of oil and gas matters, including in relation to procurement, sanctions, 'contracts for difference' and licensing.

For example, Tom has advised Scottish Hydro Electric and others in the energy sector on various procurement and licensing related matters, including in relation to offshore energy generation.

He was instructed by Oil and Gas UK on "contracts for difference" applicable to continental shelf activities which represented a major policy change in the North Sea energy sector.

He has been instructed by IPIECA (Global Oil and Gas Industry Association) on Iran and Russia sanctions-related issues.

He provided advice to major extraction company on seismic data disclosure requirements under petroleum production licences. Instructed by multi-national oil company transparency provisions of the 2013 Transparency Directive and Accounting Directives applicable to extraction companies.

Tom recently acted for a major interconnector company on Interconnector contract arrangements.

Civil Liberties & Human Rights

Tom's practice encompasses the full spectrum of human rights cases, ranging from class actions against governments and multinational companies, to trafficking cases, to terrorism trials in civil actions. He is co-author of leading texts on human rights (Beatson, Grosz, Hickman, Singh, Human Rights: Judicial Protection in the UK (Sweet & Maxwell 2008) and Hickman, Public Law After the Human Rights Act (Hart 2010)) and regularly publishes blogs and articles on the topic.

Tom represented a number of victims of extraordinary rendition and torture, all former detainees held at Guantanamo Bay, in damages claims against the Intelligence Services and other Government agencies for complicity with US authorities (Al-Rawi & Ors v Security Service & ors (2008 - 10). The case was unique in scale and involved numerous complex hearings relating to document retention, disclosure and PII (including Al-Rawi [2009] EWHC 2959 (QB)). He represented the claimants from the inception of the claims to their conclusion by mediation in Autumn 2010. The case was the subject of a statement to Parliament by the Prime Minister (Hansard, HC 6/07/10 col. 175) and subsequently by the Lord Chancellor (Hansard, HC 16/11/10 col.752).

In Guerrero & 30 Ors, v Monterrico Metals Plc [2010] EWHC 3228 (QB) Tom represented thirty-one Peruvian campesinos who claimed to have been unlawfully detained and seriously abused during a protest against one of the world's largest mining concessions in Peru owned by a UK multinational. Tom represented the claimants over two years and in a number of pre-trial hearings (including one reported judgment on amendments to particulars of claim). The claim, brought under Peruvian law, was settled in 2011.

He has acted in leading cases in Strasbourg, such as Hassan v United Kingdom (Grand Chamber), and in Luxembourg (Davis & Watson v SSHD).

Tom has a particular expertise in the area of national security law. He has acted in numerous leading cases in the context of terrorism and torture, including Binyam Mohamed in Binyam Mohamed v SSFCA [2010] EWCA Civ 65 & 158, [2010] QB 218, AF in AF (No 3) v SSHD [2009] UKHL 28, [2010] 2 AC 269 and Mr Al-Jedda in Al-Jedda v Home Secretary [2013] UKSC 62, [2014] AC 253. He has extensive experience in asset freezing, TPIM and control order proceedings involved closed material procedure. Tom teaches a course on National Security Law at UCL and has given evidence to Parliamentary committees in relation to the Justice and Security Bill and the Investigatory Powers Bill.

“He's brilliantly sharp-witted, very intelligent and articulate.”

– CHAMBERS AND PARTNERS, 2019

Cases

Bashir & Ors v SSHD & Sovereign Base Area Authority

[2018] UKSC 43

This case concerned the fate of several refugee families who were shipwrecked in the British Sovereign Base Areas in Cyprus in 1999. In 2018 the Supreme Court Ruled in favour of the Refugees that the Refugee Convention remained extended to the territory following Cypriot independence. The UK Government subsequently granted Tom's clients indefinite leave to remain in the UK. See:

<https://www.channel4.com/news/exclusive-refugees-marooned-for-20-years-can-finally-settle-in-uk>

Big Brother Watch & ors v United Kingdom

(App. No. 58170/13) September 2018

Tom acted for Big Brother Watch in an application at the European Court of Human Rights challenging the UK's legislation governing the surveillance of communications and the implications of the Edward Snowden disclosures about the use of TEMPORA and PRISM data.

R (Reilly No 2 & Hewstone) v Secretary of State for the Home Department

[2016] EWCA Civ 413; [2017] QB 657

The Court of Appeal held that the Jobseekers (Back to Work Schemes) Act 2013 is incompatible with Article 6(1) of the European Convention of Human Rights, in that it had interfered with ongoing legal proceedings challenging benefits sanctions by retrospectively validating those sanctions. The Court of Appeal and Supreme Court had previously ruled that regulations introducing several 'back to work' schemes had been ultra vires the Jobseeker's Act 1995 (claims in which Tom also acted for the Claimants).

R (Gedi) v SSHD

[2016] 4 WLR 93

The Court of Appeal in Gedi held that the Secretary of State has no power to impose a curfew on immigration detainees. The case, in which Tom acted for the Claimant, has led to a change of Government policy and has major implications across immigration law.

Hassan v United Kingdom

(Grand Chamber, 2014)

Tom acted for the applicant in what is now the leading case on the extraterritoriality of the European Convention on Human Rights, its application to armed conflict and the relationship between the Convention and IHL.

SSHD v CC & CF

[2014] 1 WLR 4240 (ongoing)

Tom acts for CF in these proceedings concerning the abuse of process in proceedings under the Terrorism Prevention and Investigations Act 2011 and the scope of the minimum disclosure requirement.

Al-Jedda v Home Secretary

[2014] AC 253

Tom acted for Mr Al Jedda in this case in which the Supreme Court upheld an order quashing the deprivation of his British citizenship.

R (Omar) v Secretary of State for Foreign Affairs

[2014] QB 112

Tom acted for the claimant in this application for disclosure of documents to support his criminal defence in criminal proceedings against him in Uganda for alleged involvement in the 2010 bombings in Kampala.

Binyam Mohamed v SSFCA

[2010] QB 218

Tom represented Binyam Mohamed in the Court of Appeal where Mr Mohamed successfully obtained disclosure of information relating to his mistreatment and torture over which public interest immunity was claimed on national security grounds.

AF (No 3) v SSHD

[2010] 2 AC 269

Tom represented AF in the leading case on control orders and Article 6 of the ECHR which led to the quashing of the control order imposed on AF. The case has given rise to other important judgments on the control order regime in which Tom acted.

Mutu v Switzerland (Chelsea FC intervening) (2018)

App. No. 40575/10

Tom acted for Chelsea FC in this claim by Adrian Mutu in the European Court of Human Rights. It is the first case in which the ECtHR has considered the CAS system and its compliance with human rights standards. Judgment was delivered in 2018.

Joined cases C-698/15 R (Davis & Watson) v Secretary of State for the Home Department, Law Society intervening and C-203/15 Tele2 Sverige AB v Postoch Telestyrelse

Tom acted in this high profile case on the scope of the Data Protection and ePrivacy Directives and their application to Member States' data retention regimes. The case was heard by a Grand Chamber of the Court of Justice on 12 May 2016, Tom appeared for the Law Society.

LG & Ors v Secretary of State for the Home Department

[2017] EWHC 1529 (Admin)

Tom acted for LG in this challenge to several Terrorism Prevention and Investigation Measures. Tom represented LG as lead appellant throughout the proceedings, including in respect of a challenge to a relocation measure and at trial in 2017.

Wamala v Tascor Services Ltd

[2017] EWHC 1461 (QB); [2017] 4 WLR 155

Tom acted for the claimant in this substantial case challenging the use of force by private immigration escorts.

Public International Law

Tom has extensive experience of diplomatic and state immunity issues, in which he has appeared in many leading cases, as well as in international law matters concerning torture, trafficking and human rights. He has also advised several governments on the interpretation of international agreements and he is currently litigating *Bashir v Secretary of State for the Home Department*, concerning treaty interpretation and the effect of colonial clauses.

Tom has acted in almost all of the important recent cases on State and diplomatic immunity (*Harb*, *FF*, *Estrada Juffali*, *Al-Attayah*, *Al-Malki*, *Freedom and Justice Party*).

Tom acted for the Government of Cyprus in the inter-state case of *Cyprus v Turkey* (2014) 59 EHRR 16 concerning the supervision and enforcement provisions of the ECHR in which the Grand Chamber of the ECtHR made its most significant award: requiring the Turkish Government pay the Cypriot Government enormous compensation for the damage suffered by the enclaved residents of the Karpas peninsula arising out of the military activities northern Cyprus in 1974 and territorial division of the country. The case was described by two of the Judges "as the most important contribution to peace in Europe in the history of the Court of Human Rights".

Tom acted for the applicant in *Hassan v United Kingdom* (Grand Chamber) the leading case globally on the relationship between International Humanitarian law and human rights treaties.

Cases

Estrada v Juffali

[2016] EWCA Civ 176

Tom acted for Ms Estrada in successfully resisting a diplomatic immunity claim by the Defendant who had been appointed permanent representative of the IMO in London.

Freedom and Justice Party v Foreign Secretary and DPP

Tom is acting for the Claimant disputing that Special Mission Status confers immunity as a matter of customary international law or domestic English law.

Harb v Prince Fadh Bin Abdul Aziz

[2014] EWHC 1807 (Ch.)

Tom acted for the Claimant in this claim concerning the scope of Head of State immunity of the former King of Saudi Arabia.

Al-Attiya v Hamad Bin-Jassim Bin-Jaber Al Thani

[2016] EWHC 212 (QB)

Tom acted for the claimant in this action concerning the limits of the court's jurisdiction to determine whether a diplomat is in fact engaged in diplomatic activities. The case also involved issues of sovereign immunity.

R (FF) v Director of Public Prosecutions

[2014] EWHC 3419

Acting for the Claimant, the court made a declaration that Prince Nasser bin Hamad Al Khalifa is not entitled to immunity from suit in the UK.

Cyprus v Turkey

(ECtHR, Grand Chamber) (2014) 59 EHRR 16

In a landmark ruling, the Grand Chamber required the Turkish Government to pay the Cypriot Government EUR 30,000,000 for non-pecuniary damages for surviving relatives of missing persons and EUR 60,000,000 for the damage suffered by the enclaved residents of the Karpas peninsula arising out of the military activities northern Cyprus in 1974 and territorial division of the country.

Freedom and Justice Party v Foreign Secretary

[2018] EWCA Civ 1719

This was a challenge to the recognition by international law and the common law of special mission immunity. It is a leading case on reception of customary international law into domestic law.

Hassan v United Kingdom

(Grand Chamber, 2014)

Tom acted for the applicant in what is now the leading case on the extraterritoriality of the European Convention on Human Rights, its application to armed conflict and the relationship between the Convention and IHL.

Reyes v Al-Malki

[2017] UKSC 61; [2017] 3 WLR 923

This case concerned the scope of diplomatic immunity for human trafficking and modern slavery and the scope of the commercial exception under the Vienna Convention on Diplomatic Relations. Tom acted for the charity Kalayaan.

Professional Discipline

Tom acts both for and against professional bodies in professional disciplinary matters, including in judicial review proceedings arising from disciplinary proceedings. He defended a chartered accountant in the long running case of Institute of Chartered Accountants v Kingdom. He has acted in several financial services cases, including a LIBOR fixing case.

Tom is also regularly instructed by the General Medical Council and General Dental Council, including in the recent case of Bawa-Garba v GMC [2015] EWHC 1277 (QB).

ACHIEVEMENTS

Education

MA (Cambridge), First Class; LLM Hons (Toronto); PhD (Cambridge)

Prizes & Scholarships

Tom was awarded The Sutherland Prize for Legal History by the American Society for Legal History in October 2016. The prize was awarded for his chapter on *Entinck v Carrington* published in a book of essays celebrating the 250th centenary of that case in 2015.

Tom was awarded the Cambridge University prizes for Contract law, for Equity and for Jurisprudence and the University of Toronto Prize for overall Outstanding Performance in the LLM. Tom has been awarded a number of other prizes and scholarships including a Fulbright Scholarship and a Faculty of Fellowship at the University of Toronto.

Publications

Books

Tom's book, *Public Law After the Human Rights Act (2010)* was awarded the prestigious Inner Temple Book Prize (new author) for 2008-2011: "an astonishingly mature, thoughtful and original discussion" (Baroness Hale); "always thoughtful and thought-provoking" (Lord Collins); "an admirable piece of work" (Sir Stephen Sedley).

Tom is also co-author of *Human Rights: Judicial Protection in the United Kingdom* (Sweet & Maxwell 2008).

Law Journal Publications

(Selection only. For a full list, please visit Tom's UCL Law Faculty webpage)

- 'Too Hot, Too Cold or Just Right? The development of the Public Sector Equality Duties in Administrative Law' [2013] *Public Law* 325
- 'Beano no more: The EU Charter of Rights after Lisbon' [2011] *Judicial Review* 113 (with K. Beal)
- 'Problems for Proportionality' [2011] *New Zealand Law Journal* 303

Other Publications (selection only)

Blog posts, case notes and short pieces

- 'Pulling the Article 50 'Trigger': Parliament's Indispensable Role' (with N. Barber and J. King) *UK Constitutional Law Blog* (27th Jun 2016)
- "The Investigatory Powers Bill: What's Hot and What's Not?" *UK Constitutional Law Blog* (11 Dec 2015)
- "Success in Judicial Review: The Current Position" (with M. Sunkin) *UK Constitutional Law Blog* (20 Mar 2015)
- "ISIS, Passports and Magna Carta: New National Security Powers raise complex issues" *UK Constitutional Law Blog* (9 Oct 2014)
- 'Further Concerns About the DRIP Bill' *UK Constitutional Law Blog* (16 July 2014)

- 'Plugging Gaps in Surveillance Laws or Authorising the Unlawful?' UK Constitutional Law Blog (14 July 2014)
- 'Loading the Dice in Judicial Review: the Criminal Justice and Courts Bill 2014' (with Ben Jaffey) UK Constitutional Law Blog (6 Feb 2014)

Memberships