

# Tom Mountford

*"Tom is extremely bright and user-friendly."*

– LEGAL 500, 2021

Year of call: **2009**  
Degree: **BA (Hons) (Oxon.) First Class**  
Languages: **French (working knowledge), Chinese (Mandarin) (working knowledge)**



Tom has a broad practice with a predominant focus on commercial litigation and arbitration and significant experience in the areas of sports law, regulatory and public law, human rights and employment law. Many of Tom's cases are at the intersection of two or more of these practice areas. He has a particular depth of experience in litigation involving issues of fraud, dishonesty and misfeasance. Tom frequently works in large teams and enjoys the experience of working collaboratively within larger litigation teams, including teams made up of lawyers from a number of jurisdictions. Having previously worked on secondment for a large US firm of solicitors in London, he understands what solicitors look for in junior counsel and is responsive, easy to work with and gives clear, strategic advice. Tom regularly conducts first instance and appellate litigation (both led and unled) in the UK courts and arbitration (before institutional rule and ad hoc tribunals). He also acts before a range of professional, disciplinary and regulatory tribunals and is experienced in conducting investigations, including highly sensitive internal investigations. Tom's practice has a significant international dimension, before transnational courts and adjudicative bodies, national courts and in overseas arbitration. He has been involved in litigation, inter alia, in the BVI, Cayman Islands, Hong Kong, Switzerland and Singapore and is currently acting in litigation and arbitration ongoing in Asia, Africa and Europe.

Tom has consistently been ranked in both Legal 500 and Chambers and Partners. Recent comments include that he is "really approachable, easy to work with, very bright" (Chambers and Partners, 2019), "technically excellent, but also unusually good on the tactical side for his year of call" (Chambers and Partners, 2018) and highlight that "his advocacy is of the highest calibre" (Legal 500, 2017).

## EXPERIENCE

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### Commercial

Tom acts in a broad range of commercial disputes both in the civil courts and by way of arbitration, with particular experience of litigation involving allegations of fraudulent wrongdoing, often with an international dimension. He acts both led and unled in commercial litigation and arbitration and in injunctive and interim relief applications.

Tom has been involved in a range of commercial litigation and advisory work in the energy, insurance and re-insurance, pharmaceutical, sports and media sectors. These cases have involved applications, inter alia, for injunctive relief including search orders, Norwich Pharmacal orders, confidentiality orders and orders for specialist forensic interrogation of computer hardware.

Tom also has experience of a number of company law disputes.

He enjoys working in large teams, including interdisciplinary teams and those spanning different legal jurisdictions.

## Cases

### **Fine Lady Bakeries v EDF & E.ON**

[2020] EWHC 87

Acted for the successful Appellant, Fine Lady Bakeries in this appeal against orders for summary judgment in an electricity oversupply dispute and emphasised that a Court is required to bring its independent judgment to bear in determining a disputed issue or claim and cannot simply adopt a party's skeleton argument as containing the Court's reasoning.

### **The Ingenious Litigation**

(ongoing)

Acting for over 100 individual claimants, bringing claims of fraudulent misrepresentation and conspiracy against investment companies and their controlling minds in respect of film investment schemes marketed as tax-efficient investments (and subject to litigation between HMRC and the Ingenious Group, recently in a decision of the Upper Tribunal). Led by Robert Anderson QC, with Andrew Trotter.

### **Re. Sheffield United Football Club: UTB LLC v Sheffield United Limited & Ors**

[2019] EWHC 2322 (Ch)

A substantial High Court (Chancery Division, Fancourt J) judgment resolving a shareholder dispute between the co-owners of the Premier League football club, Sheffield United, following an expedited trial heard over 5 weeks in the summer of 2019.

The Court upheld the rights of HRH Prince Abdullah Bin Mosaad Bin Abdulaziz Al Saud to obtain 100% control of the football club and has ordered Sheffield United Limited (the corporate vehicle of Kevin McCabe and the McCabe family) to specifically perform its obligation to transfer its 50% stake in the Club to Prince Abdullah's company, UTB LLC. The Court also dismissed the unfair prejudice petition brought by SUL under section 994 of the Companies Act 2006 and SUL's claims in conspiracy, including the serious allegations of bribery and fraudulent conduct made against Prince Abdullah and others. In reaching his judgment, Mr Justice Fancourt rejected SUL's claim that the parties were engaged in a quasi-partnership or that the investment agreement between them was subject to implied duties of good faith.

[Click here to read the full judgment.](#)

Tom acted for the successful parties: UTB LLC, Prince Abdullah and others

### **Company A v Company B**

(2019)

Advising a Defendant company in respect of a claim exceeding \$10 million by which the Defendant is alleged to owe commissions in respect of the securing of incentives.

### **PJ Caterers Limited and Nutritious Limited v Q21 Limited and Professor Sir Christopher Evans (Commercial Court)**

(2018 – 2019)

Acting as sole counsel for the Defendants in respect of claims brought for sums allegedly payable under contracts for sale and guarantees in respect of the acquisition of several restaurants in a major restaurant franchise. Settled before trial.

### **Executive Aircraft Services v Azerbaijan Hava Yollari, High Court (Queen's Bench Division)**

(unreported)

Acted as sole counsel for the Defendant in successfully setting aside default judgment in a claim against the defendant national airline of Azerbaijan for seven-figure alleged unpaid commissions on the purchase of commercial aircraft from Air Berlin.

### **Sports Invest v Stade Rennais (High Court, QBD)**

(ongoing)

Acting for the Claimant football agency in multi-million euro claims of procuring breach of contract/poaching a senior employee against the French League One Football Club Stade Rennais F.C. Listed for trial in 2020. Led by Paul Goulding QC.

### **Arab v Ghandour & Ors**

(Commercial Court, 2016)

Acting for a number of the Defendants in Commercial Court proceedings based on allegations of fraudulent misrepresentation, with Robert Howe QC.

### **Alliance Flooring Distribution v Brintons Carpets Limited**

(Commercial Court, 2016)

Acting for the Claimant in a contractual claim for repudiatory breach of a distribution agreement. Successfully obtained an unless order requiring better particulars of a counterclaim to rectification, following service of an RFI, which counterclaim was ultimately struck out for non-compliance with the unless order, with Robert Anderson QC.

### **Allers v Anno 11 GmbH & Ors**

(On appeal to the Court of Appeal)

Acting for Respondent to a Part 8 claim concerned the proper construction of the Articles of Association of a limited company, with Andreas Gledhill QC.

### **Baturina v Chistyakov**

[2014] EWCA Civ 1134; (Ongoing Commercial Court proceedings)

Acting for the Claimant in a long-running dispute between two Russian business people concerning the operation of multimillion euro property investment in Morocco. Led by Andrew Green QC and Andrew George QC, Tom acted for the Claimant in her successful appeal to the Court of Appeal against the stay of the claim on forum non conveniens grounds and successful cross applications in the Commercial Court resisting summary judgment/strike out, obtaining permission to amend and resisting the bringing of a further stay application. Case continuing in the Commercial Court.

### **SL v G & Ors**

(High Court, QBD)

Acted as sole counsel for the claimant in a two week civil fraud trial, concerning allegations of a multi-headed conspiracy between the four defendants, and involving allegations of bribery and dishonest assistance in breach of trust (settled by consent during trial).

### **CIMGC & Ors v Mwana Africa Ltd & Ors**

(High Court, Chancery, (Companies Court))

Acted for the respondent to an unfair prejudice petition, with Andreas Gledhill QC.

### **P v R**

Acted for the Claimant in two linked LCIA arbitrations in a high-value multi-jurisdictional dispute arising in the hospitality industry, involving related civil and criminal proceedings in other jurisdictions.

### **Barclay Pharmaceuticals Limited v Waypharm LP & Ors**

[2012] EWHC 306 (Comm)

Acted for the Claimants, led by Barbara Dohmann QC, in an £8.7million damages claim in respect of the fraudulent operation of letters of credit in the pharmaceutical sector.

### **P v A Bank**

(High Court, QBD)

Acted for the Claimant as sole counsel in successfully obtaining a Norwich Pharmacal Order requiring a bank to identify holders of bank accounts used fraudulently to divert payments from the Claimant company.

### **Schubert Technical Services Limited v Barnes t/a Deacon Finishes**

Acted as for the third party asset finance house in the trial of a product quality dispute in the Technology and Construction Court.

### **Ecotricity v Anr**

Acted for Ecotricity as sole counsel in an I.T. dispute brought in the Technology and Construction Court, settled before trial.

## **E v F**

(High Court, Commercial Court)

Acted as junior counsel for the Claimants in a multi-million pound action in deceit and solicitors' negligence, settled out of court shortly before trial, with Andrew Hunter QC.

## **HMRC v A, B**

Acting for HMRC, with Mark Vinall, in relation to two substantial cases of missing trader fraud.

## **Martinez v Camelot UK Lotteries Limited**

Acted as sole counsel for the Respondent, successfully resisting the Claimant's application for Norwich Pharmacal relief against Camelot in support of an action in fraud. The case involved consideration of the interplay between the statutory and licence obligations on Camelot as the operator of the National Lottery and the Court's discretionary powers to grant Norwich Pharmacal relief.

## **Lombard North Central Plc v Hussain**

Successfully acted for the Claimant as sole counsel in a three day trial relating to a claim and counterclaim in conversion and for monies owed under two hire-purchase agreements, involving issues relating to the Consumer Credit Act 1973.

## **L v M**

Represented a finance company in committal proceedings for contempt of court, for breach of a court order.

## **Sport**

Tom has an unusual breadth and depth of experience in all areas of sports law and he is rated for sports law in the leading independent directories Chambers UK and Legal 500. He has extensive experience of a broad range of sporting disputes, including civil and commercial litigation concerning Club/Club, Club/Player and Club/Agent commercial disputes, sports regulation, competition law in sport, the vicarious liability of sporting bodies, anti-doping, ethics and disciplinary proceedings before sports governing bodies and anti-doping panels and safeguarding issues. He also has significant experience conducting investigations. In recent years he has acted in cases in Formula 1, football, rugby, cricket, canoeing, rowing, squash, sailing and athletics. Recent highlights include acting for HRH Prince Abdullah bin Mosaad bin Abdulaziz Al Saud in the shareholder and associated disputes before the English High Court (Business and Property Courts) over the Premier League football club Sheffield United, acting in a large Premier League Managers' Arbitration Tribunal dispute, acting for the International Canoe Federation before the Court of Arbitration for Sport and working on a range of sports ethics cases, including disciplinary cases against the leadership of Athletics Kenya, in his capacity as Legal Secretary to the Ethics Board of the International Association of Athletics Federations (IAAF).

***“He is comfortable in dealing with witnesses and, again, adopts a measured approach that has been very well-suited to the case we are working on.”***

— LEGAL 500, 2021

Tom acts as an independent reviewer of case to answer determinations made by UK Anti-Doping in respect of a range of potential anti-doping violations by athletes in different sports.

Tom regularly gives talks on topics of current interest in the field of sports law. He is a contributor to the Blackstone Chambers Sports Law Blog.

## Cases

### **In the matter of Ahmad Al Kamali and the IAAF Code of Ethics**

(2020)

An independent Panel of the IAAF Ethics Board partially upheld charges against the President of the UAE Athletics Federation and former World Athletics (previously IAAF) Council member, Ahmad Al Kamali. The Panel imposed a sanction upon Mr Al Kamali of a ban from the sport for 6 months, fined him €5,000 and ordered him to pay €15,000 in costs. Tom acted as Legal Secretary to the Panel of the IAAF Ethics Board.

### **International Surfing Association v International Canoe Federation**

CAS 2018/O/5830

Tom acted for the International Canoe Federation before the Court of Arbitration for Sport. The Court issued an award in relation to the governance of the sport of Stand-Up Paddleboard. The Panel unanimously rejected the International Surfing Association's claim to an exclusive right to govern the sport at world level.

### **South Shields Football Club 1888 Limited v The Football Association Limited**

Acted for South Shields FC in their legal challenge to The FA's decision to end the 2019/20 football season in Steps 3-7 of the English football National League System without promotion or relegation on account of the COVID-19 pandemic.

### **Re. Sheffield United Football Club: UTB LLC v Sheffield United Limited & Ors**

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[Click here to read the full judgment.](#)

Tom acted for the successful parties: UTB LLC, Prince Abdullah and others

### **McIntosh v RFU**

(RFU Appeal Panel)

Acting as sole counsel for the RFU in an anti-doping dispute concerning issues of the entitlement of NADOs and governing bodies to process personal data in connection with the detection of doping violations.

### **Inter Milan v Sunderland AFC**

(On appeal to CAS from the FIFA Players' Status Committee)

Acting for Sunderland in a dispute as to the status of the player Ricardo Alvarez and the commercial rights as between Inter Milan and Sunderland under a loan agreement, led by Ian Mill QC.

### **Bryan v Fédération Internationale de Gymnastique**

Acted for the international governing body for gymnastics in successfully striking out a personal injury claim brought against it on the basis that no relevant duty of care existed between the competitor and the FIG.

### **Football Association v Nicolas Anelka**

Acted for Nicolas Anelka, led by Pushpinder Saini QC, in his two-day disciplinary hearing before an FA Regulatory Commission in respect of his use of the Quenelle gesture during a Premiership Match. This high profile case involved questions of expert evidence and consideration of the correct approach to the F.A.'s revised regulations concerning aggravated misconduct connected to ethnic origin, race, religion or belief.

### **E v F**

Acting for a Chinese football club in a financial dispute with its former player.

### **Frank Warren Promotions Limited & Anr v Anthony Bellew, Eddie Hearn & Ors**

High Court (QB)

Acted as sole counsel for the First Defendant in an action for breach of contract and unlawful means conspiracy, successfully obtaining an order for security for costs against the Claimant.

### **Warren v British Boxing Board of Control Ltd**

(High Court, QBD, May 2014)

Acted as sole counsel for the BBBofC successfully defending the Board against a claim by the promoter Frank Warren that the Board had acted in breach of contract in its conduct of a purse bid competition for the promotion of the British Middleweight Championship.

### **Doncaster Rover Belles LFC v The Football Association**

Acted for the F.A., led by Adam Lewis QC, in its successful defence of an appeal by DRB LFC to an Independent Appeals Panel against the outcome of a tendering and selection process run by the F.A. for a two-tier Women's Super League for elite women's football in England. The case involved the application of developments in civil case law on the circumstances when silence and continued participation in a process constitute a waiver of the right to object to the composition of a decision-making panel.

### **A club v A sport's governing body**

Successfully acted as sole counsel for a sport's governing body in an arbitral challenge brought by a league club to the application of a points deduction for fielding an ineligible player which had the effect of relegating the club.

### **F v The Football Association**

Tom acted as sole counsel for the F.A. successfully obtaining a stay of civil proceedings brought against the F.A. in favour of Rule K arbitration.

### **W v UKAD**

Acted for an athlete in a sanctions hearing before the National Anti-Doping Panel in respect of the athlete's positive test for a prohibited stimulant. The case involves interesting issues of the correct approach to sanctioning framework in respect of supplement use.

### **ICC Cricket World Cup 2015**

Advised Cricket Ireland and the Associate Members of the Cricket World Cup on the legal implications of the ICC's decision to limit participation in the 2015 Cricket World Cup to the ten full members of ICC. Following representations to the ICC Executive Board, the ICC reversed its decision and decided that the 2015 World Cup should be a 14 team competition. Led by Lord Pannick QC.

### **Pontypool RFC v Welsh Rugby Union**

[2012] EWHC 1919 (QB)

Junior Counsel for the WRU, successfully defending the Union in an expedited three-day trial before Jack J, concerning claims brought against it by Pontypool RFC for breach of non-statutory duty and breach of contract in relation to the reorganization of the Welsh Premier Division. Successfully resisted further subsequent applications by Pontypool for declarations and an issue based costs award. Led by Adam Lewis QC.

### **Havant Hockey Club & Anr v English Hockey League Committee**

(2012)

Successfully represented Havant in an appeal before the English Hockey Appeal Panel in relation to a finding that Havant had breached the Men's English Hockey League Regulations and the subsequent imposition of a points deduction and financial penalty.



**Federation Luxembourgeoise de Boxe & Ors v British Boxing Board of Control**

High Court (Ch), (2012)

Acted as Junior Counsel for the British Boxing Board of Control defending claims brought against the Board by the FLB and a number of licence holders that the BBBC's intention to bring disciplinary proceedings in respect of the Hayes/Chisora fight constitute a breach of European and/or domestic competition law. Led by Adam Lewis QC.

**Bamford v Hertfordshire Football Association**

(2012)

Acted for Herts F.A. successfully resisting a claim that the association should be held vicariously liable for an alleged assault on a spectator by a match official.

**Gregory v The Football Association**

(2012)

Acted for the F.A. successfully obtaining summary judgment dismissing a claim brought against it by a spectator on the basis that the F.A. owed him a duty of care as a travelling home spectator in relation to a breakdown of crowd control at the 2007 Champions League Final in Athens.

**R (Tottenham Hotspur FC) and Leyton Orient FC v Newham Council, OPLC, Mayor of London, and Secretary of State for Culture Media and Sport**

(High Court)

With Adam Lewis QC and Tom Richards, Tom assisted Leyton Orient in its judicial review applications in relation to Newham's loan to its joint venture vehicle with West Ham FC to allow it to bid for the Olympic Stadium, the OPLC's decision to recommend that bid, and the Mayor's and Secretary of State's decision to accept that bid (public procurement and competition law).

## Public & Regulatory

Tom undertakes a range of regulatory, public and administrative law work, with a particular emphasis on regulatory litigation and advisory work, especially with a commercial dimension.

He is currently involved in ongoing advisory work on a number of matters for regulators and NGOs. Tom has previously worked on secondment at Ofgem, the national gas and electricity markets regulator.

Recent highlights of Tom's public law work include acting for the claimant company in the case of *R (Corbiere Ltd) v Secretary of State for the Home Department*, judicially reviewing the decisions of the SSHD and SSJ to deport a foreign criminal convicted of stealing confidential investment strategies from his former employer prior to the employee having delivered up the stolen confidential information and the challenge to the SSHD's passport policy in *R (Elan-Cane) v SSHD*, on behalf of a non-gendered person seeking access to non-gender specific passports (currently subject to appeal to the Court of Appeal).

## Cases

### **South Shields Football Club 1888 Limited v The Football Association Limited**

Acted for South Shields FC in their legal challenge to The FA's decision to end the 2019/20 football season in Steps 3-7 of the English football National League System without promotion or relegation on account of the COVID-19 pandemic.

### **R (Elan-Cane) v Secretary of State for the Home Department (Administrative Court)**

[2018] EWHC 1530 (Admin)

Tom acted for Christie Elan-Cane in a claim challenging the legality of the UK Government's policy refusing to issue non-gender-specific "X" passports to UK nationals. The Administrative Court dismissed the claim that the Government presently has a positive obligation under Article 8 to provide such 'X' passports (and the other grounds of challenge), however, the Court recognised that the Claimant's Article 8 rights were engaged and that the Claimant's right to respect for private life includes a right to respect for the Claimant's identification as non-gendered. This is the first time the UK courts have recognised that the right to respect for an individual's private life guaranteed by Article 8 ECHR includes the right to respect for the gender identity of non-gendered, intersex, trans and non-binary people identifying as neither, or not exclusively, male or female. The Court also ruled that it is necessary for the Government to consider the extent to which other identities both within and beyond the binary concept of gender are to be recognised, and if so on what basis.

### **British Gas Trading v Gas and Electricity Markets Authority (GEMA); Northern Powergrid v GEMA**

(Competition & Markets Authority, Final Determinations 29 September 2015)

Acted as junior counsel for Ofgem in the first appeals to the Competition and Markets Authority under the new statutory licence modification process applicable to the UK energy sector, in respect of the price control for electricity distributors up to 2023, with Alan Maclean QC, Pushpinder Saini QC, Jane Collier, Hanif Mussa and Tom Coates

### **AS v Secretary of State for the Home Department**

(Upper Tribunal, 2015)

Acting as sole counsel for a company seeking to resist third party disclosure orders in support of the Claimant's application for judicial review of a decision of the Secretary of State.

### **R (UKPNS) v The Gas and Electricity Markets Authority**

[2014] EWHC 3678 (Admin)

Acted as junior counsel for the Defendant, led by Javan Herberg QC, in this case which concerned the proper approach of Ofgem as the national regulatory authority to the imposition of third party access duties flowing from a new European law regime in respect of exempt electricity distribution systems.

### **Alice Mae Coe & Ors v The Governor of the Cayman Islands & Ors**

Cause No 62 of 2013

Acted for the Defendants, led by Richard Keen QC, resisting the Claimants' constitutional and common law claims in respect of the closure of a portion of the West Bay Road on Grand Cayman and redevelopment of the surrounding land.

### **R (Conaghan) v The Independent Police Complaints Commission**

(2013, High Court (Admin) unreported)

Acted as sole counsel for the Defendant in successfully resisting the Claimant's application for judicial review of an investigation into the relevant local police force's arrest of the Claimant.

### **Retail Market Review**

Advising Ofgem on its extensive investigation into the functioning and reform of the domestic retail energy market.

### **R (Tottenham Hotspur FC) and Leyton Orient FC v Newham Council, OPLC, Mayor of London, and Secretary of State for Culture Media and Sport**

(High Court)

With Adam Lewis QC and Tom Richards, Tom assisted Leyton Orient in its judicial review applications in relation to Newham's loan to its joint venture vehicle with West Ham FC to allow it to bid for the Olympic Stadium, the OPLC's decision to recommend that bid, and the Mayor's and Secretary of State's decision to accept that bid (public procurement and competition law).

## **Employment**

Tom has experience of a wide variety of employment-related litigation and advisory work, including financial/commercial claims arising in the context of relationships of employment or concerning economic torts connected to employment and agency relationships.

Tom has acted in a range of Employment Tribunal cases covering unfair and wrongful dismissal, unlawful deduction from wages, protected disclosures, redundancy, race, disability and sex discrimination.

Tom is a contributing author to Employee Competition: Covenants, Confidentiality and Garden Leave.

## Cases

### **Sports Invest v Stade Rennais (High Court, QBD)**

(ongoing)

Acting for the Claimant football agency in multi-million euro claims of procuring breach of contract/poaching a senior employee against the French League One Football Club Stade Rennais F.C. Listed for trial in 2020. Led by Paul Goulding QC.

### **D & C v Royal Bank of Scotland**

Acted for the Claimants in a 6 day employment tribunal hearing of their claim for unfair dismissal against the Respondent bank in respect of gross misconduct dismissals relating to participation in investment schemes, involving connected criminal proceedings.

### **Q (Mediation in Chinese)**

Tom was instructed as the independent legal advisor of a Chinese employee of a branch office in London, in respect of a without prejudice mediation between the employee and her employer concerning health and performance issues. Tom used his Chinese language skills in advising the employee and arriving at a mediated settlement. The case involved sensitive issues of mental health.

### **F v G**

Acting for the Claimant in respect of threatened proceedings concerning pension loss.

### **B v C Limited**

Successfully acted for the Claimant in a 5 day employment tribunal hearing for direct discrimination on the basis of perception of disability and unfair dismissal, involving issues of mental health. Remedy settled by consent.

### **A v Broadwood Residential Ltd**

Successfully acted for the Claimant in her claims of unfair and wrongful dismissal in respect of her dismissal for purported gross misconduct by the Respondent private operator of a school for children with special behavioural and emotional needs in respect of the use of a physical restraint on a student in the context of a violent incident within the classroom.

### **Baker v Cherry Menlove Limited**

Successfully represented the Claimant in a claim for unlawful deduction from wages in the context of a start-up joint venture.

### **A v B (and others)**

Acted for the first respondent in a constructive dismissal claim brought in the Employment Tribunals, in circumstances where connected proceedings involved allegations of theft, falsification of documents to the Court and sexual harassment.

## Civil Liberties & Human Rights

Tom undertakes a range of human rights work, both litigation and advisory and is currently involved in first instance and appellate human rights challenges before the UK Courts, international and transnational Courts, including in Africa and Asia.

He has published on the legal position and status of LGBT people in China and his research has been cited in Country of Origin Information in the UK, France and Canada.

***“He's good, committed, and knows the law.”***

– CHAMBERS AND PARTNERS, 2021

## Cases

### **R (Elan-Cane) v Secretary of State for the Home Department (Administrative Court)**

[2018] EWHC 1530 (Admin)

Tom acted for Christie Elan-Cane in a claim challenging the legality of the UK Government's policy refusing to issue non-gender-specific "X" passports to UK nationals. The Administrative Court dismissed the claim that the Government presently has a positive obligation under Article 8 to provide such 'X' passports (and the other grounds of challenge), however, the Court recognised that the Claimant's Article 8 rights were engaged and that the Claimant's right to respect for private life includes a right to respect for the Claimant's identification as non-gendered. This is the first time the UK courts have recognised that the right to respect for an individual's private life guaranteed by Article 8 ECHR includes the right to respect for the gender identity of non-gendered, intersex, trans and non-binary people identifying as neither, or not exclusively, male or female. The Court also ruled that it is necessary for the Government to consider the extent to which other identities both within and beyond the binary concept of gender are to be recognised, and if so on what basis.

### **Tan Eng Hong v Attorney General of Singapore**

[2014] SGCA 53

Tom worked as part of a team of UK and Singapore based lawyers, challenging before the Singapore Court of Appeal the criminalization of consensual same sex sexual conduct between adult men under s 377A of the Singapore Penal Code as incompatible with the Singaporean Constitution.

### **H.C. v Turkey**

Application Number 6428/12

Acted as Junior Counsel for the applicant in a challenge to the criminalization of homosexuality in Northern Cyprus, before the European Court of Human Rights for breach of, inter alia, the rights to private and family life and against degrading treatment. As a result of the claim, the Northern Cyprus Parliament repealed the criminalization (the last criminalization of consensual same sex sexual conduct in Europe) and the Court was dismissed by consent. Led by Nigel Fleming QC.

### **Student disciplinary procedure advice**

Acted as sole counsel advising a major University on the conformity of its student disciplinary procedures with Article 6 ECHR and principles of natural justice and on potential options for reform.

## A Charity

Advised a large charity on whether any of its functions constitute functions of a public nature for the purposes of the HRA 1998, with Dinah Rose QC.

## Media & Entertainment

Tom has acted for clients and advised on a range of commercial issues in the field of media and entertainment.

## Cases

### **Wearn v HNH International Holdings Ltd**

[2014] EWHC 3542 (Ch)

Acted as junior counsel for the Defendant, led by Tom de la Mare QC, in a successful application to strike out complex proceedings concerning allegations of tampering with musical recordings by the Defendant company, a part of the Naxos classical music label, for abuse of process/conduct likely to obstruct the just disposal of proceedings and/or for breach of Court Orders and/or CPR r. 1.3.

### **Bit torrent copyright infringement injunction applications**

Assisting the British Recorded Music Industry in respect of applications for blocking injunctions against internet service providers under section 97A of the Copyright, Designs & Patents Act 1988 requiring them to block their subscribers' access to bit torrent websites facilitating the wrongful download of music, television programmes and films in breach of copyright.

### **C v P**

Acted for the Defendant in respect of a contractual dispute about the quality of two video shoots abroad for a promotional campaign for a major consumer brand. Settled before trial.

### **F v W**

Successfully acted for the Claimant in a contractual dispute between a film production company and a location agent.

### **Chain of Title Advisory Work**

Advised in respect of chain of title issues in respect of creative works.

## EU & Competition

Tom has a good knowledge and experience of competition law having previously worked for the Competition Commission on merger inquiries and market investigations.

Tom has significant experience of the application of competition law in the context of professional sport (see Sports section above).

Tom has been involved in a variety of cases involving competition and European law.

## Cases

### C v D

Advising a company in the telecommunications and media sector in respect of potential claims for refusal to supply and/or abuse of a dominant position contrary to Chapter II of the Competition Act 1998, with Pushpinder Saini QC.

### R (UKPNS) v The Gas and Electricity Markets Authority

[2014] EWHC 3678 (Admin)

Acted as junior counsel for the Defendant, led by Javan Herberg QC, in this case which concerned the proper construction of domestic implementing regulations in respect of obligations flowing from a European Directive, under Marleasing interpretative principles.

### A Union

Acted as sole counsel advising a trade union on whether certain practices give rise to liability in respect of the cartel offence under section 188 Enterprise Act 2002 or as a price-fixing agreement contrary to Article 101 TFEU/Chapter I Competition Act 1998 prohibition.

### Littaur v SWE & Anr

High Court (Ch)

Acted as sole counsel for the First Defendant in an action for declaratory relief that the First Defendant had breached European and/or domestic competition law in its application of international rules on the exhibiting and grading of stamps. Tom successfully obtained an order that the proceedings be stayed and struck out unless the Claimant showed that the relevant international governing body had been properly joined to the claim or that fresh proceedings had been brought against the international governing body and an application to consolidate the proceedings made.

### Apollo Property Services v The Office of Fair Trading

Appeal against the fine imposed by the OFT following the OFT's findings of a cartel in the construction industry. (Assisting Tom de la Mare QC).

## ACHIEVEMENTS

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### Education

BA (Hons) (Oxon.) First Class; Diploma in Chinese (Mandarin) (Peking University, Beijing), Diploma in Law (City, London)

### Prizes & Scholarships

- Phoenicia Scholarship (Bar European Group, 2010)
- Inner Temple Internship Award (Inner Temple 2009)
- Princess Royal Scholarship (Inner Temple, 2008)
- Inner Temple Major Exhibition (Inner Temple, 2007)
- College Prize (Wadham College, Oxford University 2006 for Final Honours School results)

Tom received a scholarship from Inner Temple in 2009 and bilateral grant funding from the Foreign and Commonwealth Office to conduct research in Beijing on the legal status and position of LGBT people in China. His research has been published in English and Chinese, including by the ILGHRC.

### Other relevant experience

Tom worked in political affairs for the European Commission's Delegation to China, in Beijing in 2007. He was involved in human rights, domestic and foreign policy monitoring and project work.

VAT registration number: 447008068

Barristers regulated by the Bar Standards Board