

Tom Weisselberg QC

“He's just a delight to work with and nobody has a better strategic sense than him.”

– CHAMBERS AND PARTNERS, 2021

Year of call: 1995
Appointed to silk: 2014
Degree: MA (Oxon), Diploma in Law (City)



Tom has extensive litigation and advocacy experience. He has appeared in the Supreme Court, House of Lords, Privy Council, Court of Appeal, High Court and County Courts. He has also appeared in a wide range of domestic tribunals (including the Copyright Tribunal, the Takeover Panel, the Upper Tribunal (Tax and Chancery Chamber) and the Lloyd's Appeal Tribunal).

He regularly appears in domestic and international commercial arbitrations (including in the LCIA, the ICC and the PPL Arbitral Tribunal) in cases involving a wide range of subjects (including oil, the hospitality industry, telecommunications and music recording contracts).

Tom is recognised as a leading silk in the latest editions of both the leading legal directories, Chambers UK and Legal 500, for his expertise in commercial litigation, civil fraud and media and entertainment.

As a junior, Tom was ranked as one of Chambers UK's Top Junior Bar 100, in their inaugural listing of the top barristers practising at the Bar of England & Wales. "Extremely user friendly, and very well liked by solicitors and lay clients alike, he is obviously extremely clever, but wears his intellect lightly and is excellent at explaining complicated legal issues in a simple, intelligible way."

Tom was Commercial Litigation Junior of the Year in the Chambers and Partners Bar Awards 2012.

He has been called to the Bar in the British Virgin Islands and has appeared in cases in the Cayman Islands.

EXPERIENCE

Commercial

Tom has appeared in a wide variety of commercial cases in the Privy Council, the House of Lords, the Court of Appeal, the High Court and the County Court. He also has extensive experience of acting for parties before different arbitral tribunals (including the LCIA, the ICC and the PPL Arbitral Tribunal).

“He is brilliant to work with, he is clever and he sees the wood for the trees.”

– CHAMBERS AND PARTNERS, 2021

Tom has particular experience of acting and appearing in civil fraud cases. He regularly deals with claims involving Search Orders, Freezing Injunctions, Document Preservation Orders and Information Orders.

He has acted for a very wide range of clients in all sorts of commercial cases. His clients have included Macquarie, Pirelli, Michelin, Oleg Deripaska, Rusal, Lloyd's, Lufthansa, Microsoft, BP, British Gas, the Deputy Prime Minister of Qatar, Den Norske Bank, Citibank, Cyprus Turkish Airlines, the BBC, Nokia, Vodafone, the Export Credits Guarantee Department, Ofcom, British Telecom, Sapporo, the developer of the Shard, the Royal Bank of Scotland, IFPI, News International, BSKyB, Uganda Property Holdings Limited and HM Attorney General.

He has also acted for a large number of Defendants who have faced claims brought by (for example) the Ministry of Justice, HM Revenue & Customs, News International, the Federal Republic of Nigeria, Société General, the Government of Djibouti, PJSC Tatneft, Vale SA and Jyske Bank. He has obtained the discharge of wrongfully obtained injunctions and defended a large number of high value claims.

He has been involved in cases dealing with such things as Kuwaiti aircraft, photocopiers, ATMs, mobile telephones, share sale agreements, media representation and bribery.

He regularly acts in multi-jurisdictional disputes as part of a team involving lawyers and laws from many jurisdictions (including Russia, Kazakhstan, Tajikistan, Kuwait, Singapore, Gibraltar, Portugal, Angola, Uganda, Jersey, Switzerland, Djibouti and France). He has been called to the Bar of the British Virgin Islands and has appeared in cases in the Cayman Islands.

He also has experience of private international law issues (having acted in the Kuwait Airways v Iraqi Airways litigation and in cases against a member of the Saudi Royal Family and the Ugandan President). He regularly works on cases that involve the application of foreign law in English proceedings.

Tom has acted as an examiner appointed by the Commercial Court for the purposes of taking a deposition for use in US proceedings.

Cases

Vale SA v Steinmetz & others

Acting for three Defendants in a fraud claim said by the Claimants to be worth US\$1.8 billion.

Gorbachev v Guriev

[2019] EWHC 2684 (Comm)

Acting for the Defendant in a trusts claim said by the Claimant to be worth around US\$1 billion.

Vodafone Ltd v Office of Communications

[2020] EWCA Civ 183

Acted for OFCOM in a case concerning the scope of a claim for unjust enrichment under the Woolwich principle and whether it was appropriate to run a counterfactual when deciding whether or not a public authority could retain a fee collected without lawful authority.

The Public Institution for Social Security v Al Rajaan & Others

[2019] EWHC 2886 (Comm); [2020] EWHC 1498 (Comm)

Acting for the First Defendant in a claim brought by the Kuwaiti social security fund said by the Claimant to be worth in excess of US\$850 million.

Organic Grape Spirit Ltd v Nueva IQT SL

[2020] EWCA Civ 999

Acted for the successful Appellant in securing its ability, as a fledgling business, to continue to operate notwithstanding the grant of a Freezing Injunction.

Maher v Maher

[2019] EWHC 3613 (Ch); [2020] EWHC 1000 (Comm)

Acting for co-trustees in family trust in successfully (a) resisting their removal as trustees; and (b) securing the removal of their co-trustee.

Arcelormittal USA LLC v Essar Global Fund Ltd & Others

FSD 2 of 2019 (IKJ)

Acted for the Plaintiff in the Cayman Islands in a claim for Norwich Pharmacal relief in support of attempts to enforce an ICC award for US\$1.38 billion.

KrisEnergy (Gulf of Thailand) Ltd v Rubicon Vantage International PTE Ltd

Acted in the Cayman Court of Appeal in this challenge to the presentation of a winding-up petition based on an alleged debt for work done on Floating Storage and Offloading vessel in the Gulf of Thailand.

MacInnes v Gross

[2017] EWHC 46 (QB)

Acted for the Defendant in a case based on an alleged oral contract for a €13.5 million share in the sale proceeds of a sports data business. The contract was allegedly concluded over dinner at Zuma. After trial, the Judge dismissed the Claimant's claim and held that there was no contract and no claim for quantum meruit.

Tatneft v Bogolyubov & Others

[2016] EWHC 2816 Comm; [2017] EWCA Civ 1581

Acting for a Ukrainian defendant in a US\$200 million claim brought by a Russian state owned oil company. Tom was part of a multi-party 5 day hearing in October 2016 to challenge the jurisdiction and the grant of a Worldwide Freezing Injunction. Picken J dismissed the Claimant's claim, discharged the Worldwide Freezing Injunction and set aside the order for service out of the jurisdiction. The Claimant's appeal was allowed by the Court of Appeal and the case is now pending before the Commercial Court.

TNZI v Ferroval

Acted for a leading Australian telecommunications to discharge an injunction which restrained it from terminating telecommunications services; after discharging the injunction, immediately applied (to the same Judge) successfully for a Freezing Injunction against the Claimant.

Allied Irish Bank v Nolan

Acted for Irish Defendants in a claim under section 423 of the Insolvency Act in relation to an alleged transfer at an undervalue of valuable English properties.

Breyer Group v Department of Energy & Climate Change

[2016] EWHC 763 (Comm)

Acted for the Government in a high value claim for damages in relation to an alleged breach of Article 1 of the First Protocol to the European Convention on Human Rights. The case was one of The Lawyer's Top Cases for 2018 and settled in January 2018 shortly before the start of a 10 week trial.

PDHL v Financial Conduct Authority

[2016] UKUT 130 (TCC), [2016] UKUT 129 (TCC)

Acted for a regulated firm in relation to a challenge to the FCA's refusal of permission to carry on the regulated activity of debt adjusting and debt counselling.

Tom has also acted for a number of other firms seeking permission from the FCA and recently succeeded before the RDC in obtaining permission for one such firm.

Coventry v Lawrence

[2015] 1 WLR 3485

Acted successfully for the Secretary of State for Justice in the Supreme Court resisting a challenge to the enforceability of pre-Jackson regime Conditional Fee Agreements.

Roberts & Wilkins v FCA

[2015] UKUT 408 (TCC)

Acted against the Financial Conduct Authority for a regulated individual in a case involving traded life insurance bonds.

Krys v KBC Partners LP

[2015] UKPC 46

Acted for Salford Capital Partners in a number of multi-jurisdictional disputes involving questions of BVI partnership law, contractual construction and allegations of breach of duty, computer hacking and breach of confidence. Appeared in the Privy Council in an appeal as to the proper construction of the articles of association of a BVI partnership.

Ecclestone v HMRC

Acting for HMRC against Bernie and Slavica Ecclestone in a case involving HMRC's claim that it is entitled to rescind a settlement agreement concluded between it and Mr and Mrs Ecclestone.

ITV Broadcasting Ltd v TV Catchup

[2015] EWCA Civ 204

Acted for Virgin Media in the Court of Appeal in a case involving section 73 of the Copyright, Designs and Patents Act where the issue before the Court was whether or not the internet = cable.

Cooper Tire & ors v Dow Deutschland & ors

[2014] EWHC 1578 (Comm)

Acted for the Claimants in a multi-million Euro cartel follow-on damages claim brought by some of the leading European tyre manufacturers. This was the first cartel follow-on damages claim to come to a substantive hearing in the English Courts. The case settled at the end of the second week of trial.

Otkritie v Urumov & Ors

[2014] EWHC 191 (Comm)

Acted for a Defendant in a high value and long-running trial involving allegations of fraud, breach of fiduciary duty, knowing receipt and dishonest assistance.

Forstater v Python (Monty) Pictures Limited

[2013] EWHC 1873 (Ch)

Acted successfully for the producer of "Monty Python and the Holy Grail" in a claim to rectify an agreement concluded in 1974. Cross-examined Michael Palin, Eric Idle and Terry Jones.

Resolution Chemicals v Lundbeck

[2013] EWHC 3160 (Pat)

Acted for the Claimant in resisting an application that Arnold J should recuse himself from hearing a trial in circumstances where he had a past academic connection to an expert witness.

Cherney v Deripaska

Acted as part of a team for the Defendant in an important case involving allegations of criminality and a claim that the Claimant had a 20% share in Rusal. Tom was heavily involved in all aspects of the case, with a particular focus on detailed and complex financial evidence (expert and factual). He travelled frequently to Moscow and liaised with English and Russian accountants. Tom was due to cross examine a number of witnesses (factual and expert) before the case settled.

Discovery Communications Europe Ltd v Blizoo

Acted for the Discovery Channel in a dispute as to the terms of a broadcast licence.
Case settled shortly before trial.

Lufthansa Technik v Evergreen International Airlines

Acted for Lufthansa in a claim seeking payment for work done on aircraft engines.

Société General v Saad & Others

[2013] EWCA Civ 2361, [2012] EWCA Civ 695 & [2011] EWHC 2424

Acted for a co-defendant in an interesting case involving letters of credit and a guarantee. Judgment handed down in October 2011. The Court of Appeal granted permission to appeal but, at a contested hearing the Court of Appeal set conditions on the appeal (requiring money to be paid into Court).

Government of Djibouti v Boreh

Acted for the Defendant in a claim involving allegations of breach of duty and difficult issues of Djibouti law.

ICON SE v SE Shipping

[2012] EWCA Civ 695

Appeared successfully in the Court of Appeal on an urgent disclosure appeal.

Meltwater v Newspaper Licensing Agency

CT114/09

Acted for an intervener, the UK Media Monitoring Agency, in a case in the Copyright Tribunal which concerned the terms on which online newspaper sites can be used by press cuttings agencies.

JSC Bank v Ablayazov & others

Acted for corporate Defendants in this high value Kazakh fraud case.

Air Transworld Ltd v Bombardier Inc

[2012] 1 CLC 145

Acted for the defendant, an aircraft manufacturer. Case concerned issues of contractual construction, choice of law, offer and acceptance, fitness for purpose, implied terms, unfair contract terms and satisfactory quality.

Partnership disputes

Acted for a number of partnerships in disputes over names and other partnership assets (including the bands Snow Patrol, Duran Duran and the Sugababes). Often asked to advise in relation to the approach to be adopted when valuing partnership assets, including partnership names. Advised and acted for a number of law firms in disputes between partners and members of LLPs.

Attheraces Ltd v Ladbrokes Betting and Gaming Ltd

[2017] EWHC 431 (Ch)

Tom acted successfully for one of the Respondents in resisting an application for pre-action disclosure in a dispute involving the horse racing world and the betting industry

Kent v Paterson-Brown

[2018] EWHC 2008 (ch)

Tom acted successfully at trial for defendants who faced a claim involving complicated issues of applicable law, English trust law (including Quistclose trusts) and Swiss law.

Recovery Partners & anor v Rukhadze & ors

[2018] 1 WLR 1640

Acting for the Claimants in a high value claim relating to the provision of “recovery services” to the family of Badri Patarkatsishvili.

The claim is one of breach of fiduciary duty, breach of confidence and unlawful means conspiracy. The Claimants succeeded after a four week trial on liability before Cockerill J. The quantum phase is ongoing and there is an application for permission to appeal pending before the Court of Appeal.

Civil Fraud, Asset Recovery & Injunctive Relief

Tom has substantial experience of obtaining and resisting interim injunctions and acting in large-scale international fraud cases. He is regularly involved in claims involving Worldwide Freezing Injunctions, Search Orders, Document Preservation Orders, Norwich Pharmacal Orders and Bankers Trust Orders.

He has appeared in the English Court of Appeal, the English High Court, the British Virgin Islands and the Cayman Islands in a wide variety of disputes concerning such things as breaches of fiduciary duty, misappropriated monies, fraudulently obtained contracts, Organic Grape juice, insolvency issues and corporate disagreements.

“He's seen it all, done it all and is a really effective advocate.”

— CHAMBERS AND PARTNERS, 2021

Cases

Vale SA v Steinmetz & others

Acting for three Defendants in a fraud claim said by the Claimants to be worth US\$1.8 billion.

The Public Institution for Social Security v Al Rajaan & Others

[2019] EWHC 2886 (Comm); [2020] EWHC 1498 (Comm)

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Allied Irish Bank v Nolan

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Government of Djibouti v Boreh

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Cherney v Deripaska

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Otkritie v Urumov & Ors

[2014] EWHC 191 (Comm)

Acted for a Defendant in a high value and long-running trial involving allegations of fraud, breach of fiduciary duty, knowing receipt and dishonest assistance.

Arbitration

Tom has acted in a large number of domestic and international arbitrations in the LCIA, the ICC and the PPL Arbitral Tribunal.

He has dealt with arbitrations that have involved such issues as alleged breaches of fiduciary duty, alleged breaches of shareholder agreements, the terms and application of sponsor investor agreements, the lease of aircraft, disputes between co-venturers in Eastern European companies, the supply of petroleum coke, the sale of iron ore, the supply of services (by amongst others a well-known firm of solicitors and an American technical services company) and the exercise of an option under a music publishing agreement.

His most recent arbitrations have involved issues relating to telecom investments, an oil field, carried interest payments, software development, patents licensing, FRAND terms, an airport services marketing agreement and investments in Djibouti.

He has experience of dealing with appeals to the Commercial Court from domestic arbitrations.

Financial Services

Tom has acted in a wide range of Financial Services cases for many years. He has acted for regulators, the regulated and the unregulated.

For the regulated, his work has included:

- He has appeared before the RDC on behalf of Third Parties named in Warning Notices seeking to anonymise them in any Decision Notice or to limit the extent to which they are referred to in any Decision Notice.
- He has acted for a number of debt management firms seeking full permission from the FCA to undertake regulated activities. He succeeded in persuading the RDC to set aside a Warning Notice which would have terminated a firm's interim permission.
- He appeared in Upper Tribunal in a case involving the traded life insurance market (*Roberts & Wilkins v FCA* [2015] UKUT 408 (TCC)). He overturned a prohibition that had been made by the RDC and successfully resisted an integrity case that was resurrected by the FCA in the Upper Tribunal.
- He appeared (led by Charles Flint QC) in a high-profile case before the Takeover Panel. It was the first case for many years in which a 'cold shouldering' order was made.
- He worked on a number of cases brought by the Financial Services Authority against individuals for alleged book mismarking.
- He worked for GE Life Fund Management in a case brought by the Financial Services Compensation Scheme in a case involving Structured Capital At Risk Products. He has advised a number of individuals and firms in relation to allegations of Market Abuse and other regulatory issues.
- He has advised in a number of judicial reviews and proposed judicial reviews against the Financial Ombudsman.
- He has wide experience of acting for financial institutions in claims brought by customers relating to demutualisation and other issues.

For regulators, his work has included:

- He has acted for Lloyd's in a number of cases before the Lloyd's Appeal Tribunal involving the termination of membership of the Society.
- He worked on secondment to the Financial Services Authority. As External Counsel to the FSA's Enforcement Law & Policy Department, Tom advised on a wide range of financial services related issues, including questions relating to financial services regulation, the (then) draft Financial Services and Markets Bill and the new regulatory regime.
- Tom worked for FSA as part of a team from Blackstone Chambers in a number of cases involving allegations of endowment mis-selling by leading financial institutions.
- He acted for the Financial Services Compensation Scheme in a judicial review that arose out of the collapse of Keydata Investment Services Limited.

For the unregulated, he has given advice as to the scope of the regulatory regime (e.g. in relation to potential Collective Investments Schemes) and has advised individuals who have been threatened with domestic regulatory action and with action by overseas regulators.

Tom has also acted in a large number of disputes involving banks and banking practices. He has particular experience of working on fraud cases involving banks.

Cases

PDHL v Financial Conduct Authority

[2016] UKUT 130 (TCC), [2016] UKUT 129 (TCC)

Acted for a regulated firm in relation to a challenge to the FCA's refusal of permission to carry on the regulated activity of debt adjusting and debt counselling.

Tom has also acted for a number of other firms seeking permission from the FCA and recently succeeded before the RDC in obtaining permission for one such firm.

Firm A v Financial Conduct Authority

[2016] UKUT 18 (TCC)

Acted for a regulated firm in a case concerning the proper construction of the Financial Services and Markets Act (2000) (Regulated Activities) (Amendment) (No 2) Order 2013 and whether a firm would lose its interim permission to carry on regulated activities at the point when the FCA refused an application for authorisation and gave a Decision Notice.

Roberts & Wilkins v FCA

[2015] UKUT 408 (TCC)

Acted against the Financial Conduct Authority for a regulated individual in a case involving traded life insurance bonds.

Media & Entertainment

Tom has acted in a wide range of entertainment disputes, involving music, film, fashion, television and radio. He has advised licensors, licensees and regulators in relation to a wide range of UK and international disputes. He spoke at MIDEM 2007 on the work of the Copyright Tribunal, and in particular the Online music reference (see below). He has considerable experience of the Copyright Tribunal and regularly deals with cases which involve issues relating to copyright, partnership and performer's property rights.

In the Copyright Tribunal, Tom has acted in a large number of disputes both for applicants (including BPI and iTunes) and for licensing bodies (VPL and PPL).

He has been instructed in a number of challenges to schemes promulgated by PRS for Music (including the scheme for music DVDs and the scheme for Online music). In the Online music reference, he initially acted for the BPI as part of a team led by Ian Mill QC. When the BPI settled its claim, Tom was instructed by iTunes to represent it and conducted the hearing without a leader (see *BPI v MCPS-PRS Alliance* [2008] EMLR 5). He also acted for ITV in its Copyright Tribunal challenge to the terms offered to it by PRS for Music and has often advised licensees who are dissatisfied with PRS for Music.

Tom has also acted for VPL and PPL in the Copyright Tribunal. He appeared for VPL in relation to music television, *CSC v VPL* [2010] EWHC 2094 (Ch) and [2011] EWCA Civ 650, and for PPL in an appeal against the Copyright Tribunal's decision in relation to background music, *PPL v BHA* [2009] EWHC 209 (Ch).

He also appeared for an intervener, the UK Media Monitoring Agency, in a challenge in the Copyright Tribunal to one of the Newspaper Licensing Agency's schemes (*Meltwater v NLA*).

"He's a fierce cross-examiner."

— CHAMBERS AND PARTNERS, 2021

He assisted EOS- Yr Asiantaeth Hawliau Darlledu Cyfyngedig (a licensing body that licenses, protects and promotes the repertoire of composers and publishers of Welsh-language music) in defending a claim brought against it in the Copyright Tribunal by the BBC.

In the High Court, Tom has acted in a wide range of cases. He acted for Virgin Media in *ITV Broadcasting v TV Catchup* where the Court of Appeal (after hearing argument as to the scope of section 73 of the Copyright, Designs and Patents Act 1988) made a second reference to the CJEU (see [2015] EWCA Civ 204).

He was also instructed on behalf of ZTE in *Vringo v ZTE* in a follow-on damages claim for patent infringement. The case settled shortly before trial.

Tom has acted (or is currently acting) in a large number of band and partnership related disputes for amongst others Snow Patrol, Duran Duran, the Sugababes and Busted (*McPhail v Bourne* [2008] EWHC 1235 (Ch)). He regularly acts for managers who are in dispute with their artists or former artists.

In *Forstater v Python (Monty) Pictures Limited* [2013] EWHC 1873 (Ch), Tom acted successfully for the producer of "Monty Python and the Holy Grail" in a claim to rectify an agreement concluded in 1974. He cross-examined Michael Palin, Eric Idle and Terry Jones.

He has also acted in wide range of disputes on behalf of (amongst others) the Discovery Channel (about a Bulgarian broadcast licence), Bucks Music (in a dispute with the DJ Jay Sean), Onward Music (in a dispute relating to "A Whiter Shade of Pale"), the tenor Jonas Kaufmann (in a dispute with Decca), iTunes, IFPI, Christine Bleakley, Mark Morot, Iron Maiden, the BBC, Fat Cat Records (in a dispute with Sigur Ros), Microsoft, Blue (in a passing off action brought against the boy band by a 1970s band), Oasis (in insurance and other matters), Carlton Film Distributors, MGN, Film Four, Tomasz Starjewski and Roger Moore.

He has also been involved in cases involving the band Placebo, the Beatles' Lost Concert, the song "Fight for This Love" (performed by Cheryl Cole), the music for *Space 1999*, an Oscar winning animated version of *Peter and the Wolf*, the Bay City Rollers, *The World is Not Enough*, P Diddy, Simply Red and Melinda Messenger.

Cases

Martin v Kogan

[2017] EWHC 2927 (IPEC)

Acted for the screenwriter of the acclaimed film *Florence Foster Jenkins* in a case involving a claim by his former partner. that she was a co-author of the screenplay. HHJ Hacon dismissed her claim. The Court of Appeal allowed an appeal against that judgment and ordered a re-trial.

Attheraces Ltd v Ladbrokes Betting and Gaming Ltd

[2017] EWHC 431 (Ch)

Tom acted successfully for one of the Respondents in resisting an application for pre-action disclosure in a dispute involving the horse racing world and the betting industry

MacInnes v Gross

[2017] EWHC 46 (QB)

Acted for the Defendant in a case based on an alleged oral contract for a €13.5 million share in the sale proceeds of a sports data business. The contract was allegedly concluded over dinner at Zuma. After trial, the Judge dismissed the Claimant's claim and held that there was no contract and no claim for quantum meruit.

Telecommunications

Tom has considerable experience of cases that involve issues relating to telecommunications. He has acted for and against the providers of telephone services in commercial and regulatory contexts.

He has undertaken cases for (amongst others) Vodafone, T-Mobile and Nokia (in arbitrations and in the High Court) and has appeared for Ofcom.

Public & Regulatory

Tom regularly acts in a wide range of public and regulatory cases, often for Government Departments but also for individuals. He has acted for the General Medical Council and often acts for the Ministry of Justice in cases involving prisons and prisoners. He has advised and acted for a number of commercial bodies in proposed challenges to commercial and financial regulators (both in this country and abroad).

Cases

R (Dennehy) v Secretary of State for Justice

[2016] EWHC 1219 (Admin)

Appeared for the Secretary of State for Justice in this high-profile case involving the serial killer, Joanne Dennehy. The case involved interesting issues as to the application of Article 8 of the ECHR to segregation.

Tom is leading on a number of other cases involving the same issue and other high profile prisoners.

R (McAtee) v Secretary of State for Justice

[2016] EWHC 1019 (Admin)

Acting for the Secretary of State in relation to a challenge by a prisoner to his removal from open conditions.

Ecclestone v HMRC

Acting for HMRC against Bernie and Slavica Ecclestone in a case involving HMRC's claim that it is entitled to rescind a settlement agreement concluded between it and Mr and Mrs Ecclestone.

R (Wilson) v Independent Adjudicator

[2016] EWHC 176 (Admin), [2016] 4 WLR 27

Acted successfully for the Secretary of State in resisting a claim that the defence of duress should be available to a prisoner charged with a disciplinary offence under the Prison Rules.

R (Weddle) v Secretary of State for Justice

[2016] EWCA Civ 38

Acted successfully in appeal against a finding that the Secretary of State had acted irrationally in relation to the rehabilitative needs of a prisoner.

R (Gilbert) v Secretary of State for Justice, R (Bewley) v Secretary of State for Justice & other cases

[2015] EWCA Civ 802 and [2014] EWHC 4125 (Admin)

Acting for the Secretary of State in cases concerning the change in approach to the circumstances in which prisoners will be eligible for Release on Temporary Licence and transfers to open conditions.

R (Harris) v Secretary of State for Justice

[2014] EWHC 3752 (Admin)

Acted for the Secretary of State in successfully resisting a challenge to a refusal to transfer a prisoner to open conditions.

R (NAPO) v Secretary of State for Justice

[2014] EWHC 4349 (Admin)

Acted for the Secretary of State in a case involving a challenge to the reorganisation of the probation service and a request for disclosure of documents allegedly relevant to the Judicial Review.

R (Plantagenet Alliance) v Secretary of State for Justice

[2013] EWHC 3164 (Admin)

Acted for the Secretary of State in an application in the Richard III judicial review concerning a protective costs order.

News International & BSkyB

Assisted News International in relation to regulatory issues concerning its attempt to purchase the shares in BSkyB that it does not currently own.

R (Elam) v Secretary of State for Justice

[2012] 1 WLR 2722

Acted solo for the Secretary of State at first instance and on appeal in a difficult case concerning the proper construction of the Criminal Justice 2003 and its transitional provisions.

Brown v Parole Board for Scotland

[2017] UKSC

Appeared on behalf of the Advocate General for Scotland in the Supreme Court in an important case as to the scope of the public law duty to provide indeterminate sentence prisoners with a reasonable opportunity to demonstrate on tariff expiry that they could be safely released. The case was one of the first cases to be heard by the Supreme Court sitting in Scotland.

ACHIEVEMENTS

Appointments

- Tom is a former member of the Bar Tribunals and Adjudication Service (formerly the Council of the Inns of Court Disciplinary Panel).
- Before taking Silk, Tom was a member of the Attorney General's 'A' Panel (having been a past member of the 'B' Panel and the 'C' Panel).

Memberships

- COMBAR
- Commercial Fraud Lawyers Association
- LCIA
- Administrative Law Bar Association
- Justice

Selected earlier reported cases

Commercial

- Secretary of State for Justice v LSM & Ors [2011] EWHC 983 (QB); [2010] EWHC 1781 (Ch)
- Proactive v Rooney & others [2010] EWHC 1807 (QB)
- Scopelight v Chief Constable of Northumbria [2010] QB 438
- SOCA v Perry [2009] EWHC 1960 and 2673 (Admin); [2010] EWHC 1711 (Admin); [2010] EWCA Civ 907
- Young v Official Receiver [2010] EWHC 1591 (Ch)
- VPL v Chartshow Channels, 7 September 2009 (Copyright Tribunal); [2010] EWHC 2094 (Ch); [2011] EWCA Civ 650
- Customs & Excise v Total Networks [2008] 1 AC 1174
- iTunes & Others v MCPS-PRS Alliance [2008] EMLR 5
- McPhail v Bourne [2008] EWHC 1235 (Ch)
- Jirehouse Capital & Another v Beller & Another [2008] EWHC 725 (Ch)
- Tajik Aluminium Plant v Ermatov
- ACP Capital Ltd v IFR Capital [2008] 2 Lloyd's Rep 655
- Toronto Dominion Bank v a trader

- Petroval v Stainby & Others
- Howell v Lees Millais [2007] EWCA Civ 720
- Victor Chandler v Murray (2007)
- Global v AMS and MBC [2006] EWHC 3107 (Ch)
- Daraydan v Solland [2004] EWHC 622 (Ch)
- ABN-AMRO v Blue Wings

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