

## Tim Johnston

YEAR OF CALL: 2011

*"An obvious leader... Tim is clever and able to juggle a remarkable workload. He is a go to junior."*

Legal 500 2022

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## Practice Overview

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Tim is recognised as a leading junior in all his key areas of work. The directories describe him as " a silk in waiting", "very insightful and knowledgeable", "an excellent communicator and advocate" with a "vivid turn of phrase", "an obvious leader... [and] go to junior" and "a junior with judgement and talent well beyond his year of call" (Legal 500 and Chambers and Partners 2022-2023).

His practice spans public law, public international law, civil liberties and EU/Competition law. He has substantial expertise in business and human rights, international environmental law and ESG standards.

He regularly appears in ground-breaking cases at the highest level such as *Ramoon v Governor of the Cayman Islands* [2023] UKPC 9; *Pfizer Inc and another v Competition and Markets Authority* [2022] UKSC 14; *Lungowe and Others v Vedanta Resources Plc* [2019] UKSC 20; and "*Miller 1*" [2017] UKSC 5. In the past few months he has acted for the UK Government before the Supreme Court in the Archie Battersbee case and for the largest claimant group challenging the Government's policy of removing asylum seekers to Rwanda.

Tim has particular expertise in climate and environmental matters. He regularly advises and acts for environmental charities, such as ClientEarth, and has advised public authorities in relation to scrappage schemes, low emissions zones, emissions targets and renewable energy.

Legal 500 describes Tim as "An obvious leader in the public law field" and "A junior with judgement and talent well beyond his year of call". He regularly acts for claimants in ground-breaking challenges. He is currently instructed on behalf of the lead Claimant group challenging the Government's policy of removing asylum seekers to Rwanda and in separate (confidential) claims concerning the freedom of expression and unlawful discrimination. In 2022 he acted for the leading offshore firm Maples and Calder in their judicial review challenge brought against the

Cayman Islands Monetary Authority (the claim succeeded on almost all grounds *Maples Corporate Services Limited and another v CIMA* Cause No GC 20 of 2021). Going further back, Tim appeared in *R (Miller) v Secretary of State for Exiting the European Union* [2017] UKSC 5 and the Tobacco Plain Packaging Litigation. He also has considerable experience in the financial services sphere. He appeared before the High Court on behalf of the loss-making investors in London and Capital Finance (against the FSCS).

Tim is a member of the UK Government and Welsh Government panels of counsel. He regularly acts for and advises the UK Government in cases raising questions of international law including in proceedings before UN Committees and in other international tribunals. In 2022 he acted for the Secretary of State for Health in the Archie Battersbee case (concerning whether or not the UK Government is obliged to comply with a request for interim measures from an international body). Last year he also appeared for the defendant public authority in *R (British Sugar Plc) v Secretary of State for International Trade* [2022] EWHC 393 (Admin), the first post-Brexit case concerning UK tariffs and a major authority on the interpretation of the Northern Ireland Protocol. He advises across government as well as for wider public bodies including the Legal Services Board, Ofsted and Transport for London. He acted for one of the Core Participants before the Independent Inquiry into Child Sex Abuse.

Tim also has considerable public international law experience, acting for NGOs, private parties and States in a variety of forums. He has been instructed by the International Commission of Jurists and the CORE Alliance (pro bono) in the Supreme Court on two occasions. He regularly advises on questions of international law, business and human rights, international environmental law and trade.

Tim has a busy competition law practice acting both for and against regulators. Legal 500 describes him as an " *excellent communicator and advocate* " who produces " *powerful, persuasive documents*" and a " *deep knowledge of competition and public law* ." He was nominated for Competition Law Junior of the Year in 2022. He acted for Pfizer, successfully challenging the CMA's decision that Pfizer had charged an unlawful price for a pharmaceutical product (including on appeal to the Court of Appeal and on appeal to the Supreme Court in relation to costs). He also acted for Ping up to the Court of Appeal challenging the CMA's decision that a restriction on internet sales was an abuse of dominant position. He is currently instructed to challenge the CMA's decisions in the ongoing hydrocortisone and phenytoin investigations. Tim also acts for claimants and defendants in follow-on damages actions. He acted for the largest claimant group in the Trucks litigation claim and successfully defended claims in relation to both the Smart Card Chips and DRAMs cartels on limitation grounds (both of which went to the Court of Appeal).

In the field of EU law, Legal 500 ranks Tim as a Tier 1 junior and describes him as " *highly intelligent and very personable. A delight to work with*", as well as an " *out-of-the-box thinker, dependable and experienced in EU law matters* ." Chambers and Partners calls him " *a silk in waiting* ." He is called to the Bar in Ireland (2018) and has rights of audience before the CJEU. He has appeared alone before the European Court of Justice in a number of cases including the UK's reference

concerning the Second Tobacco Products Directive and in a claim concerning the Hungarian nuclear reactor PAKS II. He is currently instructed by ClientEarth in a challenge to a Commission Delegated Regulation concerning the definition of renewable energy and for Air Canada in a claim concerning the proper calculation of interest when sums are repaid to a successful applicant before the EU Courts. Tim is also currently acting for the UK Government in an ongoing challenge concerning the payment of tax by wholly owned UK subsidiaries. In the recent past, Tim acted for the UK Government in relation to the grant of State aid to support the construction of Hinkley Point C and in a reference from the Supreme Court in Case C-316/15 *Hemming v Westminster City Council*. He regularly advises and acts for a range of government departments, local authorities and private contractors in the fields of public procurement, subsidies and State aid.

- Member of the Attorney General's B Panel of Counsel with Developed Vetting clearance, the Welsh Government's Panel of Counsel and the EHRC's Panel of Counsel.
- Called to the Bar in Ireland (2018).
- Former Trustee of Justice Defenders, a leading charity working in prisons in Africa to improve access to education, healthcare and justice.
- Tim is a member of ALBA, Procurement Lawyers Association and the UK State Aid Law Association.

Before coming to the Bar he was an academic historian and is the author of *Being Soviet: Identity Rumour and Everyday Life under Stalin 1939-1953* (Oxford University Press)

## Public Law

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Tim carries out a wide range of public and public international law work, with a particular emphasis on cases that raise complex questions of human rights law. He regularly appears in leading cases on behalf of both Claimants and Defendants.

He has significant expertise in the environmental and climate law, financial services, surveillance and electoral law.

He is a member of the Attorney General's B Panel of Counsel, the Welsh Government's Panel of Counsel and the EHRC's Panel of Counsel.

His notable instructions include:

Judicial Review/Administrative Law:

- *R (United Trade Action Group) v Transport for London* [2022] EWCA Civ 1026. Tim was instructed by Transport for London to resist this appeal concerning the proper meaning of the words "plying for hire." The Claimant's application for permission to appeal to the Supreme Court remains outstanding.
- *R (Maples Corporate Services Limited) v CIMA*, Cause No. GC 20 of 2021 (Cayman Islands).

Tim is instructed, as a junior to Paul Bowen KC in this judicial review claim concerning the proper interpretation of the Anti-Money Laundering Regulations in the Cayman Islands.

- *R (Bickford Smith) v Secretary of State for Environment, Food and Rural Affairs* [2022] EWHC 2622 (Admin). Tim was instructed alone in this complex judicial review concerning the payment of farming subsidies, under retained EU law.
- *R (British Sugar Plc) v Secretary of State for International Trade* [2022] EWHC 393 (Admin). Tim was instructed by the Secretary of State in this important case concerning both the meaning of the Northern Ireland Protocol and the application of subsidy/State aid law in the United Kingdom post Brexit.
- *Pfizer Inc and another v Competition and Markets Authority* [2022] UKSC 14. Tim was instructed to appear before the Supreme Court in this significant case concerning the proper approach when considering an application for costs against a public authority on a statutory appeal (in this case in the context an appeal to the Competition Appeal Tribunal).
- *R (Donegan) v Financial Services Compensation Scheme Limited* [2021] EWHC 760 (Admin). Tim acted pro bono in this complex judicial review claim arising out of the collapse of London & Capital Finance (a financial services company).
- *Malone v Secretary of State for Defence* [2021] EWHC 2958 (QB). Tim acted alone for the Secretary of State in this successful application for an order that the Court had no jurisdiction to hear a claim brought by a former serviceman in relation to challenge the process by which he was made redundant.
- *R (British Telecommunications Plc) v Her Majesty's Treasury* [2020] EWCA (Civ) 1. Instructed for the Treasury to resist this high profile judicial review, before the Divisional Court. BT is currently seeking permission to appeal to the Court of Appeal.
- *Uber London Limited v Transport for London*. Tim was instructed by Transport for London in relation to Uber's licence appeals in both 2020 and 2018. Tim also acted in the connected judicial review claims (before the Divisional Court) concerning an allegation of bias in respect of the Chief Magistrate [2019] EWHC 409 (Admin), as a junior to Martin Chamberlain QC and concerning an allegation that Uber could not lawfully continue to trade pending its appeal (as a junior to Marie Demetriou QC).
- *R (Law Society) v Lord Chancellor* [2018] EWHC 2094 (Admin). Tim was instructed to appear for the Lord Chancellor before the Divisional Court in this complex case concerning reforms to the legal aid regime.
- *R (Uber London Limited) v Transport for London* [2018] EWCA Civ 1213. Tim was instructed to act for TfL in the High Court and the Court of Appeal, as a junior to Martin Chamberlain QC. The case raised two broad issues: freedom of establishment in EU law and indirect discrimination under the Equality Act and under the Human Rights Act. The Court of Appeal allowed TfL's appeal and reversed the judgment below.
- *R (Miller) and others v Secretary of State for Exiting the European Union* [2017] UKSC 5. Appeared before the Divisional Court and the Supreme Court in the "Article 50" challenge, concerning the lawfulness of the Government's intention to trigger Article 50 without Parliamentary Authority (as junior to Helen Mountfield QC and Gerry Facenna QC).
- *British American Tobacco v Department for Health* [2016] EWCA Civ 1182. Tim appeared

before the High Court and Court of Appeal in this leading case concerning the lawfulness of the 'Plain Packaging' Regulations in the United Kingdom (as a junior to Kelyn Bacon QC).

- *R (on the application of Prudential Plc.) v Special Commissioner for Income Tax* [2013] UKSC (1) appeared before a seven-member panel of the Supreme Court as sole junior to Sir Sydney Kentridge QC and Tom Adam QC in the leading case concerning the scope of legal professional privilege.

#### Human Rights:

- *R (Ramoon) v Governor of the Cayman Islands and Director of Prisons* JRPC 2022/0066. Tim is instructed by the Governor of the Cayman Islands to appear before the Privy Council in this judicial review challenge to the decision of the Governor to concur in the removal of the Claimant from the Cayman Islands to the United Kingdom on grounds of safety. The claimant alleges various breaches of Article 8 and Article 6 (as they apply in Cayman).
- Tim is currently instructed in a confidential matter before the European Court of Human Rights concerning Article 14 discrimination within the ambit of Article 8.
- Tim is currently instructed to act alone for the Claimant in a confidential judicial review claim concerning an interference with the freedom of expression, pursuant to Article 10, in relation to the publication of material that is said to be contrary to national security.
- *R (Doctors UK) v Secretary of State for Health*. Tim is acting for Doctor's UK in this important challenge concerning inadequate provision of PPE during the Covid-19 pandemic and the duty – under Article 2 – to investigate the resulting deaths.
- *R (Amey Ltd and others) v Secretary of State for Housing, Communities and Local Government* [2021] EWHC 1436 (Admin). Tim acted for the Claimants in this case, which concerned a retrospective amendment to secondary legislation – which deprived Amey of its entitlement to an 'Exit Credit' from a public sector pension scheme. The case concerned the effect of Article 6 and A1P1.
- In May 2019 Tim appeared unled for the UK Government at trial in *Louca v Secretary of State for Defence* a claim alleging breaches of Articles 3, 5 and 8 and concerning an incident at an overseas British military base in Cyprus.
- Tim acted for the UK Government in a complex matter concerning Article 3 (and Article 2) rights, before the European Court of Human Rights and the UK High Court.
- *Janet Alder v Kingston Upon Hull City Council and another*. A significant claim concerning the scope of Articles 8, 3 and 14 arising out of the treatment of the Claimant's brother's dead body.

#### Public International Law:

- Tim regularly advises the UK Government on its international law obligations, including those arising out of the EU-UK Withdrawal Agreement, the Northern Ireland Protocol and the WTO Agreement on Subsidies and Countervailing Measures. He also advises the UK Government, claimants and companies on the application of international business and human rights standards.

- *Dance and Battersbee v Barts Health NHS Trust* UKSC 2022/0015. Tim was instructed to act for the Secretary of State for Health, and prepare written submissions in the Supreme Court, in relation to this high-profile case concerning the removal of life-sustaining treatment from a child. The case concerned, for these purposes, the status of a request from a UN Committee to stay the removal of life-support.
- *Dance v United Kingdom* United Nations Committee on the Rights of Persons with Disabilities, Case No. 96/2022. Tim is instructed by the UK Government to resist this application alleging an interference with the rights of the Complainant's son on grounds of disability.
- *JS v United Kingdom* UN Committee on the Rights of Persons with Disabilities: Case No. 85/2021. Tim was instructed to prepare written submissions for the UK Government in this claim. The Committee concluded – consistent with those submissions – that the complaint was inadmissible.
- *Okpabi and Others v Royal Dutch Shell Ltd* [2021] UKSC 3. Tim was instructed pro bono for the International Commission of Jurists and the Corporate Responsibility Coalition before the Supreme Court in this claim concerning the liability of Shell for environmental damage and personal injury resulting from an oil spill by one of Shell's subsidiaries in the Niger Delta. Judgment is awaited.
- In May 2019 Tim appeared unled for the UK Government at trial in *Louca v Secretary of State for Defence* before the Courts of the Sovereign Base Area in Cyprus. The case turned on the extent to which the Secretary of State owed a civilian resident of Cyprus any duties under the Convention and whether or not that individual fell within the Secretary of State's jurisdiction. The claim was dismissed on these grounds.
- *Lungowe and Others v Vedanta Resources Plc* [2019] UKSC 20. Tim acted pro bono for the International Commission of Jurists and the Corporate Responsibility Coalition in this important claim concerning the liability of a parent company for the human rights and environmental abuses of its overseas subsidiary. Tim's clients intervened in the Supreme Court to make submissions about the relevant international and comparative law standards in this area.
- Instructed to advise a high-profile NGO concerning the remedies available in domestic and international law to overseas victims of slavery wishing to bring claims against UK-listed companies complicit in their abuse (together with Professor Robert McCorquodale QC).
- Acted in a complaint before the United Nations Committee on the Rights of Disabled Persons (as a junior to Martin Chamberlain QC).
- *Al Nashiri v Poland Application* no. 28761/11 advised Ben Emmerson (the UN Special Rapporteur for the promotion and protection of human rights and fundamental freedoms while countering terrorism) in respect of his intervention before the European Court of Human Rights (as junior to Martin Chamberlain QC).
- Advised on questions of state immunity in a claim arising out of damage to property suffered during ethnic violence in NATO-controlled Kosovo (as a junior to Martin Chamberlain QC)

Financial Services:



- *R (Donegan) v Financial Services Compensation Scheme Limited* [2021] EWHC 760 (Admin). Tim acted pro bono in this complex judicial review claim arising out of the collapse of London & Capital Finance (a financial services company).
- *R (Maples Corporate Services Limited) v CIMA*, Cause No. GC 20 of 2021 (Cayman Islands). Tim is instructed, as a junior to Paul Bowen KC in this judicial review claim concerning the proper interpretation of the Anti-Money Laundering Regulations in the Cayman Islands.

#### Environmental:

- Tim is regularly instructed to advise NGOs, Government, local authorities and private businesses concerning the effect of international and domestic environmental law.
- He is currently instructed to act alone for ClientEarth in a claim before the General Court of the European Union concerning the European Commission's definition of "sustainable activities."

#### Discrimination:

- Tim is instructed in a confidential matter before the European Court of Human Rights concerning interference with Article 14, within the ambit of Article 8.
- *IWGB v Transport for London*. Tim was instructed for TfL to defend this claim alleging that a change to the London congestion charge is unlawful on the grounds that it indirectly discriminates on grounds of race.
- *R (Uber London Limited) v Transport for London* [2018] EWCA Civ 1213. Tim was instructed to act for TfL in the High Court and the Court of Appeal, as a junior to Martin Chamberlain QC. The case raised two broad issues: freedom of establishment in EU law and indirect discrimination under the Equality Act and under the Human Rights Act. The Court of Appeal allowed TfL's appeal and reversed the judgment below.
- Instructed (as a junior to Martin Chamberlain QC) to appear in *Paulley v Firstgroup Plc* [2014] EWCA Civ. 543, the leading Court of Appeal authority on the duty to make reasonable adjustments an important case concerning the scope of the duty imposed on service providers to make reasonable adjustments for wheelchair users.
- Advised on a judicial review challenge against the limits imposed by a Primary Care Trust on the provision of fertility treatment (as junior to Martin Chamberlain QC)

#### Electoral law:

- *R (Lutfur Rahman) v Local Government Election Court* (CO/3413/2015). Instructed to appear on behalf of Mr Rahman before the Divisional Court in this challenge to the decision of the Election Court stripping him of the right to stand as a candidate in forthcoming elections (as a junior to Paul Bowen QC).
- *Gilles and Saunders v Iain McNicol* (as a representative of all members of the Labour Party except the Claimants): Tim was instructed to advise (together with Richard Gordon QC) and act alone in this high-profile claim concerning the selection of the Labour party candidate for the directly elected mayoralty in the London Borough of Newham. The Defendants agreed

to re-run the selection.

#### Surveillance, Security and Information Law:

- Tim regularly advises Government departments and agencies concerning complex questions of intelligence and information law. He provides regular advice to the National Cyber Security Centre.
- Acted as junior counsel to David Anderson QC's Review of Investigatory Powers, commissioned by Parliament and published in May 2015.
- Instructed (as a junior to Jemima Stratford QC) by the All Party Parliamentary Group on Drones to advise on the lawfulness of the current statutory framework and current government practice concerning the interception and use of communications data.
- Instructed on behalf of the Information Commissioner's Office in *Pol Wong v Information Commissioner* EA/2014/0118 before the First Tier Tribunal.

#### Public Inquiries:

- Tim is currently instructed to act for one of the Core Participants before the Independent Inquiry into Child Sex Abuse.

#### Sanctions:

Advised on the potential consequences, for the purposes of the sanctions regime, of a commercial joint venture agreement (as a junior to Maya Lester QC).

## Competition

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Tim has a thriving competition law practice. He was nominated as Competition Law Junior of the year in 2022 and is described by Legal 500 as having a "*well-deserved reputation as an outstanding competition barrister. His advocacy is clear and forceful and he is frequently instructed against silks.*"

#### Infringements:

- Tim has substantial experience in some of the most high-profile challenges to infringement findings by competition authorities.
- *Allergan and others v CMA* Case 1407.1.12.21. Tim is instructed to appear for Allergan – the recipient of a £111 million fine – in a five week trial before the Competition Appeal Tribunal in November/December 2022 concerning both unlawful agreements and excessive pricing.
- *Pfizer Inc and another v CMA* Case 1504.1.12.22. Tim is instructed by Pfizer to challenge a decision of the CMA in relation to alleged excessive pricing of phenytoin sodium.
- *Pfizer Inc and another v Competition and Markets Authority* [2022] UKSC 14. Appeared before the Supreme Court in this important case concerning the recoverability of costs from a regulator where an infringement appeal is successful.



- *Flynn Pharma and another v Competition and Markets Authority* [2020] EWCA Civ 339. Tim appeared for the respondents in this important appeal in relation to an alleged case of excessive pricing. The Appeal failed and the finding of the Competition Appeal Tribunal that the CMA's decision should be quashed was upheld.
- *Ping Europe Ltd v Competition and Markets Authority* [2020] EWCA Civ 13. Tim appeared in this leading case concerning object infringements under EU law as a junior to Robert O'Donoghue QC and David Scannell before the Court of Appeal.

### Competition Damages claims

- Tim regularly acts for both claimants and defendants in major competition damages claims.
- *Gemalto Holding BV and another v Infineon Technologies AG and others* [2022] EWCA Civ 782. Tim appeared in the Court of Appeal in this significant case concerning the point at which time runs for the purposes of competition damages claims.
- *OT Computers Ltd (in liquidation) v Infineon Technologies AG and another* [2021] EWCA Civ 501. Tim appeared in the Court of Appeal in this case concerning whether – and to what extent – the point at which time runs for the purposes of bring a competition damages claim is different for a company in liquidation.
- *Veolia Environnement SA and others v Stellantis NV* Case 1292/5/7/19(T). Tim is instructed to act for the Claimants in the largest trucks follow on damages claim arising out of the cartel in relation to truck manufacture in the European Union.

### Other

- Tim regularly advises on and acts in relation to all aspects of competition law compliance. He has particular experience in sports, telecommunications and pharmaceutical law.
- *St James Holdings Ltd v Football Association Premier League Limited* . Tim was instructed by SJHL in this challenge – before the Competition Appeal Tribunal – concerning the FAPL's decision to block the takeover of Newcastle United Football Club. The takeover was approved very shortly after the hearing of FAPL's application to challenge the CAT's jurisdiction.
- *Berkeley Homes (West London) Limited v Southern Water Services Limited* . Tim is instructed alone to defend this standalone damages claim alleging that SWSL has charged an excessive and unlawful price for certain essential services.
- *BT v Ofcom (BCMR)* [2017] CAT 25. Tim acted for Gamma Telecom Holdings, intervening in this appeal by BT (and CityFibre) challenging the decision of Ofcom to require companies in the telecommunications sector to make their infrastructure available to third parties on a "dark fibre" basis.

*BT v Ofcom (APCCs)* [2016] CAT 22. Tim acted for Gamma Telecom Holdings, an intervener in this appeal against a decision of Ofcom, concerning the proper method of calculating porting charges for numbers that have migrated to new communications providers (as a junior to Sarah Love).

## EU law

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Tim is widely recognised as a leading junior in European law. Legal 500 2023 describes him as ‘an excellent senior junior with very good written skills and a very accomplished advocacy style; he is a silk in waiting.’ He was called to the Bar in Ireland in 2018 and is a member of the Irish Law Library. He is regularly instructed to act alone before the European Courts and continues to advise on retained EU law in a domestic (UK) context.

His key recent instructions include:

- Case T-579/22 ClientEarth v Commission. Tim is instructed to act alone for ClientEarth in this important environmental challenge concerning the Commission's definition of sustainable activities, for the purposes of EU law.
- Case T-310/21 Air Canada v Commission. Tim is instructed to act alone for Air Canada, challenging the rate of interest applied by the Commission when repaying a penalty arising out of a quashed cartel decision.
- Instructed to prepare submissions in relation to a compliance check by the European Chemicals Agency for a major European chemicals company.
- Case C-349/20 NB and AB v Secretary of State for the Home Department, Tim was instructed to act for the UNHCR intervening in this important case concerning the circumstances in which a stateless person of Palestinian origin should be afforded refugee status.
- Case T-363/19 United Kingdom v Commission instructed to act on behalf of the UK Government (led by Philip Baker KC) in a challenge to the Commission's finding that the regime governing the taxation of wholly owned foreign companies amounted to State aid. The case has been appealed to the CJEU.
- Case C-594/18 P Austria v Commission instructed to act on behalf of the UK Government in an action concerning the State aid measures provided in support of the new nuclear reactor at Hinkley Point C before the General Court and CJEU (as a junior to Aidan Robertson QC).
- Case T-101/18 Austria v Commission instructed to act for the United Kingdom Government alone before the General Court in this State aid challenge concerning the construction of a nuclear plant in Hungary.
- Instructed to act alone in a challenge by the UK Government to a decision of the European Commission to claw back EU research funding provided to the Met Office.
- Case T-110/18 Grange Backup Power v Commission instructed to act for the UK Government, led by Gerry Facenna QC, in this challenge to the Commission's decision that it did not need to open a formal investigation into the lawfulness of the electricity capacity market in the United Kingdom.
- Case C-316/15 Hemming v Westminster City Council. Appeared before the Court of Justice, as junior to Philip Kolvin QC (Cornerstone Chambers) in this reference from the United Kingdom Supreme Court.
- Case C-547/14 R (Philip Morris Brands SARL and Philip Morris Limited) v Secretary of State

for Health (Claim No CO/2969/2014). Instructed to appear alone before the Court of Justice of the European Union in this reference from the UK High Court.

## Public procurement

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- Tim is recognised in the directories as a leading junior in public procurement law, which describe him as “ *solid and reliable* ” and “ *a key name to note* .” He regularly acts for public authorities and claimants in procurement challenges.
- *Live Nation v The Royal Parks*. Tim was instructed alone to appear for AEG Presents Ltd (the winning tenderer and a global music entertainment company) in this two-week High Court trial concerning the tender exercise to award the Hyde Park Music Festival.
- Instructed to act alone for a losing tenderer to challenge a substantial (multi-million pound) roadworks contract in the United Kingdom.
- *Lancashire v Department for Communities and Local Government* (CO/1703/2015) a significant case concerning the claw back of European Regional Development Funding (as a junior to Fergus Randolph QC).
- *NP Aerospace v Ministry of Defence* [2014] EWHC 2741 (TCC). A substantial procurement challenge concerning alleged 'predatory pricing', abnormally low tenders and manifest errors of assessment.
- *Honeybeerecruitment.com Limited v The Minister for the Cabinet Office*. Instructed to act for the Defendant in this leading case concerning an apparent breach of the 2015 Regulations.
- *Fujitsu v DVLA* (HC-13-CO553). A very substantial public procurement challenge concerning a purported failure to retender a publicly procured contract.

## Qualifications

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2011-2012: Pupillage Brick Court Chambers.

2010-2011: Bar Professional Training Course (Outstanding).

2009-2010: Graduate Diploma in Law (Distinction).

2003-2007: DPhil Modern History, Keble College, Oxford.

2002-2003: MSt Historical Research, Keble College, Oxford (Distinction).

1998-2001: BA Hons. Modern History, Keble College, Oxford (Double First).

### Scholarships and Prizes:

2010–2011: Denning Prize, Lincoln's Inn.

2009–2010: Lord Bowen Scholarship, Lincoln's Inn.

1999–2006: Undergraduate and Graduate Scholar, Keble College, Oxford.

## Select publications

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'Notes From a Small Island: Natural Justice and the Institutional Design and Practice of Competition Authorities and Appellate Courts', in *Competition Policy International* (2014) (10.1) (with Robert O'Donoghue).

'The Snowden "Revelations": Is GCHQ breaking the law?', in *European Human Rights Law Review* (2014) (2) (with Jemima Stratford QC).

Two chapters in K. Bacon, *European Union law of State Aid* (2019, OUP).

Contributing author to the forthcoming edition of M. Brealey ed., *Competition Litigation: UK Practice and Procedure*.

Before coming to the Bar, Tim was a fellow in Modern European History at St Peter's College Oxford. He is the author of *Being Soviet: Identity, Rumour and Everyday Life Under Stalin 1939–53* (OUP) (selected by the Financial Times as one of their non-fiction books of the year in 2011).

## Directory quotes

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"Tim is a match for any silk. He is a formidable advocate, equally comfortable with novel legal issues and with challenging factual cases." (Legal 500, 2025)

"Unusually for a junior counsel, Tim is already a strong advocate in his own right, able to stand his ground in court against much more senior opponents. He is an all round excellent litigator, with a good sense for strategy. A future silk without doubt." (Legal 500, 2025)

"Tim is intellectually brilliant. He has very good judgement and produces excellent work." (Legal 500, 2025)

"Tim has an impressive ability to grasp and express complex facts and law very quickly. He produces very convincing written pleadings. I am looking forward to working further with him." (Chambers & Partners 2024)

"Tim is excellent; he is very easy to liaise with and is a very good advocate with clear analysis and very good judgement. He knows what works and what doesn't." (Chambers & Partners 2024)

*"Tim is super in terms of getting prepared and working collaboratively with the team."* (Chambers & Partners 2024)

*"Tim is a fantastic junior. His drafting is persuasive and concise and he cuts through to the heart of the key legal issues. His advocacy is strong and he is increasingly leading on a wide range of cases."* (Chambers & Partners 2024)

"Tim has good judgement; he is efficient and hard-working. He has confidence and a skill set beyond his years of call." (Chambers & Partners 2024)

"An excellent client bedside manner. He is considered, thoughtful, and gets to the crux of the argument quickly and ably." (Chambers & Partners 2024)

"Excellent, clear, crisp drafting combined with a broad and deep knowledge of competition and public law. Very user-friendly, always willing to pick up the phone to talk through issues." (Legal 500 2024)

"Tim is highly intelligent and very personable. A delight to work with." (Legal 500 2024)

"A junior with judgement and talent well beyond his year of call." (Legal 500 2024)

"He is very responsive and a real team player. His advocacy is understated, but powerful, and he very much has the ear of the bench." "His drafting is excellent and very thorough." (Chambers & Partners 2024)

"He is hard-working and his written submissions are excellent. His advocacy is strong and succinct, and he is very responsive and easy to work with." (Chambers & Partners 2023)

"He is a very good drafter and makes himself available for preparation. He is a very good junior: the sort of person you want to have sitting next to you." (Chambers & Partners 2023)

"Tim is a solid and reliable junior." (Legal 500 2023)

"Tim's knowledge of the law in this area is excellent and is complemented by his highly industrious work ethic and crisp, clear drafting. He is also a formidable advocate who clearly has the ear of judges with his succinct submissions. Surely a star of the future." (Legal 500 2023)

"Tim is an excellent senior junior with very good written skills and a very accomplished advocacy style; he is a silk in waiting." (Legal 500 2023)

"Tim has a well-deserved reputation as an outstanding competition barrister. His advocacy is clear and forceful and he is frequently instructed against silks." (Legal 500 2023)

"He is enthusiastic, full of ideas and someone who thinks carefully and deeply about topics. He is also an articulate and compelling speaker." "He was a pleasure to work with: able to work to very tight deadlines and to provide helpful advice." "His drafting is exceptional and he turns things

around quickly, and he produces powerful, persuasive documents." (Chambers & Partners 2022)

"Tim is very insightful and knowledgeable, and the client was pleased with his robust and thoughtful advice." (Chambers & Partners 2022)

"He has a great reputation in the public law field." (Chambers & Partners 2022)

"An obvious leader in the public law field, Tim is clever and able to juggle a remarkable workload. He is a go to junior in this field." (Legal 500 2022)

"An excellent communicator and advocate. Tim has an engaging and down to earth manner, and a vivid turn of phrase." (Legal 500 2022)

"Tim is an out-of-the-box thinker, dependable and experienced in EU law matters. He presents superbly to both his instructors and our clients – his advice and delivery are always commercial." (Legal 500 2022)

"He is extremely hard-working, his drafting is excellent and his advocacy is really good too." "He gets to grips with cases and complex matters incredibly quickly." (Chambers & Partners 2021)

"He is extremely bright, picks things up very quickly, and produces very nice written work and pleadings." (Chambers & Partners 2021)

"Extremely bright, and also really good at saying exactly the right thing at exactly the right time. Has excellent judgement and is very likeable and easy to get along with." (Chambers & Partners 2021)

"His burgeoning parallel public law practice is a tremendous asset in antitrust cases." (Legal 500 2021)

"Tim has a wealth of experience in EU law as it applies to public procurement and is able to explain difficult concepts in plain English. Tim is also an out-of-the-box thinker and dependable and presents superbly to both his instructors and our clients." (Legal 500 2021)

"An out-of-the-box thinker, dependable and experienced in public procurement disputes. He presents superbly." (Legal 500 2021)

"An inventive and confident litigator, who retains a calm head and very respectful manner throughout difficult circumstances." (Legal 500 2021)

"Sought-after junior with broad expertise across areas including human rights, pensions, licensing and electoral law. He attracts instructions from a number of central government entities." "He's very easy to work with as he understands the broader context of our work and achieves the balance between real-world considerations and pure questions of law." "We often turn to Tim for matters of high complexity. He has a real firm grip of the law, and he can apply that to unique



situations. He's very authoritative, which is good for the courtroom and the client." "He's superb and will become an absolutely stellar lawyer. He has an easy turn of phrase which the courts like." (Chambers & Partners 2020)

"You can just give him a call and speak with him openly about the case; he's always available to just have a chat if something is not entirely clear." "He is practical, sensible and has a really good sense of what the client has in mind. Clients really like him and value his work ethic and great legal mind." (Chambers & Partners UK & Global 2020)

"Produces strong written work, has good advocacy skills and is good with clients." (Chambers & Partners 2020)

"A bright, up-and-coming public lawyer who finds himself in leading cases." (Legal 500 2020)

"An outstanding junior who is able to quickly cut to the key issues in a case." (Legal 500 2020)

"Committed and available, he masters his brief. Good at spotting essential points for pleadings." (Legal 500 2020)

"He is bright, quick and able to adjust to work in the way that clients require." (Chambers & Partners 2019)

"Very responsive, intelligent and commercially minded, one to watch for the future." (Legal 500 2018-19)

"He is very supportive, quick to grasp facts and a barrister who provides good, practical advice." (Chambers & Partners 2018)

"An excellent junior, who brings wider public and commercial experience to the case." (Legal 500 2017)

"He combines intelligence and sensitivity with an incredible work ethic. A proactive lawyer who has an excellent sense of humour." "Tim is a team player who will work all hours to get the job done. He is on a fantastic upward trajectory with his public procurement practice." (Chambers & Partners 2017)

"Very responsive and clear in his views." (Legal 500 2016)