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David Lowe



"David is a fantastic technical lawyer and a great draftsman. I was impressed with his calm but authoritative manner."

– CHAMBERS AND PARTNERS, 2026

Year of call:	**2008**
Degree:	**MA (Cantab), BCL (Oxon)**
Languages:	**French (some knowledge)**

David has a well-established practice across Chambers' practice areas, with a particular focus on Commercial law, Civil Fraud, Arbitration and Sport, and experience in Public Law and Human Rights. He has appeared unled in multiple High Court trials and in the Court of Appeal, as well as appearing before the Supreme Court, a range of arbitral tribunals (LCIA, ICC, Bermuda form, Premier League), and other courts and tribunals. David is Junior Counsel to the Crown (A Panel), and co-author of "Understanding Legislation: A Practical Guide to Statutory Interpretation", described in Public Law as a book "every public lawyer should own".

He has been ranked in recent years as a leading junior in the areas of Commercial Litigation, Civil Fraud, Sports Law and Public Law by the directories, Legal 500 and Chambers and Partners. Key recent quotes include:

- "David is a fantastic technical lawyer and a great draftsman. I was impressed with his calm but authoritative manner."- Chambers and Partners, 2026
- "Great with detailed cases and is on top of the detail. Very easy to work with. Excellent drafting and communications skills. A real pleasure to work with."- Legal 500, 2026
- "An impressive advocate."- Legal 500, 2025
- "David is an exceptional junior. He is diligent and an excellent advocate."- Chambers and Partners, 2025
- "David is an outstanding junior. He is extremely bright and delivers calm, considered and persuasive advocacy of KC-level quality. He is destined for the very top."- Legal 500, 2024

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EXPERIENCE

Commercial

David has been involved in a wide range of commercial disputes and advisory work, including commercial fraud cases and applications for injunctive relief. He has acted (both led and unled) before the Court of Appeal, in High Court trials and arbitral tribunals. He has particular experience as a trial lawyer, both in the High Court and arbitration.

"David Lowe is very good. He is all over the detail and a pleasure to deal with."

— CHAMBERS AND PARTNERS, 2026

Cases

Municipality of Mariana and others v BHP Group plc and BHP Group Ltd

[2025] EWHC 3001 (TCC)

Acting for the Defendants in a five-month trial in a claim by over 700,000 Brazilian claimants in relation to the collapse of the Fundao Dam in Brazil in 2015, the largest class action in English legal history. The case involves issues of Brazilian environmental, civil and corporate law.

Ford Consultancy Group Ltd v Katyal and Ors

2024 -

Acting for the Defendants in a High Court claim for damages arising from the alleged termination of a consultancy agreement in the restaurant development sector.

[Confidential Insured] v [Confidential Insurers]

2024 -

Acting for the insured in multi-million dollar arbitrations claims under a liability insurance policy written on the Bermuda Form, in the chemicals sector. With Andrew Hunter KC and Andrew Scott KC.

MPK Investments LLC v Allcot AG

2024-2025

Acted for the Defendant in a High Court claim for damages arising from the alleged breach and termination of an agreement for the supply of Certified Emissions Reductions.

Return date in injunction in support of an arbitration

2024

Acted for a defendant company at a return date concerning an injunction obtained under s.44 of the Arbitration Act in support of an arbitration, in a matter relating to contracts for the supply of metals (January-March 2024).

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Indian entity v Emirati entity (2023 - 2024)

ICC (London)

Acted for a leading real estate development group in a multi-million dollar dispute with its former joint venture partner, including cross-examination of a forensic accountancy expert (with Adam Baradon KC and Barnaby Lowe).

Agricultural products company v Insurer

(Bermuda Form Arbitrations, London, 2023-2024)

Acted for an agricultural products company in insurance claim arbitrations. With Andrew Hunter KC and Andrew Scott KC.

Decision Inc Proprietary Holdings v Garbett

[2023] EWCA Civ 1284

Acted as sole counsel for the defendants / appellants in a successful appeal against a finding of breach of a warranty in a share purchase agreement (no material adverse change to the prospects of the company), following an 8 day High Court trial.

BBC v Arqiva Ltd

(2023 - 2024)

Acted for the defendant in a High Court claim for sums allegedly due under contracts as a result of a fire that destroyed a television and radio transmission mast. With Kieron Beal KC.

Misrepresentation claim (LCIA arbitration, London; s.68 challenge)

(2019 - 2023)

Acted for an international hotel chain in an ICC arbitration (London seat) in a claim involving allegations of misrepresentation (and latterly deceit and breach of contract) and alleged losses of c.$30m. Appeared at 9 day evidence hearing and 2 day hearing of closing submissions in 2021. Following an Award in late 2022, David acted on a s.67 and s.68 challenge to the Commercial Court. Case settled in June 2023. With Robert Anderson KC, Tom Weisselberg KC and Celia Rooney.

Decision Inc Holdings Proprietary Limited v Garbett

[2023] EWHC 588 (Ch)

Acted as sole counsel for the defendants in a claim for c.£5m relating to alleged breaches of warranties in a share purchase agreement. Following a 7 day High Court trial in January 2023, the Court dismissed five alleged breaches and upheld one. The breach that was found was later overturned on appeal. At the interim stage, David obtained an order for security for costs.

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The Hut Group v Allcot AG

2023-2024

Acted for the defendant in a High Court claim relating to the sale of Certified Emission Reductions.

Vale SA v Steinmetz

[2022] EWHC 343 (Comm)

Acted for three defendants in a c. $1.8bn multi-defendant fraud claim that was dismissed three weeks into an eleven week trial following the claimants' admission that their claim was time-barred. Appeared unled at the trial, leading Warren Fitt (led by Tom Weisselberg QC during earlier stages of the case).

Choongadunga v AFC Bournemouth Ltd (2021 - 2023)

Acted for football club defending a claim for fees allegedly due under an image rights agreement in relation to Jordon Ibe.

Butcher v Alacrity Holdings Ltd

(2022)

Acted for the Defendants in a High Court dispute over a share purchase agreement, bringing counterclaims for fraudulent breach of warranty for c.£4.4m. Settled before trial.

Jamp Pharma Corporation v Unichem Laboratories Limited

[2021] EWHC 1712 (Comm)

Acted for the Claimant in a claim for breach of contract, raising issues of contract formation and quantum, including at the 4 day trial in May 2021 (led by Guy Morpuss QC).

Energy sector arbitration (March 2021)

Acted for an undertaking in the energy sector in a claim for over £100m due to changes in law in a 5 day LCIA arbitration in March 2021, raising issues of contractual interpretation and breach of EU law rights. With Laurence Rabinowitz QC and Kieron Beal QC.

Hotel arbitrations (2018 - 2021)

Acted for an international hotel chain in two LCIA arbitrations (London seat) against a franchisor raising issues of contractual interpretation, implication of terms, breach, causation and quantification of damages. The first arbitration consisted of three freestanding phases heard respectively in November 2018 (3 days), November 2019 (1 day), and January to May 2021 (7 days). The second arbitration was heard over five days in April 2019. Led by Tom Weisselberg QC.

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Club v Introductory Agent

Advised a Premier League club in a threatened claim by an introductory agent for sums allegedly due under an introductory agreement (settled).

Producer v Theatre production company (2019 - 2020)

Acted for a theatre production company and its directors defending a claim in deceit by a producer in a production. With Robert Anderson QC. Settled shortly before trial in 2020.

Customer v Casino (2019 - 2020)

Acted for a casino defending a claim against a customer for losses alleged to have been suffered in the light of a maximum win limit clause. Succeeded in obtaining summary judgment on the claim in November 2020.

Manager and senior staff v Club (2018-2019)

Advised two former senior executives of a football club in a dispute over unpaid fees.

Norwich Pharmacal orders (2019-2020)

Acted on behalf of an individual subject to online harassment to obtain information two Norwich Pharmacal orders to help identify the wrongdoer. With Ian Mill QC.

Advice to Club (2018)

Advised a football club concerning its potential rights of action in a proposed multi-million pound claim against former professional advisors.

Seamas Daly v Thomas Ryan (2018-2020)

Acted as sole counsel for the claimants in a claim in deceit, breach of contract and conspiracy. The claimants alleged that the defendants induced them to invest substantial sums in real estate projects, leading to the loss of those sums and further consequential losses. Following breaches of an unless order, judgment was obtained under CPR 3.5, and an attempt by the defendant to obtain for relief from sanctions was dismissed.

Kent v Paterson-Brown

[2018] EWHC 2008 (Ch); [2018] EWHC 2830 (Ch)

Successfully acted for two defendants in a three week High Court trial in the Chancery Division, defending claims by an investor for an account, breach of trust and knowing receipt. The claim raised issues of applicable law, and substantive issues of Swiss law. Led by Tom Weisselberg QC. David was also involved insubsequent steps to enforce the costs orders obtained by the defendants, including applications for recognition of the orders abroad and for cross-examination of the judgment debtor under CPR Part 71.

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Hewlett Packard Ltd v Archer

[2016] EWHC 1700 (Ch)

Acted for the successful Claimant in a claim for fraud and breach of contract against multiple defendants. The Claimant contended that the Defendants had deceived them into providing substantial discounts, worth over $2m, on their products. Also acted in successful applications to obtain, and (unled) for continuation of, a post-judgment freezing order.

Hotel arbitration

(2018 - 2019)

Acted for an international hotel chain as sole counsel in an ICC arbitration (London seat) concerning the obligations of a franchisee following the termination of a hotel franchise agreement in the light of the franchisee's breach.

PCP Capital Partners LLP and Anor v Barclays Bank Plc

[2017] EWHC 2897 (Comm)

Acted for the Claimants in a Commercial Court claim for deceit in relation to the Defendant's capital raising during the global financial crisis in 2008. The Claimants contend that they were told that they were getting the same deal as other investors, when in fact large undisclosed fees were secretly being paid to those investors. But for the fraud, they would have been able to negotiate a better deal. The Claimants seek damages of more than $700m.

Mark Richardson v Neil Walker

(2016-2018)

Acted for the Claimant in a Commercial Court claim for breach of confidence and breach of trust. Settled during the course of a five day trial in December 2018.

UPL v AgChemAccess Ltd

[2017] EWHC 1880 (Ch)

Acted for the successful Claimants in a 10 day High Court Trial. The Claimants alleged that the Defendants manufactured and sold copy versions of the Claimant's agrochemical products, and sued them for breach of the German unfair competition law and conspiracy to use unlawful means (including breach of the German unfair competition law and regulations on plant protection products). The case involved the obtaining of search and freezing orders at the outset and a number of interlocutory applications, including [2017] EWHC 944 (Ch), [2016] EWHC 2899 (Ch) and [2016] EWHC 2135 (Ch).

TJ Smith and Nephew v Synergy Health Plc

Acted for Defendant resisting a claim for damages in contract and tort alleged to have arisen out of irradiating products without having the relevant licence required under Japanese law.

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Perry v National Crime Agency

(2015)

In a claim for £220m in damages alleged to have arisen out of the imposition of a freezing order that was later discharged, David acted for the Defendant NCA in dealing with interlocutory matters and preparing for trial. Led by Andrew Onslow QC and Tristan Jones.

Dutia v Geldof and Ors

[2016] EWHC 547 (Ch)

Acted for the Defendants in a High Court partnership dispute. The Defendants were successful at first instance on a preliminary issue, and again on appeal to the High Court. Led by Thomas Croxford.

Dar Al Arkan Real Estate Development Co v Al Refai

[2012] EWHC 3539 (Comm) (2012 - 2015)

A claim for close to $1bn, listed by the Lawyer as one of its top 20 cases of 2014. Appeared for the Third Defendant in this litigation on numerous occasions since July 2012, initially led by Anthony Peto QC and latterly as sole counsel. The Claimants alleged the Defendants conspired to injure and defame them, principally by way of making disclosures of allegedly confidential information and documents on a website. The Defendants denied these allegations, principally on the basis that the information on the website was true and revealed serious wrongdoing by the Claimants.

Interretire Ltd v HSBC Securities Services (Isle of Man) Ltd

(2013 – 2014)

Acted for the Defendant former pension fund trustee, in a claim for over $60m. The claim raised issues of the duties owed by a trustee to the introducer of its customers, as well as issues of breach and loss. Led by Robert Anderson QC.

Arbitration

David has been involved in recent years, led and as sole counsel, in a substantial number of arbitrations in both the commercial and sports law contexts, as well as connected High Court proceedings.

"Great with detailed cases and is on top of the detail. Very easy to work with. Excellent drafting and communications skills. A real pleasure to work with."

— CHAMBERS AND PARTNERS, 2026

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Cases

[Confidential Insured] v [Confidential Insurers]

2024 -

Acting for the insured in multi-million dollar arbitrations claims under a liability insurance policy written on the Bermuda Form, in the chemicals sector. With Andrew Hunter KC and Andrew Scott KC.

[Confidential Insured] v [Confidential Insurer]

2024 -

Acting for the insured in multi-million dollar arbitration under the Bermuda Form in the construction sector. With Andrew Hunter KC and Andrew Scott KC

Agricultural products company v Insurer

(Bermuda Form Arbitrations, London, 2023-2024)

Acted for an agricultural products company in insurance claim arbitrations. With Andrew Hunter KC and Andrew Scott KC.

[Confidential Company] v [Confidential Company]

LCIA Arbitration 2024 -

Instructed by the respondent company in relation to a commercial claim in the metals sector seeking injunctive relief for alleged breach of contract.

[Confidential Company] v [Confidential Employee]

2024

Acted for an employee in the financial sector in an LCIA arbitration claim in relation to the alleged misuse of confidential information. With Tom Croxford KC.

Return date in injunction in support of an arbitration

2024

Acted for a defendant company at a return date concerning an injunction obtained under s.44 of the Arbitration Act in support of an arbitration, in a matter relating to contracts for the supply of metals (January-March 2024).

Indian entity v Emirati entity (2023 - 2024)

ICC (London)

Acted for a leading real estate development group in a multi-million dollar dispute with its former joint venture partner, including cross-examination of a forensic accountancy expert (with Adam Baradon KC and Barnaby Lowe).

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Misrepresentation claim (LCIA arbitration, London; s.68 challenge)

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Hotel arbitration

(2018 - 2019)

Acted for an international hotel chain as sole counsel in an ICC arbitration (London seat) concerning the obligations of a franchisee following the termination of a hotel franchise agreement in the light of the franchisee's breach.

Tony Pulis v CPFC Ltd

[2016] EWHC 2999 (Comm)

Acted for CPFC in successfully resisting a challenge by Mr Pulis in the High Court under s.68 of the Arbitration Act 1996 to the award made by the arbitrators (see case above). Mr Pulis alleged that the arbitrators had acted unfairly by failing to take certain matters into account.

CPFC Ltd v Tony Pulis

(2015-2016)

Acted for the successful Claimant (Crystal Palace FC) in an 11 day arbitration in January/February 2016 against its former manager, Tony Pulis. The Club alleged that Mr Pulis had deceived it into paying him a bonus payment early, and repudiated his contract of employment by his fraud and refusing to manage the first game of the 2014/15 season. The arbitrators awarded the Club nearly £4m in damages.

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Stephen Horner v CPFC Ltd (2015)

Acted for the Defendant club in a High Court claim for introduction fees by the agent of its former manager, Tony Pulis. As a preliminary matter, the Defendant disputed the jurisdiction of the High Court on the basis of an arbitration agreement between the parties.

Civil Fraud, Asset Recovery & Injunctive Relief

David has been involved in a wide range of civil fraud disputes and has extensive experience of injunctive relief applications. He has acted in the Court of Appeal, High Court, County Courts and arbitral tribunals on a variety of civil fraud claims.

"An impressive advocate."
— LEGAL 500, 2025

Cases

Indian entity v Emirati entity (2023 - 2024)

ICC (London)

Acted for a leading real estate development group in a multi-million dollar dispute with its former joint venture partner, including cross-examination of a forensic accountancy expert (with Adam Baradon KC and Barnaby Lowe).

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Butcher v Alacrity Holdings Ltd

(2022)

Acted for the Defendants in a High Court dispute over a share purchase agreement, bringing counterclaims for fraudulent breach of warranty for c.£4.4m. Settled before trial.

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Vale SA v Steinmetz

[2022] EWHC 343 (Comm)

Acted for three defendants in a c. $1.8bn multi-defendant fraud claim that was dismissed three weeks into an eleven week trial following the claimants' admission that their claim was time-barred. Appeared unled at the trial, leading Warren Fitt (led by Tom Weisselberg QC during earlier stages of the case).

Producer v Theatre production company (2019 - 2020)

Acted for a theatre production company and its directors defending a claim in deceit by a producer in a production. With Robert Anderson QC. Settled shortly before trial in 2020.

Seamas Daly v Thomas Ryan (2018-2020)

Acted as sole counsel for the claimants in a claim in deceit, breach of contract and conspiracy. The claimants alleged that the defendants induced them to invest substantial sums in real estate projects, leading to the loss of those sums and further consequential losses. Following breaches of an unless order, judgment was obtained under CPR 3.5, and an attempt by the defendant to obtain for relief from sanctions was dismissed.

PCP Capital Partners LLP and Anor v Barclays Bank Plc

[2017] EWHC 2897 (Comm)

Acted for the Claimants in a Commercial Court claim for deceit in relation to the Defendant's capital raising during the global financial crisis in 2008. The Claimants contend that they were told that they were getting the same deal as other investors, when in fact large undisclosed fees were secretly being paid to those investors. But for the fraud, they would have been able to negotiate a better deal. The Claimants seek damages of more than $700m.

UPL v AgChemAccess Ltd

[2017] EWHC 1880 (Ch)

Acted for the successful Claimants in a 10 day High Court Trial. The Claimants alleged that the Defendants manufactured and sold copy versions of the Claimant's agrochemical products, and sued them for breach of the German unfair competition law and conspiracy to use unlawful means (including breach of the German unfair competition law and regulations on plant protection products). The case involved the obtaining of search and freezing orders at the outset and a number of interlocutory applications, including [2017] EWHC 944 (Ch), [2016] EWHC 2899 (Ch) and [2016] EWHC 2135 (Ch).

CPFC Ltd v Tony Pulis

(2015-2016)

Acted for the successful Claimant (Crystal Palace FC) in an 11 day arbitration in January/February 2016 against its former manager, Tony Pulis. The Club alleged that Mr Pulis had deceived it into paying him a bonus payment early, and repudiated his contract of employment by his fraud and refusing to manage the first game of the 2014/15 season. The arbitrators awarded the Club nearly £4m in damages.

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Tony Pulis v CPFC Ltd

[2016] EWHC 2999 (Comm)

Acted for CPFC in successfully resisting a challenge by Mr Pulis in the High Court under s.68 of the Arbitration Act 1996 to the award made by the arbitrators (see case above). Mr Pulis alleged that the arbitrators had acted unfairly by failing to take certain matters into account.

Hewlett Packard Ltd v Archer

[2016] EWHC 1700 (Ch)

Acted for the successful Claimant in a claim for fraud and breach of contract against multiple defendants. The Claimant contended that the Defendants had deceived them into providing substantial discounts, worth over $2m, on their products. Also acted in successful applications to obtain, and (unled) for continuation of, a post-judgment freezing order.

Sport

David has advised and appeared for clients in a variety of sports, including the recent dispute between golfers playing on the LIV Tour and the PGA European Tour. He has acted many times for Premier League football clubs, including in court proceedings and arbitration.

"David was great. He was always available and pragmatic."

— CHAMBERS AND PARTNERS, 2026

Cases

The Premier League v Leicester City FC

Premier League Appeal Board, 30 August 2024

Acted for Leicester City FC in a successful appeal against a decision of the Disciplinary Commission, which had found it had jurisdiction to consider an alleged breach of the Profitability and Sustainability Rules (Rule E.49) for 2022/23 (with Nick De Marco KC and Marlena Valles). The Appeal Board's decision may be read here.

The Premier League v Leicester City FC

PLJP 2024/3

David acted for Leicester City FC in a challenge to the Premier League's authority to consider an alleged breach of the Profitability and Sustainability Rules (with Nick De Marco KC and Marlena Valles).

The decision of the independent Commission may be found here.

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Leicester City FC v The EFL

League Arbitration Panel, April 2024

Acted for the football club in an application for interim relief against the EFL arising out of a letter from the EFL's Chief Executive suggesting the EFL would seek to impose any points deductions imposed by the Premier League with respect to its 2022/23 Profit & Sustainability rules in the 2023/24 Championship season. The application was dismissed, but only upon the EFL unconditionally conceding that it had no power to impose a points deduction ordered by the Premier League in the Championship. With Nick De Marco KC and Marlena Valles. A copy of the Decision is available here.

The English Football League v (1) Morecambe Football Club (2) Jason Whittingham

(12 April 2024)

Acted for the respondents before an independent Disciplinary Commission, in a matter concerning the interpretation of a previous Agreed Decision and questions of mitigation and sanction for failure to deposit funds into a designated account for funding player wages (if necessary). The decision is available here.

Premier League v Club

2024

Advising a club in relation to an investigation by the league

Poulter & Ors v PGA European Tour

S.L.R. 2022, 4, SLR135-SLR137; SR/165/2022

Acted for professional golf players who had signed to participate in the LIV Golf series in a challenge to disciplinary action taken against them by the PGA European Tour under the DP World Tour's "Conflicting Tournament" rules. By their appeals, the players challenged the enforceability of those rules under UK competition and restraint of trade law. In July 2022, a Sport Resolutions Panel suspended the imposition of sanctions until the players' de novo appeals could be heard. A hearing took place in February 2023 and a decision was delivered in April 2023. With James Segan KC and Tom Mountford.

Choongadunga v AFC Bournemouth Ltd (2021 - 2023)

Acted for football club defending a claim for fees allegedly due under an image rights agreement in relation to Jordon Ibe.

Intervention in football disciplinary proceedings

(2023)

Acted for a club in application to intervene in disciplinary proceedings against another club

Club v Introductory Agent

Advised a Premier League club in a threatened claim by an introductory agent for sums allegedly due under an introductory agreement (settled).

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Manager and senior staff v Club (2018-2019)

Advised two former senior executives of a football club in a dispute over unpaid fees.

Advice to Club (2018)

Advised a football club concerning its potential rights of action in a proposed multi-million pound claim against former professional advisors.

Player v Club

(2015)

Advised a Rugby League player over issues relating to the termination of his employment.

Boxer v Manager

(2012)

Acted for a boxer in a contract dispute with his manager at a hearing before the British Boxing Board of Control.

Shingler

(2011)

Acted for a Rugby Union player in an appeal against sanction in connection with an illegal tackle.

Stephen Horner v CPFC Ltd (2015)

Acted for the Defendant club in a High Court claim for introduction fees by the agent of its former manager, Tony Pulis. As a preliminary matter, the Defendant disputed the jurisdiction of the High Court on the basis of an arbitration agreement between the parties.

Sportquake Ltd v CPFC Ltd

(2016)

Acted for the Defendant club in defending proceedings brought by an agent claiming to be due fees for introducing a sponsor to the club. Case settled.

Tony Pulis v CPFC Ltd

[2016] EWHC 2999 (Comm)

Acted for CPFC in successfully resisting a challenge by Mr Pulis in the High Court under s.68 of the Arbitration Act 1996 to the award made by the arbitrators (see case above). Mr Pulis alleged that the arbitrators had acted unfairly by failing to take certain matters into account.

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Club v sponsor

(2018 - 2019)

Acted for a club in multi-million pound dispute under a sponsorship agreement. Settled at the pre-action stage following a mediation.

Club v Premier League

(2019)

Acted for a Premier League club in relation to allegations of misconduct under investigation by the Premier League.

Football League Club v Premier League Club

(2016 - 2017)

Acted for a Premier League club in an arbitration before Nicholas Randall QC, defending a claim brought by another club seeking sums alleged to be due under a transfer agreement. Case settled.

CPFC Ltd v Tony Pulis

(2015-2016)

Acted for the successful Claimant (Crystal Palace FC) in an 11 day arbitration in January/February 2016 against its former manager, Tony Pulis. The Club alleged that Mr Pulis had deceived it into paying him a bonus payment early, and repudiated his contract of employment by his fraud and refusing to manage the first game of the 2014/15 season. The arbitrators awarded the Club nearly £4m in damages.

Public & Regulatory

David acts and advises on public law cases at all levels (including five appearances in the Supreme Court). Recent court experience has focused on high value commercial judicial reviews.

"David gives clear and thorough advice, practical solutions and a helpfully commercial approach to legal problems. He is responsive and reliable."

— LEGAL 500, 2026

Cases

R (Northumbrian Water Ltd) v Water Services Regulation Authority

[2024] EWCA Civ 842

Acted for Northumbrian Water in relation to its challenge to the operation of performance incentives in the pricing control regime applied to consumer water companies. The case is now a leading authority on the (non)existence of the putative public law duty to prescribe or adopt a policy. With Tom de la Mare KC.

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Advice to Department of Transport

2024

Advising the Department of Transport in relation to proposed policy. With Sir James Eadie KC.

Advice to Government

(2024)

Advised a Government department on the human rights implications of proposed primary legislation.

R (Northumbrian Water Ltd) v Water Services Regulation Authority

[2023] EWHC 2410 (Admin)

Judicial review by Northumbrian Water of a decision of Ofwat concerning Ofwat's power to impose under-performance penalties against the claimant in relation to supply interruptions caused by a civil emergency event, Storm Arwen. David acted for the claimant, with Tom de la Mare KC.

Annington Property Ltd v Secretary of State for Defence

[2023] EWHC 1154 (Admin); [2023] EWHC 1155 (Ch)

Acted for the successful defendant in a claim in the Chancery Division and by way of judicial review, challenging the right of the Secretary of State for Defence to enfranchise property on the Married Quarters Estate. This claim was one of The Lawyer's Top 20 Cases of 2023. Part of a multi-disciplinary counsel team, led by Sir James Eadie KC. Appeal to be heard in 2025.

Blenkinsopp v Lavender

(2023)

Advising the government in relation to third party costs orders.

Bagged Aggregates v Traffic Commissioner

(2022-2023)

Acted for the defendant in a judicial review claim, successfully resisting a claim at the permission stage

Advice re vexatious litigation

(2023 -)

Advising in relation to the scope of vexatious litigation orders

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Advice on mental health breathing space scheme

(2023)

Advising a public authority in relation to the mental health breathing space scheme.

A v Secretary of State for the Home Department (2019-2020)

Acted for the Secretary of State defending a claim for judicial review of a police information sharing policy in the immigration context.

R (McLeish) v Secretary of State for Justice

Acted for the Secretary of State defending a claim by an IPP prisoner of a breach of Art 5 ECHR based on an alleged lack of rehabilitative opportunities.

Advising the BBC on public law issues (2018-2019)

David provided advice to the BBC in respect of its consultation and decision-making regarding the future of the over-75 licence fee (with leading counsel and Jason Pobjoy).

R (Joint Council for the Welfare of Immigrants) v Secretary of State for the Home Department

[2020] EWCA Civ 542

The Court of Appeal allowed the Secretary of State's appeal against the High Court's conclusion that the "right to rent" scheme, set out in sections 20-37 of the Immigration Act 2014, is incompatible with Article 14 ECHR (read with Article 8). David acted for the Secretary of State (led by James Eadie QC and David Pievsky QC).

Bourgass v Secretary of State for Justice

[2015] UKSC 54; [2015] 3 WLR 457

With Sam Grodzinski QC, David appeared for the Respondent Secretary of State before the Supreme Court in a case concerning the interpretation of the Secretary of State's powers to segregate prisoners, and on the procedural fairness of such decisions (at common law and under Article 6 ECHR).

R (Goloshvili) v Secretary of State for the Home Department

[2019] EWHC 614 (Admin)

Acted for the Secretary of State in a challenge by way of judicial review to a decision not to grant the Claimant permission to rent under s.21 of the Immigration Act 2014, including on the basis of alleged procedural unfairness and breaches of the Equality Act 2010. Led by David Pievsky.

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R (Goloshvili) v Secretary of State for the Home Department

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Acted for the Secretary of State in a challenge by way of judicial review to a decision not to grant the Claimant permission to rent under s.21 of the Immigration Act 2014, including on the basis of alleged procedural unfairness and breaches of the Equality Act 2010. Led by David Pievsky.

Brown v Parole Board for Scotland

[2017] UKSC 69; [2018] AC 1

Acted for the Advocate General for Scotland, as a respondent to an appeal to the Supreme Court in a case concerning the duty of the government under Article 5 ECHR to provide rehabilitative treatment to indeterminate sentence prisoners.

GJD v Governor of HMP Wakefield and Secretary of State for Justice

[2016] EWHC 345 (Admin)

Acted for the Defendants, resisting a claim by a former prisoner that his Article 5 ECHR rights had been breached when he was made subject to an indefinite sentence of imprisonment for public protection, when that sentence had not been available to the sentencing court.

MM v Secretary of State for Justice

[2018] UKSC 60, [2019] AC 712; [2017] EWCA Civ 194, [2017] 1 WLR 4681

Acted for the Secretary of State in appeals to the Supreme Court and Court of Appeal in a mental health case involving issues of statutory interpretation and Article 5 ECHR. The Secretary of State contended that the Upper Tribunal did not have power to order the Claimant to be released subject to conditions that amounted to a deprivation of liberty at common law or under Article 5. The Court of Appeal allowed the Secretary of State's appeal, and the Supreme Court upheld the Court of Appeal's decision. Led by Sir James Eadie QC.

R (JCWI) v Secretary of State for the Home Department

[2019] EWHC 452 (Admin)

Acting for the Secretary of State in a challenge by way of judicial review to the legislative scheme under the Immigration Act 2014 that imposes penalties on private landlords who rent to illegal immigrants without carrying out adequate checks. Led by Sir James Eadie QC and David Pievsky. Appeal due to be heard by the Court of Appeal in January 2020.

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R (Youngsam) v Parole Board

[2019] EWCA Civ 229, [2019] 3 WLR 33

Acted as sole counsel for the Secretary of State for Justice, intervening in the claimant's appeal to the Court of Appeal in a case raising issues regarding the doctrine of precedent.

R (Cole-Nije) v Methodist Church

[2018] EWHC 2622 (Admin)

Acted for the Methodist Church in successfully resisting an application for permission to seek judicial review of a disciplinary decision.

R (Minton Morrill Solicitors) v Lord Chancellor

[2017] EWHC 612 (Admin)

Acted for the Lord Chancellor in a claim raising issues of statutory interpretation (including the application of Pepper v Hart) and human rights. The Claimant alleged, and the Defendant denied, that the current and former statutory regimes establishing civil legal aid allow for provision of legal aid for applications to the European Court of Human Rights.

R (Public Law Project) v Lord Chancellor

[2016] UKSC 39, [2015] EWCA Civ 1193, [2016] AC 1531; [2014] EWHC 2365 (Admin), [2015] 1 WLR 251

Acted for the Secretary of State before the High Court (2014), Court of Appeal (2015) and Supreme Court (2016), in a case concerning the lawfulness of a proposed residence test for civil legal aid, which the Claimant alleged was ultra vires the relevant Act, and unlawfully discriminatory. Led by James Eadie QC and Patrick Goodall QC.

Fletcher, Young and Bentley v Secretary of State for Justice

[2015] 3 All ER 558; [2014] EWHC 3586 (Admin); and subsequent Judgment on relief [2014] EWHC 4338 (Admin)

Appeared as sole counsel for the Defendants in a claim for judicial review by three Claimants alleging that there had been a breach of the Secretary of State's public law duty to provide a reasonable level of systems and resources for the rehabilitation of indeterminate sentence prisoners.

R (H) v Secretary of State for Justice

[2015] EWHC 1550 (Admin)

The Claimant, a transgender indeterminate sentence prisoner, claimed judicial review on a number of grounds, alleging discrimination and other breaches of duty regarding the provision of rehabilitative opportunities. David acted for the Secretary of State in successfully resisting all claims.

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R (Bonner) v Secretary of State for Justice

[2018] EWHC 2819 (Admin)

Appeared for the Secretary of State in a case where a former prisoner alleged that the Secretary of State had breached of Article 5 ECHR by failing to provide a reasonable opportunity for rehabilitation as a result of a delay in moving him to open conditions, and had acted in breach of a number of other public law duties.

Civil Liberties & Human Rights

As part of his public law practice, David advises on human rights issues and has acted in cases concerning human rights at all levels, including several cases in the Supreme Court.

Cases

Advice to Government

(2024)

Advised a Government department on the human rights implications of proposed primary legislation.

Annington Property Ltd v Secretary of State for Defence

[2023] EWHC 1154 (Admin); [2023] EWHC 1155 (Ch)

Acted for the successful defendant in a claim in the Chancery Division and by way of judicial review, challenging the right of the Secretary of State for Defence to enfranchise property on the Married Quarters Estate. This claim was one of The Lawyer's Top 20 Cases of 2023. Part of a multi-disciplinary counsel team, led by Sir James Eadie KC. Appeal to be heard in 2025.

R (McLeish) v Secretary of State for Justice

Acted for the Secretary of State defending a claim by an IPP prisoner of a breach of Art 5 ECHR based on an alleged lack of rehabilitative opportunities.

R (Joint Council for the Welfare of Immigrants) v Secretary of State for the Home Department

[2020] EWCA Civ 542

The Court of Appeal allowed the Secretary of State's appeal against the High Court's conclusion that the "right to rent" scheme, set out in sections 20-37 of the Immigration Act 2014, is incompatible with Article 14 ECHR (read with Article 8). David acted for the Secretary of State (led by James Eadie QC and David Pievsky QC).

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Brown v Parole Board for Scotland

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Acted for the Advocate General for Scotland, as a respondent to an appeal to the Supreme Court in a case concerning the duty of the government under Article 5 ECHR to provide rehabilitative treatment to indeterminate sentence prisoners.

R (Goloshvili) v Secretary of State for the Home Department

[2019] EWHC 614 (Admin)

Acted for the Secretary of State in a challenge by way of judicial review to a decision not to grant the Claimant permission to rent under s.21 of the Immigration Act 2014, including on the basis of alleged procedural unfairness and breaches of the Equality Act 2010. Led by David Pievsky.

R (Goloshvili) v Secretary of State for the Home Department

[2019] EWHC 614 (Admin)

Acted for the Secretary of State in a challenge by way of judicial review to a decision not to grant the Claimant permission to rent under s.21 of the Immigration Act 2014, including on the basis of alleged procedural unfairness and breaches of the Equality Act 2010. Led by David Pievsky.

R (Goloshvili) v Secretary of State for the Home Department

[2019] EWHC 614 (Admin)

Acted for the Secretary of State in a challenge by way of judicial review to a decision not to grant the Claimant permission to rent under s.21 of the Immigration Act 2014, including on the basis of alleged procedural unfairness and breaches of the Equality Act 2010. Led by David Pievsky.

R (Public Law Project) v Lord Chancellor

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Acted for the Secretary of State before the High Court (2014), Court of Appeal (2015) and Supreme Court (2016), in a case concerning the lawfulness of a proposed residence test for civil legal aid, which the Claimant alleged was ultra vires the relevant Act, and unlawfully discriminatory. Led by James Eadie QC and Patrick Goodall QC.

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[2019] EWHC 452 (Admin)

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[2015] UKSC 54; [2015] 3 WLR 457

With Sam Grodzinski QC, David appeared for the Respondent Secretary of State before the Supreme Court in a case concerning the interpretation of the Secretary of State's powers to segregate prisoners, and on the procedural fairness of such decisions (at common law and under Article 6 ECHR).

Kaiyam v Secretary of State for Justice

[2014] UKSC 66; [2015] AC 1344

With James Eadie QC and Hanif Mussa, David acted for the Respondent Secretary of State in this appeal to the Supreme Court regarding the rights of indeterminate sentence prisoners under Article 5 ECHR to be provided with a reasonable opportunity for rehabilitation during the course of their sentences. The case considered the implications of the decision of the European Court of Human Rights in James, Wells and Lee v UK (Application no 25119/09).

GJD v Secretary of State for Justice

[2016] EWHC 345 (Admin)

Successfully defended a claim by a former prisoner who alleged that his detention had been in breach of Article 5 ECHR because he had been sentenced to imprisonment for public protection when, in fact, that sentence did not apply to his offence at the date he committed it. The claimant also alleged that the Secretary of State had acted in breach of Article 5 ECHR by not giving him an adequate opportunity for rehabilitation.

R (H) v Secretary of State for Justice

[2015] EWHC 1550 (Admin)

The Claimant, a transgender indeterminate sentence prisoner, claimed judicial review on a number of grounds, alleging discrimination and other breaches of duty regarding the provision of rehabilitative opportunities. David acted for the Secretary of State in successfully resisting all claims.

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Fletcher, Young and Bentley v Secretary of State for Justice

[2015] 3 All ER 558; [2014] EWHC 3586 (Admin); and subsequent Judgments on relief [2014] EWHC 4338 (Admin); [2015] EWHC 3451 (Admin

Acted for the Secretary of State, in a claim were the Claimants alleged that their rights under Article 5 ECHR had been breached due to a lack of provision of rehabilitative opportunities.

R (Bonner) v Secretary of State for Justice

[2018] EWHC 2819 (Admin)

Appeared for the Secretary of State in a case where a former prisoner alleged that the Secretary of State had breached of Article 5 ECHR by failing to provide a reasonable opportunity for rehabilitation as a result of a delay in moving him to open conditions, and had acted in breach of a number of other public law duties.

EU Law

David has appeared and provided advice in cases raising a range of EU law issues.

Cases

Package Travel Regulations advice

David has particular experience in relation to the Package Travel Regulations 1992. He recently advised a client on their liability under the Regulations in respect of their activities. He also assisted Tom de la Mare QC in advising a client concerning these regulations following the Icelandic volcano eruption in 2010.

Consumer protection advice

He also has experience of consumer protection legislation, including the Unfair Terms in Consumer Contracts Regulations 1999 and the Consumer Protection from Unfair Trading Regulations 2008 (and their predecessors), on which he has advised as a junior to Tom de la Mare QC and whilst on secondment to Ofgem in 2009/10.

Advertising Standards Agency advice

He has advised the Advertising Standards Agency regarding the meaning of EU legislation.

State aid implications advice

He has advised a company in respect of state aid implications of a government legislative proposal in the energy sector.

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Energy sector advice

He has also assisted James Eadie QC in advising as to the interpretation of EU legislation in the energy sector.

UPL v AgChemAccess Ltd

[2017] EWHC 1880 (Ch)

Acted for the successful Claimants in a 10 day High Court Trial. The Claimants alleged that the Defendants manufactured and sold copy versions of the Claimant's agrochemical products, and sued them for breach of the German unfair competition law and conspiracy to use unlawful means (including breach of the German unfair competition law and regulations on plant protection products). The case involved the obtaining of search and freezing orders at the outset and a number of interlocutory applications, including [2017] EWHC 944 (Ch), [2016] EWHC 2899 (Ch) and [2016] EWHC 2135 (Ch).

Employment

David has experience of a broad range of employment related litigation and advisory work, particularly in the High Court sphere.

David is a co-author of the second edition of Tolley's Discrimination in Employment Handbook (LexisNexis).

Cases

Dutia v Geldof and Ors

[2016] EWHC 547 (Ch)

Acted for the Defendants in a High Court partnership dispute. The Defendants were successful at first instance on a preliminary issue, and again on appeal to the High Court. Led by Thomas Croxford.

Stephen Horner v CPFC Ltd (2015)

Acted for the Defendant club in a High Court claim for introduction fees by the agent of its former manager, Tony Pulis. As a preliminary matter, the Defendant disputed the jurisdiction of the High Court on the basis of an arbitration agreement between the parties.

Young v Foster

(2015)

Acted for an employer bringing proceedings against a former employee for damages arising out of alleged breaches of contract during the course of her employment.

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Rugby player v Club

(2015)

Advised a rugby player over issues concerning the termination of his employment. The player considered he had been pressured to resign due to medical issues.

Accessible Hire v Hobbs and anor

(2013 – 2014)

Acted for the Second Defendant in a High Court claim against allegations of conspiracy and inducing breach of contract, claiming losses arising out of his competing with the Claimant's business. During this course of this litigation, David made a successful application to strike out allegations of breach of fiduciary duty.

DWPF Ltd v Lydon and anor

(2012-13)

Led by Anthony Peto QC, David acted for the Claimant in a claim against former employees joining a competitor alleging conspiracy, breach of confidence and breach of contract.

ACHIEVEMENTS

Education

MA (Cantab); BCL (Oxon), (Reid and Prince of Wales Scholarships, Gray's Inn)

Prizes & Scholarships

- Reid Scholarship, Gray's Inn (Senior Scholarship)
- Prince of Wales Scholarship, Gray's Inn (BVC year)
- College Scholarship, Christ's College, Cambridge (for achieving a first in the law tripos examinations)
- De Hart prize for law, Christ's College, Cambridge
- College Book prize, Christ's College, Cambridge
- Rebecca Flower Squire Scholarship, University of Cambridge
- Winner, WLR national mooting competition
- Winner of Varsity, de Smith, Team and Fledglings mooting competitions, University of Cambridge

Publications

David is the author of "Understanding Legislation: A Practical Guide to Statutory Interpretation", published by Hart Publishing in April 2018. (Co-written with Charlie Potter.)

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Selected earlier reported cases

Commercial

- Re Globespan Airways Ltd (In Liquidation) [2012] EWCA Civ 1159; [2013] 1 WLR 1122
- Clearview Van and Car Hire Limited v Compass Group, UK and Ireland Limited [2012] EWHC 148 (QB)
- Harbour Castle Limited v David Wilson Homes Ltd [2012] EWCA Civ 572; [2011] EWHC 2571 (QB)
- Re Dunstans Publishing Ltd [2010] EWHC 3850 (Ch)

Public & Regulatory

- Interfact Limited v Liverpool City Council [2010] EWHC 1604 (Admin)
- David has also (led by others in Chambers) provided advice to a mobile network operator regarding proposed action by OFCOM regarding spectrum allocation.

Employment

- NCS London Ltd v Coughlan and anor [2011] EWHC 3876 (QB)
- Craig v Pharmexx and anor, ET, April and July 2011
- Porter v EDF Trading, ET, September 2010
- Advised a Claimant who obtained a substantial settlement in a discrimination claim against a FTSE 100 company.

EU & Competition

- Interfact Limited v Liverpool City Council [2010] EWHC 1604 (Admin)

Other relevant information

During his Bar Vocational Course, David supervised in contract law at the University of Cambridge.

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Barristers regulated by the Bar Standards Board