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Flora Robertson



Year of call:	**2014**
Degree:	**Theology & Religious Studies (MA Cantab): Starred First (joint first in year); Philosophy of Religion (MPhil, University of Cambridge): Distinction; Graduate Diploma in Law (Kaplan): Distinction (first in year); BPTC (Kaplan)**
Languages:	**French (some knowledge), Spanish (some knowledge)**

Flora practices predominantly in public & regulatory law (including asylum and immigration, EU citizenship and deportation, civil liberties and human rights, environmental law, public international law and commercial judicial review), commercial (including joint venture disputes, agency claims, professional negligence claims, jurisdictional disputes, LMA trading disputes, misuse of confidential information and civil fraud) and EU & competition law (including damages claims arising from cartel activity).

Flora has appeared before a range of tribunals and courts including the First- and Upper-Tier Tribunals, Employment Tribunal, County Court, High Court and Court of Appeal. She has also been instructed in a number of cases in the Supreme Court and European Court of Human Rights.

Prior to joining Chambers, Flora worked from 2008 as a senior asylum and immigration Caseworker at Refugee and Migrant Justice. She then worked in this capacity at several private solicitors' firms, ultimately as an in-house advocate. She has successfully represented numerous clients, including victims of trafficking, in asylum, immigration, EU citizenship and deportation matters in both the First-Tier and Upper Tribunals.

Flora frequently acts pro bono in human rights related contexts, working with organisations including the Aire Centre, Reprieve and Refugee Legal Support Athens.

EXPERIENCE

Commercial

Flora has acted in commercial cases relating to a range of issues including joint venture disputes, agency claims, professional negligence claims, jurisdictional disputes, LMA trading disputes, misuse of confidential information and civil fraud.

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Cases

Contractual dispute

Advising a defendant company in relation to a contractual dispute concerning the sale of billboard advertising space.

VR v Exotix

[2017] EWHC 2620 (Comm)

Junior Counsel in a substantial Commercial Court trial relating to Loan Market Association (LMA) trading in a Ukrainian steel manufacturer (led by Andrew George).

X v X

[2016] EWHC 1995 (Fam)

Acting for the husband in the trusts-related aspects of a “big money” divorce case in which the wife sought a financial remedies order, including whether discretionary trusts settled by the husband's father of which the husband was one of a number of beneficiaries were a "resource" available to him within the meaning of S.25 of the Matrimonial Causes Act 1973 (with Barbara Dohmann QC).

Public & Regulatory

Flora has experience of a broad range of public and regulatory cases. She has acted for individuals, NGOs and corporate entities in cases concerning issues including diplomatic immunity, freedom of speech, trafficking, and gender identity. She has been instructed by interveners in several high profile judicial review cases.

Prior to joining Chambers, Flora worked as a senior asylum and immigration Caseworker at Refugee and Migrant Justice, first gaining OISC accreditation in 2008. She then worked in this capacity at several private solicitors’ firms, ultimately as an in-house advocate. Consequently she has experience working on asylum, immigration, EU citizenship and deportation matters. She has successfully represented numerous clients, including victims of trafficking and unaccompanied asylum-seeking children, in both the First-and Upper-Tier Tribunals.

Flora regularly undertakes pro bono work.

Cases

Basfar v Wong

[2022] UKSC 20, [2022] 3 WLR 208

Flora was instructed by the intervening party Kalayaan, a charity that works to protect victims of modern slavery. The case concerned the application of the "commercial exception" to the Vienna Convention on Diplomatic Relations 1961, holding it applicable to persons subjected by diplomatic agents to conditions of servitude and modern slavery. Flora was led by Tom Hickman KC.

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Delayed Dublin transfer cases

2021

Instructed by Islington Law Centre on behalf of three child applicants for judicial review of the UK Government's failure to transfer them from Greece to the UK under the terms of the Dublin III Regulation.

Advice in relation to women's state pension age increases

2021

Advising the Parliamentary and Health Service Ombudsman in relation to complaints connected with the women's state pension age increases.

M v Secretary of State for the Home Department

Successfully representing a Polish national in her deportation appeal.

C v Secretary of State for the Home Department

Flora successfully represented a Turkish Kurdish appellant in the First-Tier Tribunal whose asylum claim was based on imputed political opinion.

D v Secretary of State for the Home Department

Flora successfully acted for an Iranian poet in his appeal against the Secretary of State's refusal of his application for asylum.

HJ Banks Ltd v Secretary of State for Housing Communities and Local Government

[2018] EWHC 3141 (Admin)

Acting for HJ Banks Ltd in a successful challenge to a refusal of planning permission (with Nathalie Lieven QC).

R (Avaaz) v Ofcom

[2018] EWHC 1973 (Admin)

Acted for Ofcom (with Pushpinder Saini QC and Jessica Boyd) in a judicial review brought by the Avaaz Foundation of Ofcom's decision that Sky would not cease to be fit and proper to retain its broadcast licences in the event of a merger with 21st Century Fox.

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

[2018] EWHC 1530 (Admin)

Flora was instructed by Human Rights Watch as Intervener (in support of the Claimant) in a claim challenging the legality of the UK Government’s policy refusing to issue non-gender-specific “X” passports to UK nationals.

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A v Secretary of State for the Home Department

Acting for a partially sighted Afghan national in his appeal against the Secretary of State's refusal of his application for asylum and humanitarian protection. A's appeal was dismissed by the First Tier Tribunal and, following the finding of an error of law, was remitted to be heard de novo. Flora represented A at the remitted hearing, which was again dismissed; successfully established that a second error of law had been made, and represented A at his second remitted hearing. Following a third error of law Flora will shortly represent A at his third remitted hearing. The case centres on the Refugee Convention ground of imputed political opinion and Article 15(c) of the Qualification Directive.

B v Secretary of State for the Home Office (2016)

Acting for an Indian national in his successful appeal on Article 8 ECHR grounds against the Secretary of State's decision to refuse to grant him a further period of discretionary leave and to remove him from the UK. B entered the UK in 2007 and had been in a relationship with his British Citizen partner since then. The couple had three children and B was the primary carer for his partner and the children. His application for an extension of leave had been rejected on the basis that he had not provided sufficient evidence of his continued family life in the UK.

E v Secretary of State for the Home Office (2016)

Acting for a Kurdish Iranian national, also a member of the Ahl-e-Haqq (Yaaresan) faith, in his successful appeal against the decision of the Secretary of State to refuse his application for asylum. E had entered the UK on a student visa and was found by the Judge to be a refugee sur place due to his anti-regime activities, particularly as a blogger.

FRC Accountancy and Actuarial schemes proceedings

https://media.frc.org.uk/documents/Disciplinary_Tribunal_Report_re_sanctions_against_KPMG_in_relation_to_Equity_Syndicate_Management_

Acting as junior counsel for the Financial Reporting Council in proceedings under its Accountancy and Actuarial schemes (with Andrew Green QC, Andrew George QC, Andrew Scott, Rebecca Sabben-Clare QC and Tim Jenns).

Judicial review application

Acting for an interested party pub in resisting an application for judicial review of a council's decision to grant access rights to its premises over a Site of Special Scientific Interest (with Michael Fordham QC).

Al-Saadoon & others v Secretary of State for Defence

[2016] EWCA Civ 811; [2017] 2 WLR 219

Acting for the Iraqi claimants in this case concerning the jurisdictional reach of Art 1 ECHR and the scope of the investigative duties under Art 3 and Art 5 ECHR, and the investigative obligations under UNCAT and customary international law (with Michael Fordham QC, Dan Squires QC and Jason Pobjoy).

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Bagram detainee advice

Advising Reprieve / Justice Project Pakistan in relation to a draft Communication to the Office of the Prosecutor of the International Criminal Court, concerning the detention of Pakistani nationals at the Bagram Detention Facility between 2001 and 2014.

Civil Liberties & Human Rights

Flora has extensive experience of a range of public law and human rights cases and regularly undertakes pro bono work. She has acted for individuals, NGOs and corporate entities in cases concerning issues including freedom of speech, trafficking, and gender identity. She has been instructed by interveners in several high profile judicial review cases.

Prior to joining Chambers, Flora worked as a senior asylum and immigration Caseworker at Refugee and Migrant Justice, first gaining OISC accreditation in 2008. She then worked in this capacity at several private solicitors' firms, ultimately as an in-house advocate. Consequently she has experience working on asylum, immigration, EU citizenship and deportation matters. She has successfully represented numerous clients, including victims of trafficking and unaccompanied asylum-seeking children, in both the First-and Upper-Tier Tribunals.

Cases

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Flora was instructed by the intervening party Kalayaan, a charity that works to protect victims of modern slavery. The case concerned the application of the "commercial exception" to the Vienna Convention on Diplomatic Relations 1961, holding it applicable to persons subjected by diplomatic agents to conditions of servitude and modern slavery. Flora was led by Tom Hickman KC.

Delayed Dublin transfer cases

2021

Instructed by Islington Law Centre on behalf of three child applicants for judicial review of the UK Government's failure to transfer them from Greece to the UK under the terms of the Dublin III Regulation.

Big Brother Watch and Others v the United Kingdom

App. Nos. 58170/13, 62322/14 and 24960/15

Flora acted for the applicants in a case regarding the compatibility of the UK's bulk surveillance regime with the European Convention on Human Rights. The linked complaints were brought by organisations and individuals that campaign on issues relating to civil liberties and journalists' rights.

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

[2018] EWHC 1530 (Admin)

Flora was instructed by Human Rights Watch as Intervener (in support of the Claimant) in a claim challenging the legality of the UK Government's policy refusing to issue non-gender-specific "X" passports to UK nationals.

Rustavi 2 Broadcasting Company Ltd and others v Georgia

Application no. 16812/17

Instructed by the applicants in relation to a claim before the European Court of Human Rights concerning the freedom of expression of a broadcasting company and alleging violations by Georgia of Articles 6, 10 and 18 of the ECHR and Article 1 of Protocol No.1 (led by Shaheed Fatima QC).

A v Secretary of State for the Home Department

Acting for a partially sighted Afghan national in his appeal against the Secretary of State's refusal of his application for asylum and humanitarian protection. A's appeal was dismissed by the First Tier Tribunal and, following the finding of an error of law, was remitted to be heard de novo. Flora represented A at the remitted hearing, which was again dismissed; successfully established that a second error of law had been made, and represented A at his second remitted hearing. Following a third error of law Flora will shortly represent A at his third remitted hearing. The case centres on the Refugee Convention ground of imputed political opinion and Article 15(c) of the Qualification Directive.

Al-Malki v Reyes

[2017] UKSC 61

Acting for the Interveners (supporting the Appellant) in this appeal to the Supreme Court concerning the application of the Diplomatic Privileges Act 1964 / the Vienna Convention on Diplomatic Relations 1961 to claims brought by domestic overseas workers against their employers (with Richard Hermer QC, Tom Hickman and Philippa Webb).

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Al-Saadoon & others v Secretary of State for Defence

[2016] EWCA Civ 811; [2017] 2 WLR 219

Acting for the Iraqi claimants in this case concerning the jurisdictional reach of Art 1 ECHR and the scope of the investigative duties under Art 3 and Art 5 ECHR, and the investigative obligations under UNCAT and customary international law (with Michael Fordham QC, Dan Squires QC and Jason Pobjoy).

B v Secretary of State for the Home Office (2016)

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E v Secretary of State for the Home Office (2016)

Acting for a Kurdish Iranian national, also a member of the Ahl-e-Haqq (Yaaresan) faith, in his successful appeal against the decision of the Secretary of State to refuse his application for asylum. E had entered the UK on a student visa and was found by the Judge to be a refugee sur place due to his anti-regime activities, particularly as a blogger.

Bagram detainee advice

Advising Reprieve / Justice Project Pakistan in relation to a draft Communication to the Office of the Prosecutor of the International Criminal Court, concerning the detention of Pakistani nationals at the Bagram Detention Facility between 2001 and 2014.

Competition

Flora edits and contributes to the "Competition Bulletin" blog (with Tristan Jones and Tom Coates). She is currently instructed by the proposed class representatives at the certification stage of proposed collective proceedings in the Competition Appeal Tribunal.

Flora acted as junior counsel for claimants resisting a four-day strike out application in the context of a cartel claim.

In 2015 Flora was awarded a Phoenicia Scholarship to attend the Bar European Group Conference in Reykjavik.

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Cases

Re prospective collective proceedings

Acting on behalf of the proposed class representatives in a matter which is currently at certification stage.

Media-Saturn Holding GmbH v Toshiba Information Systems (UK) Ltd and others

[2019] 5 C.M.L.R. 7

Junior counsel (with Kieron Beal QC) acting for the claimants in a claim for damages arising out of the LCD Cartel.

ACHIEVEMENTS

Education

Theology & Religious Studies (MA Cantab): Starred First (joint first in year); Philosophy of Religion (MPhil, University of Cambridge): Distinction; Graduate Diploma in Law (Kaplan): Distinction (first in year); BPTC (Kaplan).

Prizes & Scholarships

- Phoenicia Scholarship (Bar European Group)
- Bedingfield Scholarship (Gray's Inn)
- Advocacy Scholarship (Kaplan)
- First Prize, Inns of Court Society National Moot (Southampton University)
- David Karmel Award (Gray's Inn)
- Excellence Scholarship (Kaplan)
- Robins Prize for Further Research (Clare College, Cambridge)
- Theological Studies Prize (Cambridge University)

Memberships

- Immigration Law Practitioners Association (ILPA)
- Bar Human Rights Committee of England and Wales
- UK Environmental Law Association (UKELA)
- Bar European Group (BEG)
- The Commercial Bar Association (COMBAR)
- The Constitutional and Administrative Law Bar Association (ALBA)

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