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Mark Shaw KC



"Mark Shaw KC is the go-to silk for any issue at the intersection of public law and professional discipline."

– CHAMBERS AND PARTNERS, 2026

Year of call:	**1987**
Appointed to silk:	**2002**
Degree:	**BA (Hons) (University College, Durham), LLM (Gonville & Caius College, Cambridge)**
Languages:	**Italian (fluent)**

Mark regularly appears in the Administrative Court and the appellate courts (usually on behalf of public bodies facing judicial review claims and often in cases with a prominent human rights element) as well as in a range of disciplinary and regulatory tribunals. His particular areas of expertise (including advisory work) cover central government, professional regulators (especially in the health/care sector but also legal, financial, pensions, teachers and police regulators), utilities, immigration control, local government, freedom of information and data protection, environmental, media organisations and licensing bodies. Although Mark now has a broad client base, his experience and expertise are rooted in ten years' service as Junior Counsel to the Crown from 1992 to 2002. Previously, Mark worked in a large firm of solicitors (Mallesons Stephen Jaques, now King & Wood Mallesons, in Melbourne), in the Legal Department of a local authority (Bournemouth Borough Council) and in the European Parliament's Human Rights Unit (in Luxembourg, Strasbourg and Brussels). From 2005 until 2015 he held appointment and acted as a senior Special Advocate, approved by the Attorney General and cleared to a high level by the Security Services, to appear in terrorist cases.

In 2008 Mark became an accredited mediator, through CEDR. This is very much a growing part of his practice, now accounting for about a quarter of his time and covering all manner of disputes (ironically, mostly in the private not public sector). Increasingly, he deals with the more complex and weighty mediations, which demand advanced mediation skills and sometimes last for more than one day or even cover multiple parties, issues and sessions over weeks or months.

Mark is recognised by both of the main independent legal directories, Chambers & Partners and Legal 500, as a leading silk for his expertise in civil liberties, environment, professional discipline & regulatory (top tier) and as a mediator. Mark is recognised as a recommended mediator by the Lexology Index.

Recent comments include:

- "A phenomenal barrister" - Chambers UK, 2026
- "Mark Shaw KC is the go-to silk for any issue at the intersection of public law and professional discipline." - Chambers UK, 2026
- "Mark Shaw KC is a tremendous asset." - Chambers UK, 2025

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- "A leading silk practising at the intersection of professional regulation and public law. He is razor sharp and easy to deal with." - Legal 500, 2024
- "He is a very impressive advocate." - Chambers UK, 2023

Previous quotes include:

- "Mark Shaw is always clear and helps clients easily understand the mediation process." - Chambers UK
- “An exceptional performer who has unparalleled expertise in public sector mediations.” - Chambers UK
- “immensely knowledgeable and reassuring”, with “complete moral and intellectual integrity”. - Chambers UK
- “He adopts a very calm and empathetic approach while also cultivating an air of authority that clients respect.” - Chambers UK
- “Mark Shaw KC was excellent. He is very clear and helpful. His style was open and realistic, and he spelt out the reality to us, when necessary, at certain junctures. This was an enormously difficult case and he helped us through it in a subtle and highly skilled way.” - Chambers UK
- "An intellectual heavyweight" - Legal 500
- "His advice has just been phenomenal, he's turned things around quickly and he's very clear. He's given us a huge amount of comfort that we have a clear and authoritative legal view." - Chambers UK
- "Excellent technical legal knowledge, clear and concise drafting, highly persuasive advocacy, very personable and down to earth." - Legal 500
- "An intellectual heavyweight." - Legal 500

Recent client feedback includes:

- “I don’t think anyone else could have mediated this case to settlement."Partner in a central London firm, in a mediation concerning school disciplinary proceedings and data protection
- “Genuinely, thank you very much indeed for stellar skill and professionalism"Counsel, in a mediation concerning private law (negligence) and public law (human rights and breach of statutory duty) claims against the police
- “[Mark] was absolutely brilliant. I can honestly say I don’t think another mediator would have cracked that case. I have already been recommending him throughout the firm.”Partner in a central London firm, in a mediation arising from the impact on local businesses of highway restrictions introduced by a local authority and the Department for Transport
- “Please send my thanks to Mark, he was excellent."General Counsel within a large public agency, in a mediation about public procurement and a public/private partnership contract
- “You … hugely impressed [the clients] and … can now proudly bear the moniker ‘legend’ … [we] are very grateful for your kindness and guidance through the process."Parent leading a group of students, in a mediation regarding university disciplinary and exclusion proceedings

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EXPERIENCE

Professional Discipline

"A phenomenal barrister."
— CHAMBERS AND PARTNERS, 2026

Mark has a long-established practice, both as an advocate and adviser, in professional disciplinary and regulatory proceedings. Extensive work for almost all healthcare regulators has been consistently at its core. They have instructed him regularly and frequently over many years, as a junior and in silk. His most important and repetitive regulatory clients include the Solicitors Regulatory Authority, the General Dental Council, the General Chiropractic Council, the General Optical Council, the General Osteopathic Council, the Nursing and Midwifery Council, the General Social Care Council, the Royal Institution of Chartered Surveyors, the Federation of Ophthalmic and Dispensing Opticians, the Royal Pharmaceutical Society, the General Teaching Council, the Legal Services Board, the Bar Standards Board, the Information Commissioner's Office, the British Veterinary Association, the Metropolitan Police Authority, the Pensions Regulator and the Accountancy and Actuarial Discipline Board and financial services regulators in the UK and overseas, as well as a variety of local authorities, educational institutions, governing bodies and clubs.

Mark is not generally involved in the routine prosecution work. Instead, he appears before statutory committees and regulatory tribunals, the Administrative Court and the appellate courts (in judicial review claims and statutory appeals by registrants and the Professional Standards Authority, formerly the CHRE) when cases raise public law and human rights issues with implications beyond a single instance. Often the cases are high profile, especially in the professional/trade press; but often their importance and sensitivity are such that they need to be kept confidential.

He also regularly advises a range of public authorities and professional, teaching and regulatory organisations and agencies on the application of public law principles and the Human Rights Act 1998 (especially articles 6, 8 and 10 of the ECHR) to their procedures both as regards general restructuring, on the drafting of rules and regulations, as well on specific policy issues. This has included, for example, advising the Metropolitan Police Authority regarding disclosure of the IPCC's two reports on the shooting of Jean Charles de Menezes at Stockwell tube station and regarding the decision whether to bring disciplinary proceedings against senior officers. He has recently completed a detailed inquiry report, having been appointed as the independent investigator into a complaint made by a registrant against the head of a major UK professional regulator. As well as individual cases, Mark often deals with overarching points of principle and issues of law which act as precedents across a whole profession or activity. This includes advice and drafting on committee structures/procedures and on decision-making protocols, guidance and codes of practice. He is also trusted to advise and appear for regulators facing investigations, inquiries and proceedings brought against them by their own regulators; and to carry out internal/private investigations for them into their own decisions, processes and/or staff.

Directory ranking: Chambers & Partners band 1, Legal 500 band 2 (both for many years).

Chambers & Partners shortlisted (as one of three nominees) in October 2018 as " Silk of the Year" in Professional Discipline, when Blackstone Chambers won "Chambers of the Year" in the same category.

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Cases

Pensions

2023-24

Advising two large occupational pension funds, in the financial services sector, on their proposed amalgamation with the wider public sector scheme.

Private Club

2023-24

Advising on internal constitutional, voting and disciplinary procedures within a private members' club.

Registrant Fees

2023

Advising on rights/obligations to reclaim/refund professional registration fees paid to a regulator in error.

General Medical Council v Baxter

2021-2023

Representing and advising a foreign registrant before the Medical Practitioners Tribunal in a lengthy fitness to practise hearing arising from a criminal offence committed abroad without any direct equivalent in the UK. The legal issues involved the fairness and specificity of the allegations, as well as the applicability of the foreign offence.

Solicitors Regulation Authority

2024

Advising and appearing for the SRA in internal and external investigatory proceedings, and in challenges to the publication of data on the SQE.

Amenability to Judicial Review

2021-22

Advising a large (UK and global) professional regulator on its amenability in the UK to judicial review, along with the pros and cons of such amenability.

Saeed v General Dental Council

CO/2694/2021

Representing and advising the General Dental Council in the Administrative Court in a CPR Part 8 claim by a registrant against an 18-month interim suspension order.

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General Dental Council

2024

Representing the GDC in disciplinary proceedings regarding the length and legality of an interim suspension.

General Dental Council

2020-2021

Advising the GDC on the effect of an appeal on the duration of a sanction imposed after a review hearing.

General Chiropractic Council

[2019]

Advising the General Chiropractic Council on the most efficient way lawfully to restructure and streamline the initial stages of its entire fitness to practise investigatory and decision-making process, without the need for primary and secondary legislation.

Beard v General Osteopathic Council

[2019] EWHC 1561 (Admin) & [2019] All ER (D) 124 (Jun)

Representing and advising the General Osteopathic Council in the Administrative Court in a statutory appeal claiming that its Professional Conduct Committee (Chair and one lay panellist) rendered the registrant's disciplinary hearing unfair by questioning her for too long in an unduly hostile, irrelevant and distressing manner akin to that of a prosecutor.

General Osteopathic Council – fitness to practise panellist's failure to disclose grounds for disqualification

Advising the General Osteopathic Council on the proper treatment of a fitness to practise panellist who failed to disclose to the GOSC a suspension from work after a disciplinary complaint, thereby rendering her ineligible to sit as a panellist; and advising on the status/validity of decisions in which the panellist participated before the disqualification was revealed.

Remote Prescribing and Medical Regulatory Scope

Advising UK professional health/pharmaceutical regulators on the scope for regulatory control over and disciplinary sanctions for remote (virtual) prescribing.

General Optical Council – laser eye surgery

Advising the General Optical Council ("GOC") on the scope of its regulatory and disciplinary jurisdiction over the conduct of laser eye surgery by a high street business: whether better classified as optometry (within the GOC's jurisdiction) or surgery (a matter for the GMC).

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General Medical Council – Disciplinary Proceedings Before The Medical Practitioners' Tribunal

Representing and advising a GP, facing being struck-off the Medical Register by the Medical Practitioners' Tribunal, in disciplinary proceedings brought on the back of a criminal conviction for sexual assault on a patient, while that conviction was still under appeal.

Professional Standards Authority & General Dental Council

Advising a senior officer of the General Dental Council ("GDC") on possible challenges to the legality and substance of a draft report to be published by the Professional Standards Authority ("PSA") criticising the way in which the GDC had operated, investigated and reported on its own compliance with statutory procedures.

General Osteopathic Council

2018

Compliance with the duty to give reasons for findings. The extent of a panelist's duty to disclose misconduct to the Council, and to recuse themselves from sitting.

Legal Services Board: The Law Society & the Solicitors Regulation Authority

2017-2018

Advised the Legal Services Board on the process and legality of its investigation into the extent of alleged interference by The Law Society with the exercise by the Solicitors Regulation Authority of its regulatory functions.

Solicitors Regulation Authority & Referral Fees

(2015)

Advised the SRA on the legality of arrangements operated by some personal injury legal services firms involving the payment of referral fees to third parties, and the prospects of success for enforcement action.

Christy v General Dental Council

[2015] CO/3126/2014 (Admin)

Advised and appeared for the GDC to resist a High Court judicial review challenge to the interpretation and application of the statutory triage test applied to every complaint made to the GDC against a dentist. The Claimant argued that the test was set far too high, and that many more complaints should reach the final disciplinary committee.

Ajala v Nursing & Midwifery Council

CO/516/2015 (Admin)

Advised and appeared for the NMC to resist a High Court appeal concerning the circumstances in which the NMC can review and re-open a complaint once it has been dismissed.

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Solicitors Regulation Authority

Advising the SRA on a possible judicial review challenge to a procedural decision made by a professional disciplinary tribunal in proceedings brought by the SRA against a former politician and a qualified solicitor.

Which? and Disclosure of Fitness to Practise Information

(2014)

Advised the General Optical Council on proceedings under section 13C of the Opticians Act 1989 seeking disclosure from Which? of information about allegedly sub-standard opticians revealed by a mystery shopper investigation and article concerning improper eye tests on the high street.

R (Kinnersley) v GMC & Antoniou

[2014] CO/3980/2014 (Admin)

Advised and successfully appeared for the GMC in resisting a judicial review challenge to the disclosure of expert reports to complainants in medical disciplinary cases under domestic statute and common law and under article 8 of the ECHR (right to private and family life). Also advised and represented the GMC in various similar cases featuring the same issue.

Fajemisin v General Dental Council

[2014] 1 WLR 1169 (Admin)

Advised and appeared successfully for the GDC in a statutory (High Court) appeal regarding the existence and extent of the power of a public body to review and revise its own decisions if based on a fundamental mistake of fact, in particular: to pursue disciplinary proceedings against practitioners who had been erroneously removed from the professional register and then reinstated.

Also in 2013 advised and appeared successfully for the GDC before its disciplinary committee in a parallel case: General Dental Council v Donaldson.

General Osteopathic Council – fitness to practise procedures

Advising the General Osteopathic Council on the proper treatment of vexatious, frivolous and repetitive complaints by the Good Thinking Society, on resisting a threatened judicial review challenge to the application of its statutory fitness to practise procedures to such complaints and on amending those procedures.

Allied advice on the drafting and legality of a new regime for continuing professional development, and the status of connected guidance.

Nursing and Midwifery Council v Okeke and Annon v Nursing and Midwifery Council

Disciplinary committee and High Court (respectively, both 2013)

Advised the NMC in lead cases determining the jurisdiction to review and replace lesser sanctions with a striking-off order in certain types of case.

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Francis Mid-Staffs Inquiry

(2013)

Advised various regulators on substantive and procedural aspects of disciplinary proceedings which might arise from the independent report into the inadequate care provided at Mid-Staffs hospital.

Mediation

Mark became a CEDR accredited mediator in October 2008. He is now the most active mediator within Blackstone Chambers, and leads its Mediation Group. His mediation experience spans all manner of disputes: commercial, tort, professional negligence, (re)insurance, corporate/partnership, neighbours/boundaries/land, landlord & tenant, costs, immigration, employment/workplace, industrial relations & trade unions, misconduct & misfeasance, family, pensions, care, social services, health (NHS and private), educational institutions and clubs (sporting and social), charities, student discipline, religious institutions, media, financial services (commercial and regulatory/enforcement), health & safety, police, utilities, EU, discrimination and harassment, property development, public sector and public procurement (both private law and public law claims). Some take just a few hours, most last a day (and occasionally much of the night). Some weighty, sensitive, complex and/or high profile mediations have lasted multiple days or multiple sessions over weeks or months. Mark's strong background in public sector, public law, civil liberties and human rights work gives him an unusual depth of insight into the legal, presentational, financial, personnel and policy issues which often tax public and regulatory bodies. This experience extends to central and local government bodies, professional disciplinary and regulatory agencies, police authorities, pension funds, utilities and media organisations.

Since accreditation, Mark's mediation practice has expanded through membership of the IPOS Mediation, CEDR (Centre for Effective Dispute Resolution) and the CMC (Central Mediation Council). IPOS Mediation boasts a small and select panel of some of the country's (indeed, the world's) leading and most active mediators. In recent years many lawyers (and non-lawyers) have qualified as mediators and claim to be active. In reality, remarkably few actually do any regular mediating. It is a relatively small minority of mediators who have most of the practical experience. Mark is one of them. In the last few years his mediating has expanded markedly, and now takes about a quarter of his time. It has evolved to feature larger, lengthier, more complex, high value, high profile, knotty and sensitive disputes/mediations; both in the UK and in various overseas jurisdictions. They often cover multiple parties, issues and areas of law, and demand creative solutions using advanced mediator skills. Usually, but not always, they involve long-running high-temperature disputes against the background of vigorous litigation. This busier practice has been both caused by and reflected in Mark's rising ranking in the directories, including his elevation to the Legal 500 Hall of Fame (for mediation and in three other categories).

> ***"He adopts a very calm and empathetic approach while also cultivating an air of authority that clients respect."***
>
> — CHAMBERS AND PARTNERS, 2021

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He has mediated a wide array of disputes, by no means limited to his main areas of practice. Recently, this has included various civil actions against different police forces, several professional negligence disputes, a long and complex four-party dispute about the allocation of millions of pounds of past, present and future social care costs between different public agencies, various discrimination/harassment/disciplinary claims in workplace and educational settings, a claim for damages/remediation in respect of a large contaminated industrial site, a joint mediation (with Lord Woolf) over what was said to have been the largest ever costs bill in UK civil litigation (after settlement of a very substantial negligence/nuisance claim brought by thousands of claimants as a class action), an industrial relations dispute arising from changes to the pension arrangements for 1000s of public sector workers, an international mediation about the legality and scale of enforcement action taken by the financial services regulator in an important offshore jurisdiction and a dispute between the government and the entire judiciary of an overseas jurisdiction regarding pension arrangements.

Allied to mediation, Mark has also conducted some (public sector) adjudications and inquiries, which involve mediation skills in dealing with both parties and witnesses. Recently, he acted as an independent investigator for a major UK professional regulator, reporting on a complaint made by a registrant against the organisation's head. Previously, he acted as a hybrid mediator/adjudicator/ visitor for Exeter University dealing with a challenge by the Christian Union to (1) its suspension from the Students' Union for refusing to allow non-Christian members to become members or leaders and (2) the requirement for it to be renamed the Evangelical Christian Union. A judicial review claim by the Christian Union under the Human Rights Act 1998 (articles 9, 10 & 11 of the ECHR), against the underlying decision and the adjudication, was stayed pending the mediation/adjudication, then revived and dismissed by the Administrative Court.

Adjudication published on www.exeter.ac.uk.

Directory ranking: Legal 500 Hall of Fame, since 2022 (previously band 1 for many years).

The mediated disputes are necessarily too confidential to mention below, save in the broadest outline.

Cases

Education

2024

Various mediations involving academic discipline, of students and staff; as well as university and college staff/employment/personnel disputes.

Public sector

2024

Settling dispute between a local highway authority and a group of businesses over local road use designation and signage.

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Public procurement

2024

Resolving several disputes arising from the award of large/long public service contracts and joint ventures under the public procurement regulations: including in the healthcare and educational sectors.

Healthcare

2024

Treatment of a vulnerable adult within a secure NHS facility: alleged personal injury, and human rights violations.

Financial Services/Regulatory

Judicial review of regulatory reports criticising and sanctioning financial services providers for alleged breaches of ant-money laundering legislation.

Local Authority/NHS Social Care

Ongoing mediation of a judicial review claim involving four local authorities and one NHS care commissioning group contesting the allocation of past, present and future adult social care costs.

Similar claim between different local authorities for reimbursement of historic care costs in relation to a vulnerable child.

Student/University Discipline

Private and public law challenge to the process followed and sanctions applied by a university against a student, after an investigation triggered by complaints from other students and teachers. Several other mediations involving claims of discrimination, harassment and bullying within educational establishments and private clubs.

Workplace Dispute within Financial Institution

Employment claim arising from alleged workplace discrimination and victimisation within investment bank .

Contaminated Land: Breach of Contract, Negligence and Nuisance

Mediating to settlement a claim brought by a large multinational company against a waste transport and landscaping company for alleged contamination of a decommissioned industrial site.

Human Rights & Damages Claim against The Metropolitan Police

Mediating to settlement a High Court civil claim against the police for damages brought by a private individual injured during a stop and search on the public highway.

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Human Rights & Damages Claim against a Local Authority & The Metropolitan Police

Mediating a High Court claim for damages and HRA declarations brought by individuals/groups the scope of whose public meeting had been limited. Alleged breaches of the right of free assembly, freedom to impart information and misfeasance.

Solicitor's Negligence

Mediating to a settlement a claim brought by a client against a firm of solicitors for failing properly/promptly to pursue a damages action against the police.

Public Sector Pension Disputes

Successfully mediating two allied long-running industrial relations disputes arising from changes to the pension arrangements of 1000s of public sector workers.

NHS Procurement Dispute

Mediating a multi-million pound dispute under the Public Contracts Regulations 2015, arising from the decision of an NHS Trust to abandon a public procurement process after selection of a strategic estates partner for a large hospital redevelopment scheme but just before the award of any contract.

Police Dog & Handler Misconduct

Successfully mediating a claim for damages brought by the victim of an attack by a police dog. The dog handler had responded to a domestic burglary 999 call but the dog attacked the homeowner instead of the burglar.

African Chemical Dumping

With Lord Woolf, former Lord Chief Justice, mediating a commercial dispute regarding the assessment (taxation) of a costs bill running to many millions of pounds after the settlement of massive group litigation arising from dumping of chemicals in Africa. Said to be the largest costs bill in English legal history, at the time.

Immigration Sponsor Licences

Mediating High Court claims for substantial damages under the Human Rights Act 1998 and for misfeasance and negligence arising from withdrawal by the Home Office of sponsor licences issued under the Immigration Act and Rules to education and training colleges serving foreign students.

Development Land

Mediating a High Court commercial dispute regarding the sale, servicing and development of land in Virginia Water, Surrey.

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Public & Regulatory

Mark has established his reputation in this area by regular appearances in the higher courts (especially the Administrative Court) and tribunals on behalf of an array of government departments and agencies, regulators, trade associations, companies and individuals. He has a particular expertise in judicial review, statutory appeals and regulatory law in the fields of professional discipline, healthcare, transport, utilities, national security (as a Special Advocate), environment, freedom of information, immigration, local government, media, health and safety, nature conservation, advertising standards, waste disposal, construction, tobacco regulation and licensing. His Crown work involved numerous leading and high profile cases in the UK and Strasbourg, including the challenges by Myra Hindley and by the killers of James Bulger to their life sentences for murder as well as the applications to the Parole Board by the latter for release. Early in 2010 he appeared as the Lead (Senior) Special Advocate representing an alleged terrorist who successfully resisted deportation to Algeria. As regards his advisory work, much involves helping to establish or refine regulatory procedures, and to guide decision-making processes, capable of withstanding public law and human rights challenges. Many cases are too confidential to mention below.

Legal 500 Hall of Fame: Professional Discipline/Regulatory & Environmental law.

> *"Mark is both very bright and very personable. He is the "go to" counsel for complex, high profile cases involving public law issues."*
>
> — LEGAL 500, 2023

Cases

Brexit Import Changes

2024

Representing a UK local authority on a possible challenge to new import checks and infrastructure for goods arriving from the EU.

Pension Restructuring

2023-24

Advising on the interpretation, legality and impact of legislation transferring large private sector pension schemes into the public sector.

Saeed v General Dental Council

CO/2694/2021

Representing and advising the General Dental Council in the Administrative Court in a CPR Part 8 claim by a registrant against an 18-month interim suspension order.

General Medical Council v Baxter

2021-2023

Representing and advising a foreign registrant before the Medical Practitioners Tribunal in a lengthy fitness to practise hearing arising from a criminal offence committed abroad without any direct equivalent in the UK. The legal issues involved the fairness and specificity of the allegations, as well as the applicability of the foreign offence.

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Solicitors Regulation Authority

2024

Advising and appearing for the SRA in internal and external investigatory proceedings, and in challenges to the publication of data on the SQE.

Amenability to Judicial Review

2021-22

Advising a large (UK and global) professional regulator on its amenability in the UK to judicial review, along with the pros and cons of such amenability.

Pensions Legislation

2021

Advising a group of large former public sector pension funds on the compatibility of new pensions legislation with public law and human rights principles, with a view to amending that legislation before or during its Parliamentary passage.

Roulstone v Government of the Cayman Islands

(2020)

Appeared for the Government of the Cayman Islands in the Grand Court, resisting a judicial review challenge to the constitutionality of a referendum on a proposed new cruise liner port.

Beard v General Osteopathic Council

[2019] EWHC 1561 (Admin) & [2019] All ER (D) 124 (Jun)

Representing and advising the General Osteopathic Council in the Administrative Court in a statutory appeal claiming that its Professional Conduct Committee (Chair and one lay panellist) rendered the registrant's disciplinary hearing unfair by questioning her for too long in an unduly hostile, irrelevant and distressing manner akin to that of a prosecutor.

Solicitors Regulation Authority

Advising the SRA on a possible judicial review challenge to a procedural decision made by a professional disciplinary tribunal in proceedings brought by the SRA against a former politician and a qualified solicitor.

Solicitors Regulation Authority

Advising the SRA on the legality of arrangements operated by some personal injury legal services firms involving the payment of referral fees to third parties, and the prospects of success for enforcement action.

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NHS Procurement Dispute

Mediating a multi-million pound dispute under the Public Contracts Regulations 2015, arising from the decision of an NHS Trust to abandon a public procurement process after selection of a strategic estates partner for a large hospital redevelopment scheme but just before the award of any contract.

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General Osteopathic Council – fitness to practise procedures

Advising the General Osteopathic Council on the proper treatment of vexatious, frivolous and repetitive complaints by the Good Thinking Society, on resisting a threatened judicial review challenge to the application of its statutory fitness to practise procedures to such complaints and on amending those procedures.

Allied advice on the drafting and legality of a new regime for continuing professional development, and the status of connected guidance.

General Medical Council – Disciplinary Proceedings Before The Medical Practitioners' Tribunal

Representing and advising a GP, facing being struck-off the Medical Register by the Medical Practitioners' Tribunal, in disciplinary proceedings brought on the back of a criminal conviction for sexual assault on a patient, while that conviction was still under appeal.

Ofgem & Electricity Cost Sharing

Advising a UK power company on a judicial review claim challenging the legality of an Ofgem decision under EC Regulation 2016/1222 on the sharing of costs between power providers and transmission companies for electricity supplied via the North Sea cable linking the UK with the Netherlands.

General Chiropractic Council

[2019]

Advising the General Chiropractic Council on the most efficient way lawfully to restructure and streamline the initial stages of its entire fitness to practise investigatory and decision-making process, without the need for primary and secondary legislation.

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General Dental Council

2020-2021

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General Optical Council – laser eye surgery

Advising the General Optical Council ("GOC") on the scope of its regulatory and disciplinary jurisdiction over the conduct of laser eye surgery by a high street business: whether better classified as optometry (within the GOC's jurisdiction) or surgery (a matter for the GMC).

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Professional Standards Authority & General Dental Council

Advising a senior officer of the General Dental Council ("GDC") on possible challenges to the legality and substance of a draft report to be published by the Professional Standards Authority ("PSA") criticising the way in which the GDC had operated, investigated and reported on its own compliance with statutory procedures.

Flood Re

Advising Flood Re, the statutory reinsurance company established under the Water Act 2014 to promote flood insurance for affected properties, on the nature and meaning of its framework document: especially the extent to which its commercial autonomy could be constrained by delegated authorities imposed by DEFRA.

African Chemical Dumping

With Lord Woolf, former Lord Chief Justice, mediating a commercial dispute regarding the assessment (taxation) of a costs bill running to many millions of pounds after the settlement of massive group litigation arising from dumping of chemicals in Africa. Said to be the largest costs bill in English legal history, at the time.

Network Rail/Elsenham Level Crossing

Advised Network Rail on release of internal information and on threatened contempt proceedings arising from the inquiry and Coroner's Inquest into the fatal injury of two girls at Elsenham level crossing in 2005.

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General Osteopathic Council

2018

Compliance with the duty to give reasons for findings. The extent of a panelist's duty to disclose misconduct to the Council, and to recuse themselves from sitting.

Legal Services Board: The Law Society & the Solicitors Regulation Authority

2017-2018

Advised the Legal Services Board on the process and legality of its investigation into the extent of alleged interference by The Law Society with the exercise by the Solicitors Regulation Authority of its regulatory functions.

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[2015] CO/3126/2014 (Admin)

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Fajemisin v General Dental Council

[2014] 1 WLR 1169 (Admin)

Advised and appeared successfully for the GDC in a statutory (High Court) appeal regarding the existence and extent of the power of a public body to review and revise its own decisions if based on a fundamental mistake of fact, in particular: to pursue disciplinary proceedings against practitioners who had been erroneously removed from the professional register and then reinstated.

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(2015)

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R (Kinnersley) v GMC & Antoniou

[2014] CO/3980/2014 (Admin)

Advised and successfully appeared for the GMC in resisting a judicial review challenge to the disclosure of expert reports to complainants in medical disciplinary cases under domestic statute and common law and under article 8 of the ECHR (right to private and family life). Also advised and represented the GMC in various similar cases featuring the same issue.

National Farmers' Union

(2013)

Advising the NFU on the legality of establishing a panel of solicitors required to be used by members in return for NFU environmental litigation support.

R (Nicklinson) v DPP & R (AM) v DPP, SRA and GMC

[2012] EWHC 2381 (Admin)

Advised the GMC in resisting a judicial review challenge to the absence of foreseeable and accessible guidance from all three defendants on the exposure of professionals (solicitors and doctors) who advise/assist a suicide, following the Pretty and Purdy cases in the House of Lords and ECtHR. Breach of article 8 of ECHR (right to private and family life) was alleged. (Did not appear at the hearing, as unavailable.)

Smartsource v Information Commissioner

[2011] 1 Info LR 1498 (Upper Tribunal) and its sequel Fish Legal v Information Commissioner (currently being referred by the Upper Tribunal to

Successfully advised and appeared for a group of 19 water companies and water & sewerage companies faced with various extensive requests to disclose environmental information under the Environmental Information Regulations 2004 (especially to a property search company and representative sporting body). The judgment is the first under the new tribunal structure to involve an appeal leap-frogging the First-tier Tribunal because it turned on a point of law of general importance, namely: whether such companies are "public authorities" for the purposes of those Regulations. The Upper Tribunal held that they are not, and so are under no obligation to disclose environmental information; upholding the companies' earlier victory before the Information Commissioner. Beyond that preliminary point, the case raises issues about the ambit of "environmental information" and the application of various exceptions top the duty to disclose (including national security). In mid-2012 the Upper Tribunal referred the Fish Legal case to the ECJ for a preliminary ruling, which is expected sometime in 2014.

Nursing and Midwifery Council v Okeke and Annon v Nursing and Midwifery Council

Disciplinary committee and High Court (respectively, both 2013)

Advised the NMC in lead cases determining the jurisdiction to review and replace lesser sanctions with a striking-off order in certain types of case.

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Jaffar v Home Secretary & Government of Spain

[2013] EWHC 813 (Admin)

Resisted extradition to Spain of a British citizen facing theft and fraud charges arising from commercial dealings in the Middle East, Spain and UK in the 1980s and 1990s. Proceedings in three jurisdictions (Spain, UK and the ECtHR) raised human rights, procedural and extradition grounds of challenge to the Home Secretary's extradition decision. The substantive judicial review was heard in the Divisional Court in March 2013, while the ECtHR application remains pending.

Civil Liberties & Human Rights

Mark has a broad based Civil Liberties practice which dovetails with his Public Law work.

Legal 500 Hall of Fame.

See the Public Law section for relevant cases.

"Mark is a personable and engaging barrister. He is extremely thorough in preparation, and amenable to adapting as required for the particular client.'"

— LEGAL 500, 2023

Cases

Brexit Import Changes

2024

Representing a UK local authority on a possible challenge to new import checks and infrastructure for goods arriving from the EU.

Pension Restructuring

2023-24

Advising on the interpretation, legality and impact of legislation transferring large private sector pension schemes into the public sector.

Roulstone v Government of the Cayman Islands

(2020)

Appeared for the Government of the Cayman Islands in the Grand Court, resisting a judicial review challenge to the constitutionality of a referendum on a proposed new cruise liner port.

Immigration Sponsor Licences

Mediating High Court claims for substantial damages under the Human Rights Act 1998 and for misfeasance and negligence arising from withdrawal by the Home Office of sponsor licences issued under the Immigration Act and Rules to education and training colleges serving foreign students.

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Beard v General Osteopathic Council

[2019] EWHC 1561 (Admin) & [2019] All ER (D) 124 (Jun)

Representing and advising the General Osteopathic Council in the Administrative Court in a statutory appeal claiming that its Professional Conduct Committee (Chair and one lay panellist) rendered the registrant's disciplinary hearing unfair by questioning her for too long in an unduly hostile, irrelevant and distressing manner akin to that of a prosecutor.

General Osteopathic Council – fitness to practise procedures

Advising the General Osteopathic Council on the proper treatment of vexatious, frivolous and repetitive complaints by the Good Thinking Society, on resisting a threatened judicial review challenge to the application of its statutory fitness to practise procedures to such complaints and on amending those procedures.

Allied advice on the drafting and legality of a new regime for continuing professional development, and the status of connected guidance.

General Osteopathic Council – fitness to practise panellist's failure to disclose grounds for disqualification

Advising the General Osteopathic Council on the proper treatment of a fitness to practise panellist who failed to disclose to the GOSC a suspension from work after a disciplinary complaint, thereby rendering her ineligible to sit as a panellist; and advising on the status/validity of decisions in which the panellist participated before the disqualification was revealed.

General Optical Council – laser eye surgery

Advising the General Optical Council ("GOC") on the scope of its regulatory and disciplinary jurisdiction over the conduct of laser eye surgery by a high street business: whether better classified as optometry (within the GOC's jurisdiction) or surgery (a matter for the GMC).

Solicitors Regulation Authority

Advising the SRA on a possible judicial review challenge to a procedural decision made by a professional disciplinary tribunal in proceedings brought by the SRA against a former politician and a qualified solicitor.

Professional Standards Authority & General Dental Council

Advising a senior officer of the General Dental Council ("GDC") on possible challenges to the legality and substance of a draft report to be published by the Professional Standards Authority ("PSA") criticising the way in which the GDC had operated, investigated and reported on its own compliance with statutory procedures.

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ACHIEVEMENTS

Publications

- Human Rights Law & Practice (contributor) Butterworths, 1999 and (supplement) 2000.
- Halsbury's Laws of England: Immigration and Nationality, volume 4(2) reissue, (co-author) Butterworths, 1992.
- The Primary Purpose Rule: A Rule with No Purpose (co-author) Justice, 1993.
- JR, quarterly journal, (member of Advisory Board) Hart, since 1996.
- Costs at the Leave Stage [1996] JR 8.
- Costs against Magistrates [1996] JR 133.
- Costs and Multiple Representation [1997] JR 4.
- Discovery in JR (co-author) [1998] JR 12.

Previous professional experience

- 2008: Accreditation , and start of practice, as a mediator
- 2005 - 2015: Special Advocate (security cleared for terrorism cases)
- 2002: Began practice as a Q.C.
- 1991: Pegasus (Inner Temple) Scholarship to Mallesons Stephen Jaques, a large firm of solicitors based in Melbourne (dealing with various aspects of commercial and public law, particularly public utilities, planning and freedom of information).
- 1988: Began practice at the Bar (in current Chambers).
- 1987-88: Pupillage (in current Chambers).
- 1986-87: Legal Department of Bournemouth Borough Council.
- 1986: European Parliament "stage" (scholarship) within the Human Rights Unit based in Luxembourg, Strasbourg and Brussels.
- 1985-86: Legal Department of Bournemouth Borough Council.
- 1981-85: Double first in law (BA and LLM) at Durham and Cambridge Universities.

Appointments

- Leading (Senior) Special Advocate, appointed by the Attorney General and security cleared to a high level enabling representation of alleged terrorists in national security cases mainly before the Special Immigration Appeals Commission, the Proscribed Organisations Appeal Commission and the Administrative Court (since 1998).
- CEDR accredited mediator (since 2008).
- Fellow of the International Academy of Trial Lawyers (since 2008).
- Previously, appointed by the Attorney General to the supplementary panel of Crown counsel (then known as the "B" Panel) from 1992 to 1995 and as Junior Counsel to the Crown (then known as the "A" Panel) from 1995 to 2002. The latter appointment had to be relinquished on taking Silk.

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Memberships

- Trust Mediation: member.
- ARDL (Association of Regulatory & Disciplinary Lawyers): member & former committee member.
- ALBA (Constitutional & Administrative Law Bar Association): member & former committee member.
- International Academy of Trial Lawyers: international fellow.
- CEDR (Centre for Effective Dispute Resolution): member.
- CMC (Central Mediation Council): member.
- The Mediation Chambers (In Place of Strife): panel member.
- Justice: member.

Selected earlier reported cases

Public Law & Civil Liberties

- Advising Gambling Commission on the scope of its right to review the operating licences of companies in administration.
- Advising major utilities companies resisting disclosure requests under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.
- Advising an array of police authorities resisting disclosure requests under the Audit Commission Act 1998.
- Advising a British citizen living abroad on his response to allegations being investigated by the CPS that many years ago he tortured prisoners in a foreign state while working there as a high-ranking police and security officer. Apart from the issues of universal jurisdiction (torture can be tried in the UK even if the alleged acts were committed abroad), the case raised issues of extradition, inferences to be drawn from silence and the admissibility of evidence.
- Advising the Health & Safety Executive on various aspects of its environmental regulatory work; such as licence conditions for nuclear sites, the incidence of the burden and the standard of proof under article 6 ECHR in prosecutions for breach of the Health and Safety at Work Act 1974, the approval of the rail safety case presented by London Underground prior to restructuring the Tube through the PPP scheme, the approval of the rail safety case presented by Railtrack after the Potter's Bar rail crash.
- R (Beacon) v GMC [Administrative Court] (2011)
- Nursing and Midwifery Council and Unison [Administrative Court] (2011-2012)
- Pendennis Shipyard v South West Regional Development Agency (2011-2012)
- Smartsource Drainage & Water Reports Ltd v Information Commissioner Upper Tribunal (Administrative Appeals Chamber), 23 November 2010 [2010] UKUT 415 (AAC); [2011] J.P.L. 455 and its sequel Fish Legal v Information Commissioner (C-279/12) European Court of Justice (Grand Chamber), 19 December 2013 [2014] Q.B. 521; [2014] 2 W.L.R. 568; [2014] 2 C.M.L.R. 36; [2015] All E.R. (EC) 795; [2014] Env. L.R. 18
- R (Transport for London) v Pension Protection Fund [Administrative Court] (2010-2012)
- Network Rail Limited & Elsenham Level Crossing (2011-2012)
- Liang v Secretary of State for the Home Department, Yan Bin Li v Secretary of State for the Home Department and Mirzalli v Secretary of State for the Home Department [various County Courts and Court of Appeal] (2008-2010)

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- T (Boukhetache) v Secretary of State for the Home Department [Special Immigration Appeals Commission] SC/31/2005 (22 March 2010)
- Van Gaalen v Network Rail [Court of Appeal] (2008)
- Secretary of State for the Home Department v KK [Administrative Court] (2007-2008)
- LighterLife v HMRC (2008)
- Q (Mihoubi) v Secretary of State for the Home Department [Administrative Court] (2007)
- Martin v Exeter University Students' Guild and Exeter University (2007)
- Network Rail Limited v Information Commissioner [Information Tribunal] EA/2006/ 0061-0062 (2007)
- R (Merseyside Passenger Transport Authority & Passenger Transport Executive) v Secretary of State for Transport [Administrative Court] [2006] EWHC 226 (Admin)
- Henshall v GMC [Administrative Court and Court of Appeal] [2006] Lloyd's Rep. Med. 103 and Times 9 January 2006.
- R (Green) v Police Complaints Authority & Secretary of State for the Home Department [House of Lords] [2004] 1 WLR 725 (HL), [2004] UKHL 6
- R (ProLife Alliance) v BBC [House of Lords] [2003] 2 WLR 1403 (HL)
- International Transport Roth v Home Office [Court of Appeal] [2002] 3 WLR 344 (CA)
- Thompson and Venables v Newsgroup Newspapers Limited [Family Division] [2001] 2 WLR 1038 (Fam)
- R (Bulger) v Lord Chief Justice and Secretary of State for the Home Department [Divisional Court] [2001] 3 All ER 449 (DC)
- R v Secretary of State for the Home Department, ex parte Myra Hindley [Divisional Court, Court of Appeal and House of Lords] [1998] QB 751 (DC), [2000] 1 QB 152 (CA) and [2001] 1 AC 410 (HL)
- R v Secretary of State for the Home Department, ex parte Thompson and Venables [House of Lords] [1998] AC 407 (HL) and T and V v United Kingdom [European Court of Human Rights] (2000) 30 EHRR 121 (ECtHR)

Professional Discipline

- Disciplinary proceedings against a regulator's own Council/committee members.
- Disciplinary proceedings arising from alleged professional misconduct arising from a report into a national tragedy many years after the event.
- The Construction Industry Training Board and the imposition of a levy on the construction industry.
- The extent to which disciplinary allegations need to be particularised.
- Gambling Commission's right to review the operating licences of companies in administration.
- Regulation of education provided overseas by UK medical schools.
- A jockey challenging a decision of the Jockey Club.
- Language requirements for foreign healthcare workers.
- Disclosure of fitness to practise information by and to employers, regulators and other third parties.
- A solicitor challenging various decisions of the Solicitor's Disciplinary Tribunal.
- End of Life Guidance for the medical profession.

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- Transfer of the disciplinary adjudicatory function from various professional regulators to the independent Office of the Health Professions Adjudicator ("OHPA"), recently abolished.
- A barrister challenging a disciplinary decision.
- The legal relationship between the Independent Safeguarding Authority (established after the Soham murders to protect children and vulnerable adults from abuse) and the GMC.
- A broadcaster challenging a decision of Ofcom.
- A major pharmaceutical company successfully challenging, on appeal, the NICE assessment of the clinical and cost effectiveness of a new medical device for NHS use.
- R (Nicklinson) v DPP & R (AM) v DPP, SRA and GMC [2012] EWHC 2381 (Admin)
- Hillsborough Football Stadium Disaster (2012)
- Nursing and Midwifery Council v Bowyer, Harvey, Moss and Prince (2011-12)
- General Optical Council and disclosure under section 13C of the Opticians Act 1989 [County Court] (2012 and ongoing)
- Nursing and Midwifery Council (2012)
- General Dental Council and mistaken removal of a registrant from the register (2012)
- GMC v Ahmad Zia [Court of Appeal] (2010-2011) (on appeal from Admin Court)
- R (McNicholas) v (1) GMC (2) Dr Murphy (3) Dr Khaleeli [Administrative Court and disciplinary tribunals] (2005-2010)
- Accountancy & Actuarial Discipline Board (2010-2012)
- Prof David Southall & GMC disciplinary proceedings involving child protection at the Mid-Staffordshire NHS Trust (2008-2012)
- Jean Charles de Menezes/Stockwell I & II reports (2007-2009)
- R (AvMA) v GMC [Administrative Court] [2009] EWHC 2522 (Admin) (24 February 2009 (permission) and 16 October 2009 (protective costs))
- Haywood v NMC [Administrative Court] (2009)
- R (Pal) v GMC [Administrative Court] [2009] EWHC 1061 (Admin)
- Cheatle v GMC [Administrative Court] [2009] EWHC 645 (Admin)
- Federation of Ophthalmic and Dispensing Opticians & The General Optical Council (2009)
- General Social Care Council v Lisa Arthurworrey [Administrative Court] (2008)
- Martin v Exeter University Students' Guild and Exeter University (2007)
- R (Haward and Green) v GMC [2007] EWHC 2236 (Admin)
- Appearing and advising in numerous other recent GMC judicial review claims and statutory appeals including R (Varma) v GMC, R (Jackson) v GMC, R (Davies) v GMC, R (Al-Ruby) v GMC, R (Rahman) v GMC, R (Pal) v GMC, R (Thompson) v GMC, R (Colman) v GMC, R (Abraham George) v GMC, Southall v GMC, Kane v GMC, Uruakpa v GMC, R (Shah) v GMC, R (Ubani) v GMC, Brown v GMC, R (Cohen) v GMC, Igboaka v GMC, R (Mousa) v GMC, R (Tate) v GMC, Macklin v GMC, R (Hemming) v GMC, Paul v GMC, Gopakumar v GMC, Shanker v GMC, R (Ratcliffe) v GMC, Calhaem v GMC and Wakefield v GMC.

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Interests & activities

- Golf: Honorary Secretary and Treasurer of the Bar Golfing Society from 1999 to 2003
- The Athenaeum Club: Member (2008-2014) and Chairman (2012-2014) of the Wine Committee, and former member of most other committees
- Running
- Scuba diving
- Wine
- Italy.

VAT registration number: 494806409

Barristers regulated by the Bar Standards Board