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Mark Vinall



"Mark is definitely one of the leading barristers in this field. As well his legal expertise, he is excellent at getting to grips with large amounts of complex information."

— LEGAL 500, 2026

Year of call:	**2002**
Degree:	**MA Oxon (Law with French Law) First Class**
Languages:	**French (fluent)**

Mark Vinall has a busy and varied practice, dealing principally with media & entertainment, commercial and regulatory disputes, and public law, working both as sole counsel and as part of a larger team.

Mark is highly ranked for media & entertainment in both Chambers and Partners and Legal 500. He is also ranked for commercial dispute resolution in both Chambers UK and Chambers Global. Recent comments include:

- 'Mark is definitely one of the leading barristers in this field. As well his legal expertise, he is excellent at getting to grips with large amounts of complex information.'- Legal 500, 2026
- "Mark Vinall is the kind of experienced and technically strong senior junior that you want on every big case." - Chambers & Partners, 2026
- "Mark is very bright and clear in his approach. He gets to the heart of the issues quickly and was very easy to work with."- Legal 500, 2024
- " He does a good job being on top of complicated matters."- Chambers & Partners, 2024

Previous comments include:

- "Mark is very bright and good at drafting. He was a pleasure to work with."- Legal 500, 2024
- "Mark Vinall is a very effective advocate. He is particularly good in terms of preparation work as he is a very thorough individual."- Chambers & Partners, 2024
- "Responsive and user-friendly, he's always willing to pick up the phone. He produces very good opinions in a short space of time."- Chambers UK, 2023

Mark has been appointed to the Attorney General's A Panel of Counsel since September 2021.

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EXPERIENCE

Media & Entertainment

Mark regularly acts on behalf of a wide range of clients in this sector, including artists, managers, record companies, publishers, film/TV companies, literary agents and collecting societies.

His extensive experience includes artist/manager disputes (involving artists including Harry Hill, Rebecca Ferguson, Duffy, Seal and James), copyright (including songwriting disputes, infringement claims and website blocking orders), royalty disputes, group partnership disputes, cancelled concerts, video game development and merchandising.

He also undertakes work on media regulation, for example advising in relation to the Ofcom Broadcasting Code and the regulation of on-demand programme services.

"Mark Vinall is knowledgeable in the music industry. He is forensically analytical, easy to deal with and responsive."

— CHAMBERS AND PARTNERS, 2026

Cases

R (American Federation of Musicians of the US and Canada) v SoS for Science, Innovation and Technology

[2026] EWHC 91 (Admin)

Acting for the BPI (British Recorded Music Industry) intervening in this claim in which US performers contend that the UK's 2024 legislation on equitable remuneration for foreign performances is in breach of various international treaties. Following a hearing in December 2025 (at which Mark appeared as sole counsel for the BPI) the Divisional Court dismissed the claim.

Reservoir Media Management Inc and PopArabia FZ-LLC v Anghami Technologies Ltd

2023-2024

Sole counsel for claimant music publishers in groundbreaking copyright proceedings in the Abu Dhabi Global Market Court against the music streaming service Anghami. The case was resolved by the parties entering into a licensing agreement: https://www.musicbusinessworldwide.com/abu-dhabis-esmaa-and-anghami-settle-legal-dispute-and-strike-licensing-agreement/

Cole Music Productions (UK) Ltd v Darlington

2023

Junior counsel for the claimant (led by Ian Mill KC) in dispute over the name of the "Brit Floyd" tribute show.

Warner Music UK Ltd v TuneIn Inc

2023

Sole counsel for Phonographic Performance Limited (PPL) in a heavy third-party disclosure application heard in November 2023. The case subsequently settled.

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Lord Archer v Curtis Brown Group

Sole counsel for defendant literary agent in commission dispute with well-known author.

Musical Theatre Arbitration

(2019-2021)

Sole counsel for Claimant in LCIA Arbitration between the co-producers of a successful musical.

UK Hospitality Industries and British Beer and Pub Association v Phonographic Performance Limited

Junior counsel for applicants in reference to the Copyright Tribunal of PPL's proposed new tariff for "specially featured entertainment", which will substantially increase fees payable by nightclubs, pubs and bars for using recorded music with a DJ and/or dancing.

Spilt Milk Management Ltd v Amy Wadge

Sole counsel for claimant management company in dispute with songwriter about whether the management agreement covered the Ed Sheeran hit Thinking Out Loud.

Boss Cabins Ltd v Groundhog (UK) Ltd & others

Sole counsel for one of the defendants in claim raising the question whether the Business Protection from Misleading Marketing Regulations 2009 give rise to a private right of action by advertisers' competitors.

ICC arbitration - Broadcasting rights

(April 2016)

Sole counsel for an international broadcaster in an ICC arbitration about broadcasting rights to sporting events.

Blackmore v HEC Enterprises Ltd

(2016)

Sole counsel for guitarist Ritchie Blackmore in royalties dispute with companies controlling the Deep Purple catalogue.

The Really Useful Group Ltd v Options Clause Entertainment LLC

(December 2015)

Sole counsel for the Really Useful Group in successful claimarising out of the cancellation of the Jesus Christ Superstar US arena tour.

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WHSmith Travel Holdings Ltd v Twentieth Century Fox Home Entertainment Ltd

(Bristol Mercantile Court, 26 September 2014)

Junior counsel for Twentieth Century Fox in a dispute about accounting for DVD sales.

Forstater v Python (Monty) Pictures Ltd

[2013] EWHC 1873 (Ch); [2013] EWHC 3759 (Ch)

Monty Python and the Holy Grail / Spamalot royalties dispute.

Straw v Jennings

[2013] EWHC 3290 (Ch)

Profit share claim concerning Eva Cassidy recordings.

Sport

Mark has appeared in a number of sports cases covering a range of contractual, regulatory and disciplinary sporting disputes. He has been involved in several contractual disputes about sports broadcasting rights, player transfers and sponsorship. He has worked on disciplinary cases in football (most recently acting for the Premier League in cases against two clubs concerning the Profitability and Sustainability Rules), horseracing and rugby union, and selection appeals in showjumping and taekwondo. He also acted for the Rugby Football Union in London Welsh's appeal against the refusal to promote them to the Premiership because of their ground-sharing arrangements.

Cases

Caster Semenya v Switzerland

App no. 10934/21

Application to the European Court of Human Rights by the athlete Caster Semenya, who had been prevented from competing by World Athletics regulations relating to Differences of Sex Development, against Switzerland, as the seat of the Court of Arbitration for Sport. Mark acted as sole counsel for the UK Government, intervening in the Grand Chamber. The UK Government's submissions, that supervision of an arbitration by the court of a Contracting State was insufficient to bring the underlying subject matter of the arbitration within that Contracting State's Article 1 "jurisdiction", and that the Court should not undermine international commercial arbitration, were accepted by the Court.

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Premier League v Leicester City FC

Commission 13 June 2024; Appeal Board 30 August 2024

Mark acted as junior counsel for the Premier League (led by Jane Mulcahy KC) in a complaint against Leicester City FC alleging breach of the Profitability and Sustainability Rules. A preliminary issue arose as to whether the 2022/23 rules applied to Leicester, which had been relegated and ceased to be a member of the Premier League at the end of the 2022/23 season, but before the end of its 2022/23 accounting reference period. An independent disciplinary commission held that they did apply (here) but an Appeal Board reversed that decision and held that they did not (here).

Premier League v Nottingham Forest FC

Commission 18 March 2024; Appeal Board 6 May 2024

Mark acted for the Premier League (led by Jane Mulcahy KC) in a complaint brought by the Premier League against Nottingham Forest FC which led to a four-point deduction being imposed for a breach of the Premier League's Profitability and Sustainability Rules (PSRs).

The Club admitted that it breached the relevant PSR threshold of £61 million by £34.5 million. The threshold applicable to the Club was lower than the usual £105 million as the Club had spent two seasons of the assessment period in the EFL Championship.

The case was heard in accordance with the new "standard directions", which provide for an expedited timetable so that PSR cases can be resolved in the same season the complaint is issued.

A hearing took place on 7-8 March, at which the Club advanced various mitigating factors. The Commission rejected most of these but found that the club had demonstrated "exceptional cooperation" in its dealings with the Premier League throughout the process.

The Commission's decision can be read here.

An appeal by the Club was dismissed by the Appeal board in May 2024 which can be read here .

CMS Cameron McKenna Nabarro Olswang LLP v Messi

(February 2021)

Mark Vinall, acting on behalf of the international law firm CMS, has obtained an order requiring the footballer Lionel Messi to attend the High Court in London to be cross-examined about his assets.

ICC arbitration - Broadcasting rights

(April 2016)

Sole counsel for an international broadcaster in an ICC arbitration about broadcasting rights to sporting events.

Aaron Cook v Sport Taekwondo UK

(2012)

Sole counsel for governing body in a high-profile appeal against its decision not to select an athlete for the London 2012 Olympic Games.

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London Welsh RFC v Rugby Football Union

(2012)

Acting for the RFU in an appeal by the Championship-winning club barred from promotion to the Premiership because of its ground-sharing arrangements (led by Andrew Green QC).

Commercial

Mark acts in a broad range of commercial disputes, both as sole counsel and as part of a team. Some recent cases appear below.

"Mark Vinall is the kind of experienced and technically strong senior junior that you want on every big case."

— CHAMBERS AND PARTNERS, 2026

Cases

Morjaria & others v Mirza & others

[2025] EWHC 1961 (Ch)

Acted (with Tony Peto KC and Sean Butler) for the successful claimants in a 30-day trial arising out of a property joint venture, involving a wide variety of issues, ranging from invoicing fraud to a mortgagee's power of sale, and from fiduciary duties to the torts of malicious prosecution and abuse of process. At trial, Mark acted as lead advocate in relation to the Defendants' counterclaims, and conducted the cross-examination of the Defendants' expert accountant and quantity surveyor, as well as part of the cross-examination of the principal Defendant. An appeal to the Court of Appeal is listed for 5 days in October 2026.

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Praesidiad Holding BVBA & Anor v Zaun Limited

[2025] EWCA Civ 591

As a result of Brexit, EU registered intellectual property rights such as registered Community designs ("RCDs") ceased to apply in the UK (being replaced by UK law "clones" known as UK re-registered designs ("UKRRDs")). The Community Designs Regulation (Council Regulation 6/2002/EC of 12 December 2001) ceased to apply in the UK, and the UK's courts ceased to act as Community Design Courts under Title IX of that Regulation.

However, special provision was made for legal proceedings that were pending at the end of the Brexit implementation period ("Pending Proceedings"): the relevant UK legislation provided that Title IX would continue to apply to those proceedings "with the exception of Articles 86(2), (4), (5) and 91".

The excepted Article 86(5) provides that "No counterclaim for a declaration of invalidity of a registered Community design may be made if an application relating to the same subject matter and cause of action, and involving the same parties, has already been determined by the [EU Intellectual Property Office ("EUIPO")] in a decision which has become final."

Praesidiad Holding BVBA v Zaun Ltd is a dispute between Belgian claimants and a UK defendant about the design of a fence post. When the Belgian claimants alleged that the UK defendant's product infringed their RCD, the defendant applied to the EUIPO to have the RCD declared invalid. The RCD was held valid at first instance, invalid on appeal, and ultimately valid on further appeal to the EU General Court.

As a result, in UK proceedings for infringement of the RCD, Article 86(5) precluded the defendant from alleging invalidity, if it applied. But the UK legislation excepted Article 86(5) from the provisions of Title IX that continued to apply post-Brexit to Pending Proceedings. Was the defendant therefore able to challenge the validity of the RCD afresh before the UK court in the infringement proceedings?

The Court of Appeal [2025] EWCA Civ 591 has held that the answer is 'no'. Article 67(1)(b) of the Withdrawal Agreement requires that "the provisions regarding jurisdiction" of the Community Designs Regulation should continue to apply to Pending Proceedings. The Court held that Article 86(5) is a provision "regarding jurisdiction". Even though it does not allocate jurisdiction to a court, and could be described as a procedural bar, Arnold LJ held that "in my judgment it is aptly characterised as a provision regarding jurisdiction because it qualifies the subject matter jurisdiction, or competence, of Community design courts". It was therefore required to continue to apply to pending proceedings by the Withdrawal Agreement (which, by virtue of s.7A of the EU Withdrawal Act 2018, prevails over the UK legislation).

The Court held that the defendant was also precluded from challenging the validity of the UKRRD. Even though this was a distinct intellectual property right which was not subject to the Community Designs Regulation and had not been considered by the EUIPO, the issue in relation to validity was the same, so the decision of the EUIPO gave rise to an issue estoppel.

Mark Vinall acted for the Defendant, instructed by Venner Shipley LLP. The judgment is available here: https://caselaw.nationalarchives.gov.uk/ewca/civ/2025/591

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Illliquidx Ltd v Altana Wealth Ltd & others

[2025] EWHC 299 (Ch)

Junior counsel for the successful claimant in 10-day Chancery Division trial alleging misuse of confidential information (led by Andrew Green KC at trial and appeared as lead advocate at various pre-trial hearings). The claimant established that the opportunity to set up a sanctions-compliant fund to exploit undervalued Venezuelan debt was confidential information within the meaning of an NDA, and was not in the public domain. The defendants' appeal to the Court of Appeal is listed for summer 2026.

Advanced Multi-Technology for Medical Industry v Uniserve Ltd

[2023] EWHC 2147 (Ch)

Mark acted as sole counsel on an application by the Third and Fourth Parties to discharge a worldwide freezing injunction. The judgment establishes that an applicant for a freezing injunction in support of an additional claim under CPR Part 20 must show a good arguable case both (a) by the claimant against the defendant; and (b) by the defendant against the third party.

Ingenious Litigation

[2020] EWHC 1731 (Ch); [2019] EWHC 3299 (Ch)

Counsel for the "Peters & Peters" group of claimants in large-scale litigation against the promoters of film investment schemes. Mark worked on the case for almost 6 years, initially as junior counsel then as sole counsel. The case settled just before trial in May 2022.

https://www.thelawyer.com/settlement-reached-ahead-of-ingenious-mammoth-20-week-trial/

Tecnimont Arabia Ltd v National Westminster Bank plc

[2022] EWHC 1172 (Comm)

Junior counsel for the Claimant company, which was the victim of a $5m "authorised push payment" fraud, in proceedings against the recipient's bank. The claim raised important issues including whether an international bank transfer led to the bank being enriched "at the expense of" the claimant.

The full judgment is available here.

CMS Cameron McKenna Nabarro Olswang LLP v Messi

(February 2021)

Mark Vinall, acting on behalf of the international law firm CMS, has obtained an order requiring the footballer Lionel Messi to attend the High Court in London to be cross-examined about his assets.

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Everest Alliance Ltd v Maslovskiy

(unreported, August 2020)

Acting for Petropavlovsk plc, a FTSE 250 gold-mining company, in an urgent Companies Court application in the run-up to a Requisitioned General Meeting (with Andreas Gledhill QC).

Cole & others v Scion Ltd & others

[2020] EWHC 1022 (Ch)

Junior counsel for a group of claimants (consisting largely of ex-professional footballers) suing the promoters of film investment schemes and advisers. After the claimants defeated an application for summary judgment on limitation grounds, the case is proceeding towards trial.

Wild Brain Family International Ltd v Robson & ors

[2018] EWHC 3163 (Ch)

Acting for claimant in substantial dispute between children's entertainment media companies (ongoing). Case has so far involved:

- Successful without notice application for computer imaging order

- Successfully resisting a discharge application

- Acting as sole counsel at CMC raising issues about the disclosure pilot scheme

- Listed for trial in 2021.

Cosmetic Warriors Ltd v Gerrie

[2017] EWCA Civ 324; [2017] 2 B.C.L.C. 456

Junior counsel for companies in the Lush Cosmetics group in dispute about the construction of pre-emption provisions in articles of association.

Bin Mahfouz v Rashid

[2016] EWHC 2173 (Comm).

Junior counsel for members of a wealthy Saudi family seeking to secure assets to enforce a judgment (led by Robert Anderson QC). Obtained order from Males J for access to premises and delivery up of luxury vehicles

Copley Motorcars Corp v Bonhams 1793 Ltd and related cases

[2015] EWHC 3257 (Comm)

Junior counsel for auctioneers Bonhams in several related sets of Commercial Court proceedings concerning the sale of a 1954 Ferrari 375 Plus for £9.6 million. Settled just before trial in April 2016. Led by Ian Mill QC.

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Orb a.r.l. v Ruhan

[2015] EWHC 262 (Comm)

Junior counsel for two parties to multi-party Commercial Court proceedings worth over £100 million. Hearing in February 2015 as to whether defendant's change of case was an abuse of process. Settled in May 2016. Led by Ian Mill QC.

Denton v T H White Ltd

[2014] EWCA Civ 906

Acted for one of the successful appellants (Decadent Vapours Ltd) in he leading case on relief from sanctions under CPR r.3.9. Led by Gerard Clarke.

Professional negligence claim against solicitors

2018-19

Sole counsel for Claimants in substantial negligence claim against an international law firm, arising out of a missed limitation period.

Civil Fraud, Asset Recovery & Injunctive Relief

Mark has been involved in various domestic and international fraud cases, including those involving allegations of corruption, abuse of intellectual property and theft of confidential information. He has experience of obtaining a range of forms of interim relief, including on an urgent without notice basis, and of working with forensic accountants and computer experts. He has experience as sole counsel of both obtaining and resisting freezing injunctions.

A selection of cases in which he has been involved are set out below.

Cases

Morjaria & others v Mirza & others

[2025] EWHC 1961 (Ch)

Acted (with Tony Peto KC and Sean Butler) for the successful claimants in a 30-day trial arising out of a property joint venture, involving a wide variety of issues, ranging from invoicing fraud to a mortgagee's power of sale, and from fiduciary duties to the torts of malicious prosecution and abuse of process. At trial, Mark acted as lead advocate in relation to the Defendants' counterclaims, and conducted the cross-examination of the Defendants' expert accountant and quantity surveyor, as well as part of the cross-examination of the principal Defendant. An appeal to the Court of Appeal is listed for 5 days in October 2026.

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Advanced Multi-Technology for Medical Industry v Uniserve Ltd

[2023] EWHC 2147 (Ch)

Mark acted as sole counsel on an application by the Third and Fourth Parties to discharge a worldwide freezing injunction. The judgment establishes that an applicant for a freezing injunction in support of an additional claim under CPR Part 20 must show a good arguable case both (a) by the claimant against the defendant; and (b) by the defendant against the third party.

Ingenious Litigation

[2020] EWHC 1731 (Ch); [2019] EWHC 3299 (Ch)

Counsel for the "Peters & Peters" group of claimants in large-scale litigation against the promoters of film investment schemes. Mark worked on the case for almost 6 years, initially as junior counsel then as sole counsel. The case settled just before trial in May 2022.

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Tecnimont Arabia Ltd v National Westminster Bank plc

[2022] EWHC 1172 (Comm)

Junior counsel for the Claimant company, which was the victim of a $5m "authorised push payment" fraud, in proceedings against the recipient's bank. The claim raised important issues including whether an international bank transfer led to the bank being enriched "at the expense of" the claimant.

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- Successfully resisting a discharge application

- Acting as sole counsel at CMC raising issues about the disclosure pilot scheme

- Listed for trial in 2021.

Cole & others v Scion Ltd & others

[2020] EWHC 1022 (Ch)

Junior counsel for a group of claimants (consisting largely of ex-professional footballers) suing the promoters of film investment schemes and advisers. After the claimants defeated an application for summary judgment on limitation grounds, the case is proceeding towards trial.

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Search and freezing orders

May 2015

Acting for respondents to search and freezing orders in international litigation involving the alleged setting-up of a competing business by an employee (led by Tom Weisselberg QC).

Hussain v Seymour

(Andrews J, 13 March 2014)

As sole counsel, successfully obtained the discharge of a freezing injunction with indemnity costs on grounds of misrepresentation and non-disclosure.

Financial Services & Banking

Mark's financial services practice includes contractual and property disputes in the banking and asset finance fields, regulatory proceedings, and civil claims for damages alleging breaches of regulatory rules.

Cases

Tecnimont Arabia Ltd v National Westminster Bank plc

[2022] EWHC 1172 (Comm)

Junior counsel for the Claimant company, which was the victim of a $5m "authorised push payment" fraud, in proceedings against the recipient's bank. The claim raised important issues including whether an international bank transfer led to the bank being enriched "at the expense of" the claimant.

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Ingenious Litigation

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Cole & others v Scion Ltd & others

[2020] EWHC 1022 (Ch)

Junior counsel for a group of claimants (consisting largely of ex-professional footballers) suing the promoters of film investment schemes and advisers. After the claimants defeated an application for summary judgment on limitation grounds, the case is proceeding towards trial.

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Financial Services Compensation Scheme v Various Independent Financial Advisers

Acted for around 100 IFAs defending multi-million pound Commercial Court claims brought by the FSCS as assignee from investors who purchased Keydata traded life policy investments (led by Barbara Dohmann QC).

Arbitration

Mark has been involved in domestic and international arbitrations under a variety of different sets of rules (ICC, LCIA, UNCITRAL, ad hoc, sporting) and in UK court proceedings arising out of international arbitration awards.

Cases

An LCIA Arbitration

2025

Acting (with Andrew Green KC and Sean Butler) for a private equity investor in a dispute with the founder of a high-profile company. Included successfully resisting an application for interim relief before an LCIA Emergency Arbitrator in the Spring of 2025.

Caster Semenya v Switzerland

App no. 10934/21

Application to the European Court of Human Rights by the athlete Caster Semenya, who had been prevented from competing by World Athletics regulations relating to Differences of Sex Development, against Switzerland, as the seat of the Court of Arbitration for Sport. Mark acted as sole counsel for the UK Government, intervening in the Grand Chamber. The UK Government's submissions, that supervision of an arbitration by the court of a Contracting State was insufficient to bring the underlying subject matter of the arbitration within that Contracting State's Article 1 "jurisdiction", and that the Court should not undermine international commercial arbitration, were accepted by the Court.

AT v Oil & Gas Authority

[2021] EWHC 1470 (Comm); [2021] Bus L.R. 1232

Junior counsel for Claimant holder of petroleum production licences in claim for interim relief to restrain the circulation of a notice by the OGA. The case raised issues about the scope of the arbitration clause in the licences and whether the proceedings should be brought under s.44 of the Arbitration Act 1996 or by way of judicial review.

Musical Theatre Arbitration

(2019-2021)

Sole counsel for Claimant in LCIA Arbitration between the co-producers of a successful musical.

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ICC arbitration - Broadcasting rights

(April 2016)

Sole counsel for an international broadcaster in an ICC arbitration about broadcasting rights to sporting events.

ICC arbitration - A guarantee

(2015)

ICC arbitration before Lord Collins of Mapesbury concerning whether a guarantee incorporated an arbitration clause

Public & Regulatory

Mark undertakes a broad range of public law and regulatory work, encompassing judicial review (including “commercial” judicial review), public procurement and professional discipline (including several cases relating to Chartered Accountants).

He has acted for the Home Secretary in numerous judicial review claims in the immigration field, including the ongoing challenge to the Rwanda policy, and cases relating to detention, fresh claims, electronic monitoring and accommodation.

Cases

R (American Federation of Musicians of the US and Canada) v SoS for Science, Innovation and Technology

[2026] EWHC 91 (Admin)

Acting for the BPI (British Recorded Music Industry) intervening in this claim in which US performers contend that the UK's 2024 legislation on equitable remuneration for foreign performances is in breach of various international treaties. Following a hearing in December 2025 (at which Mark appeared as sole counsel for the BPI) the Divisional Court dismissed the claim.

Caster Semenya v Switzerland

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R (SM and Asylum Aid) v Secretary of State for the Home Department (Rwanda II)

Junior counsel for the Secretary of State in litigation relating to the Safety of Rwanda (Asylum and Immigration) Act 2024 (including acting as lead advocate at a pre-trial hearing). The case was listed for a highly expedited hearing in July 2024 (https://www.judiciary.uk/judgments/sm-and-asylum-aid-v-home-secretary/) which did not ultimately take place as a result of the outcome of the 2024 General Election.

R (ADL & others) v Secretary of State for the Home Department

[2024] EWHC 994 (Admin); [2024] 4 W.L.R. 63

Junior counsel for the Secretary of State in a challenge to the regime for electronic monitoring as a condition of immigration bail. Led by Mathew Gullick KC. The judgment is at https://caselaw.nationalarchives.gov.uk/ewhc/admin/2024/994 . An appeal is pending to the Court of Appeal in relation to when an incidental breach of domestic public law will cause an interference with Article 8 to be not "in accordance with the law".

R (Easteal) v Secretary of State for Justice

2024

As sole counsel for the Secretary of State for Justice and the Lady Chief Justice, successfully resisted a judicial review challenge to a decision to remove a Circuit Judge from office for misconduct.
https://www.bbc.co.uk/news/uk-england-lincolnshire-69019903

R (Duff) v Secretary of State for Justice

[2024] EWHC 917 (Admin); [2024] A.C.D. 83

Lead advocate for the Secretary of State defending a challenge to a decision to terminate the claimant's membership of the Parole Board, following an independent panel's finding that she had acted in a grossly negligent way by making a decision to release a prisoner without properly reading the dossier. All grounds of challenge (including one raising important issues of judicial independence) were dismissed. The judgment is available here:
https://caselaw.nationalarchives.gov.uk/ewhc/admin/2024/917

R (AAA & others) v Secretary of State for the Home Department (Rwanda litigation)

[2023] UKSC 42; [2023] 1 W.L.R. 4433; [2024] 1 All E.R. 1

Mark was part of the legal team acting for the Secretary of State (led by Lord Pannick KC and Sir James Eadie KC) in the Divisional Court, Court of Appeal and Supreme Court in this high-profile challenge to decisions to remove the Claimants to Rwanda under the Migration and Economic Development Partnership.

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

2023

Worked pro bono with Linklaters in a successful judicial review challenge to the certification of the asylum claim of a LGBTQ asylum-seeker fearing persecution by their family.

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General Dental Council v Williams

[2023] EWCA Civ 481

Mark acted as Advocate to the Court in this important case about the extent to which dentists are entitled to charge "top-up" fees for work carried out on the NHS.
https://caselaw.nationalarchives.gov.uk/ewca/civ/2023/481

R (JZ) v Secretary of State for Foreign, Commonwealth and Development Affairs

[2022] EWHC 771 (Admin)

Junior counsel for the defendant Secretaries of State in application for interim relief brought by an Afghan judge challenging the refusal to consider his application for entry clearance until he had provided biometrics.

AT v Oil & Gas Authority

[2021] EWHC 1470 (Comm); [2021] Bus L.R. 1232

Junior counsel for Claimant holder of petroleum production licences in claim for interim relief to restrain the circulation of a notice by the OGA. The case raised issues about the scope of the arbitration clause in the licences and whether the proceedings should be brought under s.44 of the Arbitration Act 1996 or by way of judicial review.

Institute of Chartered Accountants in England and Wales v Duncan

(Appeal Committee, 7 September 2021)

Representing the ICAEW before the Review Committee and Appeal Committee in proceedings involving the withdrawal of a Chartered Accountant's insolvency licence.
Link:
https://www.icaew.com/-/media/corporate/files/about-icaew/what-we-do/protecting-the-public/disciplinary-orders/a-duncan-054084-public

Boyden & ors v Institute of Chartered Accountants in England and Wales

Acted for the Investigation Committee in proceedings before a Disciplinary Committee Tribunal involving complex allegations that Chartered Accountants had knowingly understated the financial position of their company.

The published decision is available here (p.13).

Pawson v Institute of Chartered Accountants in England and Wales

ICAEW Appeal Tribunal, 30 September 2019

Acted for Investigation Committee, successfully resisting appeals against findings and sanction imposed by the Disciplinary Committee Tribunal. The appellant was excluded from membership of ICAEW for misleading investors about the level of his remuneration as a director of "recovery" companies set up to acquire land which had previously been the subject of an illegal land-banking scheme.

The published decision is available here (beginning at p.6).

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R (Gwynt-y-Mor Offshore Wind Farm Ltd) v Gas and Electricity Markets Authority

[2019] EWHC 654 (Admin)

Junior counsel for the Interested Party, the Offshore Transmission Owner (OFTO), in a dispute about whether losses from a sub-sea cable failure could be recovered under the OFTO's electricity transmission licence. Led by Michael Fordham QC.

R (Lewin) v Financial Reporting Council

[2018] EWHC 446 (Admin); [2018] 1 W.L.R. 2867

The Administrative Court found that an FRC Disciplinary Tribunal had acted unfairly by making unqualified findings that a named non-party had committed wrongdoing.

R (Virgin Trains Ltd) v Secretary of State for Transport

West Coast Main Line rail franchising procurement dispute.

Telecommunications

Mark has extensive experience of appeals under the Communications Act 2003 concerning the on the EU Common Regulatory Framework for Electronic Communications. He acted for Ofcom in the first Supreme Court case in the area, as well as on appeals concerning leased lines (British Telecommunications plc v Ofcom [2017] CAT 25, as well as the appeals arising out of the previous market review Business Connectivity Market Review appeals [2013] CAT 15; [2013] CAT 29), mobile termination rates (Everything Everywhere Ltd v Competition Commission & ors [2013] EWCA Civ 154), and local access (Local loop unbundling and wholesale line rental price control appeals [2013] CAT 8).

Mark was also involved in the leading case on awards of costs against Ofcom in electronic communications appeals (British Telecommunications plc v Ofcom [2018] EWCA Civ 2542).

"He is very good at digging into highly complex technical areas and distilling them into something that the court could understand."

— CHAMBERS AND PARTNERS, 2022

Cases

British Telecommunications plc v Ofcom

[2018] EWCA Civ 2542

Junior counsel for Ofcom in successful appeal against costs order made by the Competition Appeal Tribunal. The Court of Appeal set out the correct approach to costs in regulatory appeals.

BT v Ofcom (Business Connectivity Market Review)

First junior counsel for Ofcom in wide-ranging challenge to Ofcom's Business Connectivity Market Review. 16-day hearing in the Competition Appeal Tribunal (before Snowden J) on market definition issues in April/May 2017. Mark conducted 1.5 days of the cross-examination.

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Telefónica O2 UK Ltd v British Telecommunications plc (08 numbers)

[2014] UKSC 42

Acting for Ofcom in the first Supreme Court case on the EU Common Regulatory Framework for Electronic Communications (led by Javan Herberg QC). Also appeared in the 11-day hearing in the Competition Appeal Tribunal ([2011] CAT 24), and in the Court of Appeal [2012] EWCA Civ 1002. The case involved Ofcom's dispute resolution powers following a challenge to BT's "ladder pricing" termination charges for 08 numbers.

ACHIEVEMENTS

Education

MA Oxon (Law with French Law) First Class; (Chapman Scholar, Inner Temple)

Publications

- "Does payment into a customer's bank account enrich the bank?" – (2025) 1 JIBFL 9
- "Old games, new issues: the London Olympics Association Right" – ITMA Review June 2012.
- Contributor to LaPolt, Building your artist's brand as a business (International Association of Entertainment Lawyers, 2012).
- Contributor to Goulding, Employee Competition: Covenants, Confidentiality and Garden Leave (OUP; 3rd ed. 2016; 2nd ed. 2011; 1st ed. 2007).
- "The English Approach to Choice of Law and Jurisdiction in Employment Covenants Not to Compete" (2010) 31 Comparative Labor Law and Policy Journal 375 (with Paul Goulding QC).
- Contributor to Lang, Administrative Court, Practice and Procedure (Sweet & Maxwell 2006).
- Digester of cases for the Administrative Court Digest (Thomson Sweet & Maxwell), 2008-2015.

Selected earlier reported cases

Media & Entertainment

- CDV Software Entertainment AG v Gamecock Media Europe Ltd [2009] EWHC 2965 (Ch); [2010] EWHC 159 (Ch) (contractual dispute concerning video game development)
- Wadlow v Samuel [2007] EWCA Civ 155 (management dispute concerning Seal)
- British Phonographic Industry & ors v MCPS- PRS Alliance [2008] E.M.L.R. 5 (the joint online licence case)

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Commercial

- Shared Network Services Ltd v NextiraOne UK Ltd [2012] EWCA Civ 1171 (White Book 52.3.7) (security for costs where permission to appeal granted because of "some other compelling reason")
- Meat Corporation of Namibia Ltd v Dawn Meats (UK) Ltd [2011] EWHC 474 (Ch) (White Book 35.3.4) (whether one party can instruct an expert who has been involved in confidential discussions with the other)
- GHSP Inc. v AB Electronic Ltd [2010] EWHC 1828 (Comm); [2011] 1 Lloyd's Rep 432 ("battle of forms" dispute)
- Seyfried v Euro-IB [2010] EWHC 553 (Ch) (terms of an oral contract and allegations of breach of fiduciary duty)
- Olafsson v Foreign and Commonwealth Office [2009] EWHC 2608 (QB) (defective service of English claim form in Iceland)
- DHL GBS (UK) Ltd v Fallimento Finmatica SpA [2009] EWHC 291 (Comm); [2009] 1 Lloyd's Rep 430 (proceedings to enforce Italian judgment obtained in breach of London arbitration agreement)
- Duarte v Black and Decker Corporation [2007] EWHC 2720 (QB); [2008] 1 All ER (Comm) 401 (applicable law in relation to covenants in restraint of trade).

Civil Fraud, Asset Recovery & Injunctive Relief

- R v Waya [2012] UKSC 51; [2013] 1 AC 294 (effect of A1P1 ECHR on Proceeds of Crime Act 2002 confiscation regime considered by 9-judge Supreme Court)
- JSC BTA Bank v Ablyazov [2013] EWHC 510 (Comm) (acted for one of the defendants at an early stage)
- BLP UK Ltd v B&Q plc [2008] EWHC 696 (QB) (resisting application for interim injunction to restrain termination of agreement for supply of goods).
- Jafari-Fini v Skillglass Ltd [2007] EWCA Civ 261 (challenge to judge's finding of bribery).

Financial Services

- Spreadex Ltd v Sekhon [2008] EWHC 1136 (Ch); [2009] 1 BCLC 102 (effect of FSA conduct of business rules on financial spread betting)
- In 2007, Mark worked with the FSA unfair contract terms team in its review of the fairness of mortgage exit administration fees.

Arbitration

- LCIA arbitration on whether computer software is "goods" for the purposes of the Commercial Agents Regulations
- ICC arbitration between film co-producers
- Sole counsel for Merchant Ivory Productions in High Court proceedings arising out of an International Film and Television Alliance arbitration.
- DHL GBS (UK) Ltd v Fallimento Finmatica SpA [2009] EWHC 291 (Comm); [2009] 1 Lloyd's Rep 430
- Acting for Danish company in LCIA arbitration relating to major art exhibition.
- Junior counsel for a Dutch company in ad hoc arbitration of oil and gas engineering dispute

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- Sole counsel for administrators of a German telecommunications company in UNCITRAL arbitration proceedings.
- Republic of Kazakhstan v Istil Group [2007] EWCA Civ 471; [2007] 2 Lloyd's Rep 548; [2008] 1 All ER (Comm) 88 (residual jurisdiction of Court of Appeal)

Public & Regulatory

- R v Waya [2012] UKSC 51; [2013] 1 AC 294 (Proceeds of Crime Act and A1P1)
- Acted for the Secretary of State for Business, Innovation and Skills in a judicial review challenge to exercise of company investigation powers (2012).
- Countryliner Ltd v Surrey County Council [2011] EWCA Civ 373 (public procurement dispute relating to bus services).
- R (Morales) v Parole Board [2011] EWHC 28 (Admin) [2011] 1 WLR 1095 (whether the Parole Board's lack of coercive powers to require the production of documents was compatible with Art. 5(4) ECHR).
- R (UNISON) v Monitor [2009] EWHC 3221 (Admin); [2010] PTSR 1827 (cap on NHS Foundation Trusts' private patient income)
- R (London Borough of Hillingdon) v Lord Chancellor (Law Society and NSPCC intervening) [2008] EWHC 2683 (Admin); [2009] 1 FCR 1 (family court fees)
- R (Brooke) v Parole Board [2008] EWCA Civ 29; [2008] 1 WLR 1950, [2008] 3 All ER 289
- R (The Law Society) v Legal Services Commission [2007] EWCA Civ 1264; [2008] Q.B. 737 (successful procurement challenge to legal aid contracts)

Telecommunications

- Arqiva Ltd v Everything Everywhere Ltd [2011] EWHC 2016 (TCC) (validity of wireless telegraphy licences following Orange - T-Mobile merger)

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