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Sean Butler



Year of call: **2020**
Degree: **MA Hons. (St Andrews) Philosophy (First Class, top of Faculty of Arts, top of year), BA Hons. (Oxon.) Jurisprudence (First Class), BCL (Oxon.) (Distinction), BPTC (Outstanding)**

Sean practises across all of chambers' areas of work, with a particular focus on commercial disputes, public and regulatory law, and competition law. He is or has been instructed in the following significant matters:

- Commercial: acted for Pfizer in its dispute with Moderna over the legal effect of Moderna's public pledge not to enforce its COVID-19 related patents for the duration of the pandemic.
- Fraud: acted for the claimants at both the interim stage and in the recent 8 week trial of a complex construction and mortgage fraud.
- Public/Regulatory: acting for the administrators of Bulb in the judicial review/subsidy control challenge, and subsequent appeal, brought by various energy companies against the Secretary of State's decision to approve and provide funding for the sale of Bulb to Octopus.
- Sanctions: represented the Secretary of State in the first case to consider the extraterritorial application of the European Convention on Human Rights in relation to sanctions decisions under the post-Brexit regime.
- Competition: acting for the individual defendants in a claim brought against them in respect of an alleged orange-processing cartel in Brazil; for the Volkswagen in its claim against providers of RoRo services; and for Stellantis in its claim against manufacturers of occupational safety system components.

Prior to coming to the Bar, Sean taught contract law at UCL. He was the Judicial Assistant to the Master of the Rolls in the Court of Appeal (2018-19), where he assisted the court with deciding a number of significant cases.

Sean's studies at St Andrews and Oxford focussed on constitutional theory, moral and political philosophy, philosophy of law and commercial law. His academic background gives him a particular interest in constitutional issues and complex statutory and contractual interpretation.

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EXPERIENCE

Commercial

Sean accepts instructions in all areas of Commercial law.

Prior to commencing practice, Sean taught Contract Law at UCL.

Cases

Moderna v Pfizer & BioNTech

[2024] EWHC 1648 (Pat)

Acting for Pfizer (led by Michael Bloch KC) as part of patent infringement and revocation proceedings pertaining to Pfizer/BioNTech's COVID-19 mRNA vaccine, Comirnaty. One issue concerns the meaning and legal effect of Moderna's public pledge not to enforce its intellectual property rights in relation to its COVID-19 mRNA vaccine technology and, in particular, whether that pledge took effect as a unilateral contract. Richards J held that Moderna's pledge constituted non-contractual consent for the period from 8 October 2020 until 7 March 2022. His judgment can be found here.

[Re a commercial landlord and tenant dispute]

Acted for the lessee at a CMC and mediation in relation to its claims for damages for trespass and breach of covenant by the defendant landlord (with Ian Mill QC).

[Re a strike out application]

Instructed in relation to a successful strike out of a claim worth approximately £1m.

[Re negligent tax advice]

Instructed by the claimant in relation to a professional negligence claim against his former accountant and tax adviser (ongoing).

Montlake QIAIF Platform ICAV v Tiber Capital LLP

[2020] EWHC 2519 (Comm)

Assisted Victoria Windle with a successful application for a freezing order and Norwich Pharmacal Order arising out of an investment fraud and with preparing the underlying claim. The case involves issues of breach of fiduciary duty, dishonest assistance and conspiracy, and also issues relating to insolvency, default judgment and enforcement.

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Suppipat & Others v Narongdey, Siam Commercial Bank and Others

[2020] EWHC 3191 (Comm)

Multi-jurisdictional fraud claim, against 17 separate defendants, for damages of more than $1 billion. The substantive claim raises issue of limitation, characterisation of loss and conflict of laws, as well as structural and procedural issues arising from the large number of defendants. Assisted Victoria Windle with a complex three-day CMC involving jurisdictional challenges, disclosure and case-management issues.

PJSC National Bank Trust v Shishkhanov

Acting for a Defendant contesting the jurisdiction of the English courts on the ground of forum non conveniens (assisted Victoria Windle).

[Re self-dealing by fiduciaries]

Claim involving conspiracy and self-dealing by fiduciaries, and issues of governing law and jurisdiction under the Recast Brussels Regulation (assisted Victoria Windle).

[Re fraudulently procured payment]

Application for a Norwich Pharmacal Order in a case concerning fraudulently procured payments (assisted Victoria Windle).

[Re foreign powers of attorney]

Advised in relation to the formalities required to execute a settlement agreement as a deed under a foreign power of attorney (assisted Jason Pobjoy).

Civil Fraud, Asset Recovery & Injunctive Relief

Sean accepts instructions in all areas of Civil Fraud.

Cases

Morjaria and others v Mirza and others

Ongoing

Acting for the Claimants (with Anthony Peto KC and Mark Vinall) in a complex construction and mortgage fraud claim. Judgment awaited following an 8 week trial in the Chancery Division.

[Re injunction against persons unknown]

Advised on the prospects of obtaining an injunction against disruptive protestors (with Alan Maclean QC).

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Public & Regulatory

Sean accepts instructions in all areas of Public and Regulatory law.

While a Judicial Assistant in the Court of Appeal, he assisted the Master of the Rolls with deciding a number of significant public law cases, including R (Campaign Against Arms Trade) v Secretary of State for International Trade [2019] EWCA Civ 1020.

Sean has a particular interest in constitutional issues. He was awarded the Law Faculty Prize for Constitutional Theory during the BCL.

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Cases

Wales & West Utilities Limited v CMA

[2025] EWHC 754 (Admin)

Acting for SSEN-T (the Sixth Interested Party) in WWU's judicial review of the CMA's determination of various gas/electricity distribution network operators' appeals against GEMA's RIIO-2 price control decision (led by Monica Carss-Frisk KC). Successfully defended SSEN-T from the CMA's application for an order that it is not an interested party within the meaning of CPR 54.1(2)(f) and/or striking out its detailed grounds in support of WWU's claim. The judgement is available here.

R (British Gas & Ors) v Secretary of State for Energy Security and Net Zero

[2023] EWHC 737 (Admin); [2025] EWCA Civ 209

Acting for the administrators of Bulb in a judicial review challenge brought by rival energy companies against the Secretary of State's decision to approve Octopus's acquisition of Bulb out of administration (led by Tom Hickman KC).

Following a rolled-up hearing, the Divisional Court refused permission on the ground of undue delay and indicated that in any event it would have rejected all of the Claimants' arguments on their merits: see the judgment here and the Court of Appeal judgment here.

The proceedings raised arguments including on conventional public law grounds of irrationality and procedural unfairness, as well as alleging that the Secretary of State has acted unlawfully under the subsidy control principles in the EU-UK Trade and Cooperation Agreement.

[Re appointment of a commissioner]

Advised a Government department on the effect of certain statutory provisions relating to the appointment and tenure of a commissioner (with Jason Pobjoy).

[Re an Ofgem price control decision]

Advised on the prospects of a successful judicial review against a price control decision by Ofgem (with Brian Kennelly QC and Hanif Mussa).

[Re FIT accreditation]

Advised in relation to a decision by Ofgem regarding FIT accreditation of solar sites, and on the proper interpretation of the commercial contracts governing the financing and construction of the relevant sites (with Tom Hickman QC).

[Re a spectrum licence]

Advised in relation to a potential challenge to Ofcom’s decision to refuse to vary a spectrum licence (with Brian Kennelly QC).

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R (FDA) v The Prime Minister and Minister of the Civil Service

Judicial review against the Prime Minister's decision that there had been no breach of the Ministerial Code by the Home Secretary. The case concerns whether the courts may interpret the provisions of the Ministerial Code and, if so, whether the Prime Minister has misdirected himself as to the meaning of the Code (assisted Jason Pobjoy).

[Re Consular Assistance]

Case concerning the state's duty to provide consular assistance to an individual detained abroad (assisted Jason Pobjoy).

HM v Secretary of State for the Home Department

Judicial review of the Secretary of State's policy of seizing all phones from migrants arriving in the UK by small boat (assisted Jason Pobjoy).

R (Langton) v Secretary of State for the Environment, Food and Rural Affairs

Defending a judicial review seeking to challenge the modification of the Government's approach to licensing the supplementary culling of badgers in the Next Steps for the Strategy for Achieving Bovine Tuberculosis Free Status for England (assisted Hanif Mussa).

R (Larkfleet) v Gas and Electricity Markets Authority

A claim for judicial review concerning the lawfulness of the withdrawal of regulatory accreditation granted to a solar photovoltaic generating station, which enabled the station to claim renewable obligation certificates (assisted Hanif Mussa).

[Re Government investments]

Advised on the Secretary of State's powers and duties in relation to a fund in which the Government had invested (assisted Hanif Mussa).

Sanctions

Sean accepts instructions in all areas of Sanctions law. He has advised extensively in relation to matters arising out of the sanctions regime created by the Sanctions and Anti-Money Laundering Act 2018 ("SAMLA") and the EU sanctions regime.

He has advised a number of companies on the implications of the asset freezes and other measures imposed by the Russia Sanctions Regulation, in particular on the issues of ownership and control under that Regulation. He is currently instructed by the FCDO in a challenge to a designation under the Belarus Sanctions Regulation.

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Cases

Dana Astra v Secretary of State for Foreign, Commonwealth and Development Affairs

[2025] EWHC 289 (Admin)

Successfully represented the Secretary of State in the first case to consider the extraterritorial application of the European Convention on Human Rights in relation to sanctions decisions under the post-Brexit regime (with Jason Pobjoy and Rayan Fakhoury).

[Re sanctioned shareholders]

Advising a company in relation to the effect of sanctions imposed on certain of its ultimate beneficial shareholders (with Brian Kennelly QC and Jason Pobjoy).

Competition

Sean accepts instructions in all areas of competition law. He is currently instructed in a number of high-profile competition cases, and appears regularly in the Competition Appeal Tribunal.

Cases

PSA Automobiles SA & Others v Autoliv AB & Others

[2025] CAT 9

Acting for the claimant automotive manufacturers in their circa €700m claim for losses caused by a cartel amongst manufacturers of occupant safety system components.

Flavio de Carvalho Pinto Viegas and others v José Luis Cutrale

Ongoing (Commercial Court)

Acting for the Defendants in a claim brought by over 1,500 individual claimants in relation to an alleged cartel amongst orange juice processors in Brazil.

Stellantis Auto SAS v Autoliv and others

[2024] EWCA Civ 609

Acting for the Claimants in their claim against manufacturers of occupant safety system components. The Court of Appeal held that co-defendants from different undertakings in a cartel damages claim have no right to independent experts in economics, even if there is a conflict of interest between them. The Court of Appeal's judgment in the UK Trucks Claim [2023] EWCA Civ 875 was not authority for the contrary proposition.

The full judgment can be found here.

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Volkswagen AG v MOL (Europe Africa) and others

1528/5/7/22 (T)

Acting for VW in its claim against providers of "Roll-on, Roll-off" ("RoRo") services for the transportation of motor vehicles.

Employment

Sean accepts instructions in all areas of Employment law.

During pupillage, Sean assisted with a number of employment matters, including a two-week trial in the Employment Tribunal. As a Judicial Assistant in the Court of Appeal, Sean assisted with deciding Uber v Aslam [2018] EWCA Civ 2748 (which concerned whether Uber drivers are workers).

Cases

[Re unlawful team move]

Acting for a former employer in relation to an unlawful team move and competition in breach of restrictive covenants and directors' duties (with Tom Croxford QC, ongoing).

Thomson v LCM Administration Services Ltd

Acted for the successful claimant at a 2-day final hearing of his claim that he had unfairly been made redundant.

[Whistleblowing Trial]

Assisted Diya Sen Gupta QC with a trial concerning alleged dismissal of an employee for protected disclosures and unfair dismissal.

[Re breach of restrictive covenant and unlawful team move]

Assisted Diya Sen Gupta QC with a case concerning an alleged breach of restrictive covenants, equitable duties of confidence, conspiracy and inducing breach of contract.

[Re restrictive covenants and confidentiality]

Advised in relation to the court's likely approach to interpreting and enforcing standard non-competition and confidentiality clauses (assisted Diya Sen Gupta QC).

[Re employee status]

Assisted Diya Sen Gupta QC with a case concerning, among other things, employee status under the Equality Act 2010.

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Sport

Sean accepts instructions in all areas of Sports law.

Cases

[A player vs an English football club]

Acted for the defendant Club (led by Nick De Marco KC) in its appeal to the CAS against the determination of the FIFA Dispute Resolution Chamber. The appeal concerned both the jurisdiction of the FIFA DRC to consider the dispute in circumstances where the Player's appeal against a termination decision lay to the EFL PRDC, and whether the Club had had just cause to terminate the Player's contract.

Cardiff City FC v EFL

Acted for Cardiff City FC (led by Nick De Marco KC) in a disciplinary appeal against the EFL leading to an Agreed Decision reducing a fee restriction on Cardiff's ability to pay fees on football transfers and loans from 3 transfer windows to 2 transfer windows, inclusive of the January 2023 winter transfer window. The case related to Cardiff's breach of the '30-day rule' after it paid an initial payment to Nantes FC for the transfer of Emiliano Sala.

Financial Services & Banking

Sean accepts instructions in all areas of Financial Services Law.

Cases

[Re FCA warning notice]

Advising and representing a bank in relation to a warning notice issued by the FCA (with Javan Herberg QC).

FCA Decision Notice in relation to HSBC Bank plc

On 17 December 2021, the FCA announced that it had fined HSBC Bank plc just under £64 million for failings in its anti-money laundering processes. The fine concerned weaknesses that were said to be present in HSBC's legacy transaction monitoring systems over an eight year period from March 2010.

Javan Herberg, Simon Pritchard and Sean Butler advised HSBC in relation to this matter.

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[Re FCA Enforcement Action]

Advised in relation to the FCA's intention to make a prohibition order against a person exercising controlled functions, and possible defences (assisted Simon Pritchard).

[Re FOS Jurisdiction]

Advised in relation to the scope of the jurisdiction of the Financial Ombudsman Service to hear complaints (assisted Hanif Mussa).

Civil Liberties & Human Rights

Sean accepts instructions in all areas of Civil Liberties and Human Rights.

While a Judicial Assistant in the Court of Appeal, he assisted with deciding a number of human rights cases, including Dulgheriu v London Borough of Ealing [2019] EWCA Civ 1490 (which concerned the ECHR compatibility of a Public Spaces Protection Order banning anti-abortion protests outside a family planning clinic) and Butt v SSHD [2019] EWCA Civ 256 (which concerned the compatibility of the Government's PREVENT duty guidance with Articles 8 and 10).

Cases

[Re injunction against persons unknown]

Advised on the prospects of obtaining an injunction against disruptive protestors (with Alan Maclean QC).

In the matter of an application by Mary McKenna for Judicial Review

(Northern Ireland)

Appeal to the Supreme Court concerning whether Article 2/3 ECHR impose a duty on public authorities to investigate deaths occurring before the commencement date of the Human Rights Act 1998 and, if so, whether the duty had been breached in relation to deaths in Northern Ireland (assisted Sir James Eadie QC and Jason Pobjoy).

Stott v United Kingdom

(ECtHR)

Case in the European Court of Human Rights concerning whether the difference in release date between prisoners serving extended determinate sentences and other prisoners breaches Article 14 of the European Convention on Human Rights (assisted Jason Pobjoy).

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Ali v Parole Board

Case concerning whether the policy for listing hearings breached Article 14 read with Article 5 ECHR (assisted Hanif Mussa).

R (Andrews) v Minister for the Cabinet Office

Case concerning whether the provision made to assist blind voters in polling stations breached Article 14 ECHR, and the scope of s.6(6) of the Human Rights Act 1998 (assisted Hanif Mussa).

ACHIEVEMENTS

Education

- City University, BPTC (Outstanding)
- University of Oxford, BCL (Distinction)
- University of Oxford, BA Jurisprudence (First Class)
- University of St Andrews, MA Philosophy (First Class — top of Faculty, top of year)

Prizes and Awards

City University, Bar Professional Training Course, 2019-20

- Wilfred Watson Scholarship (awarded by Gray's Inn).
- City University BPTC Scholarship.

Somerville College, University of Oxford, Bachelor of Civil Law, 2017-18Harris Manchester College, University of Oxford, BA (Hons.) Jurisprudence, 2014-2017University of St Andrews, MA (Hons.) Philosophy, 2010-14

- Law Faculty Prize for best performance in Constitutional Theory.
- Oxford-Margaret Thatcher Graduate Scholarship (full-fee and stipend) awarded for academic merit.
- Archibald Jackson Prize for performance on the BCL.
- Second Undergraduate Degree Scholarship (full-fee for two years) awarded for academic merit.
- Ashtiany Collection Prize performance in college exams (EU Law and Commercial Law).
- College prizes for academic performance in first and second year.
- University Miller Prize (Arts) for the best graduating student in the Faculty of Arts.
- Deans' List for academic excellence in every year.

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- Sir Henry Jones Memorial Prize for the best student in Honours-level Moral Philosophy.
- Honours Prize for the best student in Honours-level Philosophy.
- Class Medal for History of Philosophy.
- Summer Internship Bursary supporting a 10-week independent research project over the vacation.
- Grieve Prize for the best student in first year Moral Philosophy.
- Module prizes for Mediaeval History and English Literature.

Publications

- 2018 'The Withdrawal Agreement and the Political Declaration: A Preliminary Rule of Law Analysis', Bingham Centre for the Rule of Law Report (with JS Caird and J Stefanelli).
- 2014 'Subsistence as a basic human right: a defence of Henry Shue' in British Journal of Undergraduate Philosophy, Vol. 8(1), 2014, pp.1-12.
- 2013 'Can an expressivist explain how normative claims feature in reasoning?', in The Undergraduate Awards Journal, Vol. 5, 2013, pp. 347-366

Professional Experience

- 2019-20 Teaching Fellow, University College London (Faculty of Laws)
- 2018-19 Judicial Assistant to the Master of the Rolls, Court of Appeal of England and Wales
- 2018 Summer Research Fellow, Bingham Centre for the Rule of Law
- 2017-18 Volunteer Researcher, Oxford Pro Bono Publico
- 2012 Summer Academic Research Intern, Department of Philosophy, University of St Andrews.

Mooting

- 2017 Winner, Herbert Smith Freehills Disability Mooting Championship
- 2017 University of Oxford-Travers Smith Commercial Law Moot
- 2016 Semi-Finalist & Runner-Up Best Oralist, 7 King's Bench Walk Commercial Law Moot
- 2015-16 Winner, Maitland Chambers Intercollegiate Mooting Competition 2016
- 2014-15 Winner, Maitland Chambers Intercollegiate Mooting Competition 2015

VAT registration number: 387 3923 51

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