

T. 020 7404 3447 (Practice Manager: Jason Housden)
E. nicholasgibson@matrixlaw.co.uk

Year of Call: 2009 (Admitted as a solicitor: 2004)



Main Areas of Practice

Commercial law

Employment law

Public law

Competition law

EU law

Regulatory

Education law

Human Rights

Tax law

Nicholas's practice focuses on competition, regulatory, general commercial and EU law, with additional experience in the fields of public law and human rights.

Since arriving at Matrix, Nicholas has advised a range of clients in both the public and private sectors, including acting as Legal Adviser to the Competition Commission on a reference from the Competition Appeal Tribunal in an appeal against charge controls in the telecoms sector. Nicholas has also worked with the Office of Fair Trading advising on various matters in the Consumer Credit and Consumer Markets Groups.

Before moving to Matrix in 2009, Nicholas worked for seven and a half years at Freshfields Bruckhaus Deringer LLP, where on qualification he practised as an associate and solicitor-advocate in the firm's Dispute Resolution department specialising in EU, competition and public law.

During his time as a solicitor, Nicholas advised regulators, major financial institutions and leading commercial companies across a range of industry sectors, as well as acting pro bono for clients in various tribunals. Among his more recent cases, Nicholas played a lead role in the team acting for the London Stock Exchange in an action brought by PLUS Markets alleging breaches of domestic and European competition law.

Nicholas also spent the judicial year 2007 to 2008 working as Judicial Assistant to Lord Bingham of Cornhill and Lord Walker of Gestingthorpe at the House of Lords, during which time he observed cases involving a wide range of legal issues - public and private, civil and criminal - arising under the laws of England and Wales, Scotland, Northern Ireland, the European Union, the European Convention on Human Rights, and the various jurisdictions for which the Privy Council is the final court of appeal.

Nicholas has lectured on the LLM course *Human Rights: Theory & Practice* at King's College, London, and has also written articles on human rights issues, including in the *Cambridge Law Journal* and the *European Human Rights Law Review*. Prior to becoming a solicitor, Nicholas spent time working in the Middle East for the United Nations and other non-governmental organisations on policy and legal matters, including issues of public international law and human rights.

Nicholas speaks fluent French, having spent six months working in a bilingual office environment in Paris during his training contract, and has a good working knowledge of Spanish and spoken Arabic.

Competition, regulatory and EU law experience

Cable & Wireless UK v Office of Communications (CAT Case No. 1112/3/3/09): Legal adviser to the Competition Commission on a reference from the Competition Appeal Tribunal in the appeal by Cable & Wireless against Ofcom's 2009 Leased Line Charge Control Statement, liaising with expert advisers on economics and accountancy issues, and leading the preparation of the Commission's determination of the questions referred to it.

R (CGTSN and Global Knafaim Leasing) v the Civil Aviation Authority and BAA [2010] EWHC 1348 (Admin): representing (as second junior counsel to Rhodri Thompson QC) an aircraft leasing company in its challenge under competition law and EU fundamental rights to the detention and threatened sale of its aircraft.

Representing the OFT in a series of appeals brought by companies holding or applying for consumer credit licences which had been refused or revoked, and by estate agents subject to prohibition orders.

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Playing a lead role in the team acting for the London Stock Exchange in an action brought by PLUS Markets alleging breach of competition law in the Commercial Court (under the Recommendations of the Long Trials Working Party).

Representing a leading multinational conglomerate in the context of an Ofcom investigation into its telecommunications business, including attending meetings with the client's suppliers in order (a) to implement more rigorous compliance with relevant regulation and (b) to gather data in order for the client to comply with information requests received from Ofcom.

Attending at, and providing advice to, clients in industry and the financial services sector during 'dawn raids' by the OFT and the European Commission in connection with suspected breaches of competition law.

Advising clients on applications for 'leniency' to UK and European competition authorities and ongoing cooperation with the regulators during their subsequent investigations.

Representing a leading multinational company operating in the food sector in the context of regulatory investigations into alleged breaches of European and UK competition law and liaising with US counsel regarding a parallel US investigation.

Representing an international energy company in the context of a European Commission investigation into alleged systematic discrimination in the prices paid to coal suppliers.

Acting for a group of major European technology companies in an action for alleged breach of competition law in the Chancery Division, including a challenge to the jurisdiction of the English courts under the 'Brussels' Regulation (44/2001/EC).

In the action for alleged misfeasance in public office brought by the BCCI liquidators, coordinating the provision of foreign law advice to the Bank of England regarding the interpretation of European banking supervision regulations in other jurisdictions.

Advising an auction house on the law relating to "auction rings", including consideration of bidding markets.

Advising a leading tobacco company on the compliance of certain of its distribution arrangements with European competition law.

Advising a major company on issues arising under the Restrictive Trade Practices Acts.

Drafting responses to proposals to stimulate private enforcement of competition law in Europe, and publications on issues such as extradition risk for executives implicated in alleged price-fixing, and the UK 'leniency' regime.

General commercial and financial services sectoral experience

Advising a leading private equity fund on a dispute involving issues of contract and insolvency law, including a stay application in the Chancery Division and related issues of jurisdiction.

Advising the first individual appointed to the post of Policyholder Advocate in the context of a reattribution under Part VII of the Financial Services and Markets Act 2000.

Advising a leading international bank on issues arising from a complaint to the Financial Services Ombudsman alleging discrimination in the provision of banking services to foreign students.

Advising a leading insurance company in relation to a contractual dispute with one of its service providers.

Representing a leading international bank in the context of regulatory investigations into alleged mismarking in the valuation of equity derivatives.

Acting for a leading international bank in an action before the Commercial Court arising from the bank's custody of assets which were the subject of a multi-jurisdictional dispute as to ownership.

Public law and human rights experience

R (CGTSN and Global Knafaim Leasing) v the Civil Aviation Authority and BAA [2010] EWHC 1348 (Admin): as noted above, representing (as second junior to Rhodri Thompson QC) an aircraft leasing company in its Administrative Court action based on its fundamental rights, challenging the detention and threatened sale of its aircraft.

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Advising (with Cherie Booth QC) an early years provider on the interpretation and application of the relevant statutory framework in the context of Ofsted's inspections of childcare settings operated by that provider.

Assisting in the preparation of observations on the admissibility and merits of a complaint to the European Court of Human Rights in relation to the exercise of administrative powers pending deportation alleging a breach of Article 5 of the Convention.

Successfully representing two social workers in misconduct proceedings brought by the social workers' professional body.

Drafting a successful challenge on Article 6 grounds to the European Court of Human Rights against a government decision to refuse an individual access to university.

Advising a leading news agency on the feasibility of challenges to local government decisions by way of judicial review.

Advising a leading pharmaceutical company on the strength of its possible judicial review challenge against an OFT merger decision.

Advising a regulatory body on the susceptibility of draft rules it had prepared to challenge by those affected by those rules.

Advising a client seeking to securitise debts backed by government bodies across the United Kingdom as to the risks associated with the devolution processes in Northern Ireland and Scotland.

Advising a charity on legal issues arising from the sharing of information between agencies responsible for the protection of vulnerable persons.

Coordinating multi-jurisdictional projects for clients in the tobacco and aviation industries to monitor and assess regulatory developments and to advise on regulatory strategy, including liaison with foreign counsel and creation of an extranet client database of legislative and other materials.

Drafting a report on the barriers to freedom of movement in Israel and the occupied Palestinian territories.

Researching and preparing papers on various issues relating to the permanent status Israeli-Palestinian peace talks, including border delineation, refugees and allocation of water resources.

Education and additional professional qualifications

2009	Solicitor-advocate (all Courts)
2004 - 2006	Distinction - LLM in European law King's College, London
2004	Admitted as solicitor of England and Wales
2000 - 2001	Distinction - Legal Practice Course Nottingham Law School
1999 - 2000	Distinction (highest in year) - Postgraduate Diploma in Law Nottingham Law School
1995 - 1998	Double First - MA in History Pembroke College, Cambridge

Languages

French	Fluent
Spanish	Good working knowledge
Arabic	Good spoken

Publications

"Right to education in conformity with philosophical convictions: *Lautsi v Italy*" (2010) *2 European Human Rights Law Review* 208-212

"Faith in the courts: Religious dress and human rights" (2007) 66(3) *Cambridge Law Journal* 657-697

"An unwelcome trend: Religious dress and human rights following *Leyla Sahin vs Turkey*" (2007) 25(4) *Netherlands Quarterly of Human Rights* 599-640

Researching and drafting: J Lawrence, "Seeking the perfect balance: Some reflections on the Commission's green paper on damages actions for breach of EC antitrust rules" in C-D Ehlermann & I Atanasiu (eds.), *European Competition Law Annual 2006: Enforcement of prohibition of cartels* (Hart: Oxford, 2007)