



JESSICA SIMOR QC

MAIN AREAS OF PRACTICE:

Arbitration
Commercial and corporate law
Competition and regulation
Crime and regulatory law
Discrimination and equality
Environmental law
EU law
Human rights law
Inquests and Inquiries
International law
Local government law
Media and information law
Mediation
Public law
Tax law

Called to the Bar 1992

Appointed to Silk 2013

CONTACT:

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Elizabeth Boucher, Senior Practice
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With extensive and recognised expertise in a number of areas, Jessica Simor QC is considered one of the country's leading EU, regulatory and public law barristers, with particular expertise in environmental, tax and human rights law. Jessica acts for a wide range of clients, from private individuals, NGOs, multinational corporations and commercial regulatory bodies, to UK government departments and Governments.

EXPERIENCE

Qualified in 1992, Jessica was a founding member of Matrix in 2000, taking silk in 2013. She appears regularly in the higher courts, including over fifteen cases in the Supreme Court, appearances before Court of Justice of the European Union in Luxembourg and the European Court of Human Rights in Strasbourg. In 2016 she was nominated by the UK Government as one of three candidates to be the British judge at the European Court of Human Rights, to be decided by the Parliamentary Assembly of the Council of Europe.

In 1993, she worked in the European Commission in Brussels in the Directorate for the Environment, from 1995-1996 in the European Court of Human Rights in Strasbourg and during 1997 in Sarajevo, Bosnia, as legal adviser to the Human Rights Ombudsman. She was the author and is now General Editor of Sweet and Maxwell's leading loose-leaf: Human Rights Practice.

From 2010, she served as a member of the Attorney General's A Panel of Counsel, having previously served on both the B and C panels. She continues to act for the UK Government, in particular HMRC.

Jessica is a Bencher of Middle Temple and fellow of the Bingham Centre for the Rule of Law at the British Institute of International and Comparative Law.

She speaks and lectures regularly, most recently in March 2019 at the Young Legal Aid Lawyers conference in London and at Harvard Law School with the former Prime Minister of France Bernard Cazeneuve and the Deputy Director of the American Chamber of Commerce on Brexit, in November 2018 at YTL Centre for Politics, Philosophy and Law, King's College, with Professor Nussbaum's on her new book: the Monarchy of Fear and, in February 2018, at a symposium: 'Human rights and political wrongs' with Sir Noel Malcolm, examining his recent publication for Policy Exchange. In March 2017 she spoke at Yale Law School on international jurisdiction and the internet.

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DIRECTORIES' RECOMMENDATIONS

HERES WHAT THEY SAY:

"An excellent lawyer who is very passionate about her work."

Chambers & Partners 2021
(Administrative and Public Law)

"In court she was formidable. She understood the clients concerns and put it to the court which not only showed a mastery of the case but real empathy with the clients situation."

Legal 500 2021 (Administrative and Public Law)

"Exceptionally knowledgeable, an outstanding advocate and a pleasure to work with."

Legal 500 2021 (European Union Law)

"Provides excellent technical and strategic advice at all times and does so in an approachable and down-to-earth manner. She is undoubtedly a subject expert in public and human rights law, and is unflappable on her feet in court.", "Very straightforward, she explains complicated things in a really simple way."

Chambers & Partners, 2019
(Administrative & Public Law)

"She has a deep and impressive knowledge base."

Chambers & Partners 2019 (Civil Liberties & Human Rights)

"Simor is brilliant on EU law and gets results for her clients."

Chambers & Partners 2019
(European Law)

"She has the ability to analyse complex issues of fact and law."

Legal 500, 2018 (Administrative & Public Law)

"A real master of her craft. Extremely hardworking, diligent and passionate about her cases."

Legal 500, 2018 (European Law)

EXPERTISE

Covering a number of aspects of EU law over various sectors, her clients range from NGOs such as WWF, Client Earth, Open Society, Amnesty, HRW, Privacy International to international corporations and companies (Google, GE, Welsh Water, Vodafone and GNER), regulatory bodies (ORR, Ofgem, CMA) and government departments to and for private individuals.

Jessica's regulatory work covers environment, energy, water, finance, transport, including labelling, integrated pollution control, track access, transport pricing, water and sewerage access rights, off-shore wind licensing, fisheries and data protection. She has advised in the complex litigation involving the position of various clients in relation to their lost deposits in Cypriot bank accounts, as a consequence of measures adopted by the EU institutions and the Cypriot government in 2013 in response to the Cypriot banking crisis.

At the request of the Jersey Government she carried out an inquiry into Ministerial conduct in relation to the management of the Jersey Innovation Fund, which was published in April 2017:

<https://www.gov.je/Government/Pages/StatesReports.aspx?ReportID=2876>

She led on a Report by international experts: Jean Paul Costa (French former Judge at ECHR and Françoise Tulkens, Belgian former judge at ECHR) into the legal issues surrounding the referendum in Catalonia:

<https://www.parlament.cat/document/intrade/263211>

Jessica is currently representing the former Speaker of the Catalan Parliament, Carme Forcadell, who is being detained and tried in Spain in relation to the recent independence referendum, in her case before the European Court of Human Rights in Strasbourg.

During 2016-2017 she produced a report for the Circle, a charity set up by Annie Lennox to further women's rights in the developing world, into the living wage in the fast fashion sector: <https://thecircle.ngo/project/a-living-wage/>. She continues to work on this project to build an international network pressing for legal change.

She is advising the Open Society Foundation, Helsinki Foundation and Amnesty International on whether the Hungarian NGO Funding Law and recently the new taxation laws are in breach of EU Fundamental Freedoms and Charter Rights.

In light of her time in Strasbourg and Bosnia working on human rights issues, she is particularly known for her expertise in in relation to human rights and international jurisdiction questions, including in inter-state cases. She was counsel in *R (Smith) v MoD*, the case that established UK jurisdiction over its soldiers serving overseas.

A selection of Jessica's cases are detailed below. A full case list is available on our website at matrixlaw.co.uk.

NOTABLE RECENT CASES

In R (Bloomsbury Institute Ltd) v Office for Students [2020] EWCA Civ 1074, acted for Bloomsbury Institute in its successful challenge to the OfS' decision to refuse the college registration pursuant to the new regime for higher education in the Higher Education Act 2017. The Court of Appeal quashed

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the OfS guidance for lack of consultation and publication. The OfS subsequently granted Bloomsbury registration.

Jersey Choice v Her Majesty's Treasury [2020] EWHC 3258 (Ch) acted for the Treasury in successfully striking out a claim challenging the ending of low value consignment relief. See also *Allen v HMT* [2019] EWHC 1010 in which she also acted for HMT in successfully defending a challenge brought in relation to the delay in ending low value consignment relief.

R (Wilson and others) v Prime Minister [2019] EWCA Civ 304: challenge to the legality of the Prime Minister's refusal to have any regard at all to the serious offences found by the Electoral Commission in respect of Vote Leave and Leave.EU, the EC's decision to refer further matters to the Metropolitan Police and NCA, as well as offences found by the ICO in proceeding with the Article 50 withdrawal process.

R (Good Law Project) v Electoral Commission and Vote Leave [2018] EWHC 2553 (Admin): challenge to the Electoral Commission's decision to close an investigation into Vote Leave's 'donation' to Darren Grimes and Veterans for Britain and its finding that they were not 'working together'. The case led to the re-opening of the investigation and a finding of electoral offences with the maximum fine. In addition, the Court found that the Electoral Commission had wrongly advised Vote Leave that provided there was no working together it could donate goods and services to other 'leave' campaigns without declaring the costs of those goods and services as 'referendum expenses'.

R (Npower) v Gas and Electricity Markets Authority and CMA [2018] EWHC 3576 acted for GEMA in obtaining an injunction against Npower and defending its challenge to the legality of an energy switch trial being conducted by GEMA.

R (Miller & Anor) v Secretary of State for Exiting the European Union & Ors [2017] UKSC 5; [2016] EWHC 2768: representing the second claimant (Dos Santos) in his challenge to the procedure for triggering the UK's withdrawal from the EU under Article 50 of the Treaty on European Union.

R (Watson and Davis) and the Open Rights Group and Privacy International v S/S Home Department [2015] EWCA Civ 1185; *Tele2 Sverige AB v Post-och telestyrelsen*; *SSHD v Tom Watson & Ors* [2016] (C-203/15 & C-698/15): Represented Privacy International and Open Rights Group in its intervention in a challenge to the emergency legislation adopted to require telecom companies to retain data showing the identity, time, location and duration of electronic communications.

R (Ingenious Media Holdings plc) & Anor v Commissioners for Her Majesty's Revenue and Customs [2016] UKSC 54 Common law duty of confidentiality was owed by HMRC to taxpayers.

Abd Ali-Waheed v Ministry of Defence; Serdar Mohammed & Ors v Ministry of Defence [2017] UKSC 2: Appeals related to the lawfulness of the

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detention of two Afghan men by HM forces, considering how far ECHR, art 5 applies to cases of military detention in non-Convention countries.

Magyar Jeti Zrt v Hungary (App. No. 11257/16): Case concerning whether the use of a hyperlink by a news operator in an article that leads to defamatory content is the same as disseminating that content.

Georgia v Russia (II) (App. No. 38263/08): Inter-state case concerning the conflict in Georgia in 2008.

R (Whistl UK Ltd (formerly TNT Post UK Ltd)) v Revenue and Customs Commissioners [2014] EWHC 3480 (Admin) Postal Services Directive; universal service obligation, competition/fiscal neutrality.

R (O) v Secretary Of State for International Development [2014] EWHC 2371 (Admin) Challenge to process by which compliance with conditionality policy for aid was assessed.

R (Barclay & Ors) v The Secretary of State for Justice and the Lord & Ors [2013] EWHC 1183 (Admin) Successfully represented the Barclay brothers before the Divisional Court in an Article 6 ECHR challenge to the granting of Royal Sanction in respect of new constitutional provisions in Sark on the basis that they failed to provide for an independent and impartial court on the Island.

Welsh Water v Barratt Homes [2013] EWCA Civ 233 Acted for Welsh Water in its appeal to the Supreme Court concerning the meaning and effect of s 106 of the Water Industry Act.

Smith & Anor v Ministry of Defence and other cases [2013] UKSC 41 Acting for the Claimants in claim against the Ministry of Defence, defending a strike out application based on lack of jurisdiction under Article 1 of the Convention.

Axel Springer AG v Germany (No.2) (App No. 48311/10) judgment 10 July 2014 Legality of a restriction on publication by Bild of a story regarding the former Chancellor Schroder. Acted for Media Legal Defence Initiative (MDLI).

HJ (Iran) v Secretary of State for the Home Department [2010] UKSC 31 Jessica acted for the EHRC, which intervened in this landmark case to argue (successfully) that it was not permissible to refuse a claim for asylum on the basis that someone with a particular sexual orientation could be expected to 'be discrete'. *Georgia v Russia* (App. No. 38263/08) Inter-state case concerning conflict in Georgia in 2008.

Delfi v Estonia (App No. 64569/09) Liability for comments on news website; intermediary liability under ecommerce directive; relationship with ECHR, article 10/Strasbourg; freedom of expression. Acted for the industry interveners.

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OTHER PROFESSIONAL EXPERIENCE

Bencher and member of Finance Committee, Middle Temple
Vice-chair EU Committee of the Bar Council of England and Wales
Member of Executive committee of Bar European Group
Member of the Steering Group of UK Legal Future (set up to assist MPs understand legal issues surrounding Brexit)
Fellow of the Bingham Centre for the Rule of Law
Accredited Mediator
Member of Steering Committee of international climate change litigation project, first meeting held November 2008 at Michigan Law School
Signatory of Oslo Principles on Climate Change
Member of the UNHCR panel of specialised counsel
Trustee of St. John's Smith Square
Former executive member of Justice and the British Institute of Human Rights, of which she was also Chair.

QUALIFICATIONS

MA (Oxon)
CPE (City University)
Dip EU Law (King's College London)
Harmsworth Law Scholar, Inns of Court Scholar
Bencher of Middle Temple (Inns of Court)
Fluent French.

ADDITIONAL PUBLICATIONS

- [A speedy referendum would be a far better alternative than a general election](#)
- [Why it's not too late to step back from the Brexit brink, Guardian October 2017](#)
- Fashion Focus: The Fundamental Right to a Living Wage (The Circle, 2017 and 2019)
- Open Democracy: "[What we can learn from the Supreme Court decision on Article 50](#)", January 2017
- [Is the proportionality test making judges too political?](#)
- Contributor to UK Competition Law: The New Framework, R Kellaway, R Thompson and C Brown (eds) (OUP, 2015)
- Contributor to The Law of Criminal Cartels, Practice and Procedure, Michael O'Kane (OUP, 2006)
- [A Bill of Rights or an excuse for nationalism](#) Times Law conference 2010
- Human Rights Practice, Sweet and Maxwell.
- [Tackling Human Rights Abuses in Bosnia and Herzegovina](#)

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Jessica is married with two children.

Jessica is regulated by the Bar Standards Board and accepts instruction under Standard Contractual Terms. To find out more information on this and the way we work at Matrix, including our fee transparency statement, please see our [service standards](#).