



NICHOLAS GIBSON

PUBLIC LAW CV

MAIN AREAS OF PRACTICE:

Arbitration
 Competition and Regulation
 Commercial Law
 Crime and Regulatory
 EU Law
 Fraud, Financial and Business
 Crime
 Human Rights
Public Law
 Public and Private International
 Law
 Sports Law
 Tax Law
 Telecommunications

Solicitor: 2004
 Called to the Bar: 2009

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 Elizabeth Bousher, Senior Practice
 Manager
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Nicholas has a broad public law practice with a commercial focus and with considerable experience of acting for and against public bodies, having been appointed to the Attorney-General's B Panel of counsel in 2016, and the C Panel in 2012. In addition to general public law and human rights advice, Nicholas's work in this area covers challenges both under the general jurisdiction of the Administrative Court and before the Competition Appeal Tribunal under the specialist judicial review regimes created by the Enterprise Act 2002 and the Communications Act 2003.

Recent and notable examples of his experience in this area of practice include those set out below.

Eurostar International Ltd v ORR (2019) Acting (with Jessica Simor QC) for Eurostar in judicial review proceedings arising from the consultation process relating to ORR's 2019 periodic review of the business operating the 'High Speed 1' rail link between St Pancras and the Channel Tunnel.

R (Sky Blue Sports & Leisure Limited and others) v Coventry City Council (No.1 and No.2) (2014-2019) Acting (with Rhodri Thompson QC) for the owners of Coventry City Football Club in two related judicial review claims before the Administrative Court, Court of Appeal and in seeking permission to appeal to the Supreme Court, challenging two of Coventry City Council's decisions as unlawful State aids: first, to lend £14.4million to its insolvent subsidiary Arena Coventry Limited (the company which held the lease of and managed the Club's home ground); and, secondly, to grant Wasps, as ACL's new owners, an extension of ACL's lease by more than 200 years, which increased its value by c.£30m in return of c.£1m in consideration.

Heathrow Airport Limited v ORR (2016-2017) Defending (with Rhodri Thompson QC) against HAL's claim for judicial review of ORR's decision regarding the costs which HAL could recover from Crossrail for the use of the 'Heathrow Spur' connecting Heathrow airport to Paddington, and advising on HAL's subsequent appeal until it was discontinued.

Lafarge Tarmac Holdings Limited v the Competition and Markets Authority; Hope Construction Materials Limited v the Competition and Markets Authority (2014) Defending the CMA (with Rhodri Thompson QC) against challenges to the package of remedies (and in particular the divestiture of a cement plant) proposed by the Competition Commission to address coordination in GB cement markets, which the CC had found following its Aggregates market investigation under Part 4 of the Enterprise Act 2002, and resisting Lafarge Tarmac's application to rely on new expert evidence in its challenge.

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Everything Everywhere v Competition Commission (MCT appeals) (2011-2013) Defending (with Michael Bowsher QC) the Competition Commission's determination of appeals regarding Ofcom's Wholesale Mobile Voice Call Termination Statement against challenges under s.193 of the Communications Act 2003 on judicial review grounds before the Tribunal and on appeal to the Court of Appeal.

R (CGTSN and Global Knafaim Leasing) v the Civil Aviation Authority and BAA (2010) Representing (with Rhodri Thompson QC) an aircraft leasing company in its judicial review challenge under the Human Rights Act 1998 and UK/EU competition law and EU fundamental rights to the detention and threatened sale of its aircraft, and in its subsequent appeal to the Court of Appeal; the matter settled before the hearing of the appeal.

R (oao Calland) v Financial Ombudsman Service (2013) Appearing in the Administrative Court (with Hugh Tomlinson QC) for an independent financial adviser in his judicial review claim challenging a significant financial award against him by the Financial Ombudsman Service after an investigative process lasting more than a decade.

Westminster CC v Bulat and others (2011) Appearing unled at an interim hearing on behalf of one of the protestors encamped in Parliament Square, in proceedings brought by Westminster City Council for an injunction to remove all structures from the Square.

Canlı and others v Turkey (2010) Representing the Canlı family unled and pro bono in an application to the European Court of Human Rights complaining of violations of their Convention rights arising from their eviction from their home and village, and subsequent denial of access to their property.

Rosneft v the Netherlands (2010) Advising the Applicant (with Rabinder Singh QC) on its complaint to the European Court of Human Rights regarding alleged unequal treatment in proceedings for the enforcement in the Respondent State of foreign arbitral awards against the Applicant, involving the application of the 1958 New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards.

Emine Araç v Turkey (2007) Acting pro bono for the Applicant in a case in which the Court acknowledged specifically and for the first time that the right of access to higher education was a right of a civil nature for the purposes of Article 6 of the Convention, thereby departing from the case-law of the Commission established in *Simpson v. the United Kingdom*.

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