



RHODRI THOMPSON QC

MAIN AREAS OF PRACTICE:

Arbitration
Commercial Law
Competition and Regulation
Environmental Law and Natural Resources
EU Law
Human Rights
Immigration, Asylum and Free Movement
Media and Information Law
Mediation
Public Law
Sports Law
Telecommunications

Called to the Bar 1989

Appointed to Silk 2002

CONTACT:

rhodri.thompson@matrixlaw.co.uk
+44 (0)20 7404 3447
Elizabeth Bousher, Senior Practice Manager
elizabethbousher@matrixlaw.co.uk

Rhodri is a leading commercial silk specialising in civil litigation and judicial review concerning all aspects of regulatory law, including competition law, telecoms law and EU law. He is also a recommended silk in sports law. Rhodri has recently been included as one of the Lawyers 'Hot 100' for 2017. He acted for Gina Miller in the historic 'Article 50' litigation concerning the process for UK withdrawal from the EU and is extensively involved in advising on the implications of withdrawal. He is also currently involved in a number of major telecoms and media-related cases before Ofcom, the CAT and in the EU Courts.

Rhodri provides strategic advice and advocacy at all stages of competition, commercial and regulatory disputes and litigation, including the administrative stage of regulatory investigations, appeals, judicial review and commercial litigation. He appears regularly in the High Court, UK appellate courts, the Competition Appeal Tribunal and the EU Courts, as well as administrative hearings before regulatory bodies such as the CMA, Ofcom and EU Commission.

COMMERCIAL JUDICIAL REVIEW

Developing out of his EU and regulatory law practice, Rhodri has appeared in many important EU and competition related cases both for and against the Government. Rhodri also advises regularly on strategic issues for public bodies arising in the areas of EU and regulatory law.

Given his expertise in competition law and economic regulation, Rhodri is regularly involved in advisory work and commercial judicial review proceedings involving the major regulators. For example, he acted for the Office of Rail Regulation in rebutting a challenge to the UK rail network access pricing regime brought by GNER and is representing ORR in a pending challenge to the funding arrangements for rail access to Heathrow by Crossrail.

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DIRECTORIES' RECOMMENDATIONS

HERES WHAT THEY SAY:

"He is very clear, commercial, responsive, thorough and good in front of the regulators."

Chambers and Partners 2019
(Competition Law)

"He has an encyclopaedic knowledge of European communications law and is one of the leading figures in that field." Chambers & Partners 2018 (European Law)

"A strong leader with a very sharp mind. There's no formality or fuss with Rhodri, and he comes across as being reasonable." Chambers & Partners 2018

(Telecommunications)

"Has an unerring ability to drive home the point which most interests the court." Legal 500 2018 (Competition Law)

"Makes the very complex seem disarmingly simple and the logic of his client's case seems inexorable." Legal 500 2018 (European Law)

"A wise counsel who is unflappable. He sees the bigger picture and is a crucial sounding board when it comes to strategy." Chambers & Partners 2017 (Competition Law)

"A true expert with gravitas and a reassuring presence in the courtroom" Legal 500 2016 (EU and Competition)

Rhodri acted for Gina Miller in her historic challenge to the Government over the process of UK withdrawal from the EU. Other notable cases include the challenge to UK ratification of the Maastricht Treaty, EU aspects of the Three Rivers District Council litigation against the Bank of England; challenges to various aspects of UK immigration and customs policy in so far as it impacts on rights and freedoms guaranteed by EU law; and the detention powers of the UK airport authorities to compel aircraft owners to discharge the debts of insolvent airlines (Admin Ct).

In the field of competition law, Rhodri has acted in a number of leading judicial review cases in the CAT, including the first case in which the Competition Commission was found to have made a decision that was *Wednesbury* unreasonable (Stagecoach). Rhodri acted for the newly constituted CMA in the first case brought against it (Aggregates).

Rhodri also appears regularly in the Administrative Court and Court of Appeal in commercial public law cases. He acted in two important State aid cases concerning the refinancing of the operating company for the Ricoh football stadium in Coventry and the compatibility of the UK quota allocations under the EU common fisheries policy.

Rhodri has appeared in many appeals and judicial review challenges to regulatory decisions at both the UK and EU level. Cases include the Aggregates judicial review, the first case against the newly constituted CMA, intervention on behalf of HSBC in the MasterCard appeal to the EU Courts, the Tobacco appeals in the CAT and CA on behalf of Co-op and Somerfield, successful appeals against the OFT's decision in respect of "cover pricing" in the construction sector. Rhodri also appears in the Administrative Court in competition law cases, including two cases in relation to State aid law, one in respect of sports stadia the other concerning the UK rules on the allocation of quota under the EU common fisheries policy.

Commercial judicial review cases

R (Miller and Santos) v. Secretary of State for Exiting the European Union [2017] UKSC 5

Scope of prerogative powers do not extend to notification of the UK intention to withdraw from the EU without authority from an Act of Parliament.

R (Heathrow Airport Ltd) v. Office of Road and Rail (pending, Admin Ct)

Charging principles for railway access to Heathrow in connection with the launch of Crossrail services

Stagecoach v. Competition Commission [2010] CAT 14

Irrationality of conclusions in relation to a "counterfactual" to the acquisition of a local bus company.

Hoverspeed v Commissioners of Customs and Excise [2003] QB 1041 (DCt)

Excise duty - powers of HM Customs to confiscate goods and vehicles - interpretation of Directive 92/12 - incompatibility of implementing legislation and administrative practices with EC and ECHR law.

Three Rivers District Council v Governor and Company of the Bank of England (No.3) [2000] 2 WLR 1220 (HL); [2000] 2 W.L.R. 15 (CA); [1996] 3 All ER 558 (Commercial Ct)

Collapse of BCCI - misfeasance in public office - no arguable action for damages for breach of Community law.

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R v Chief Constable of Sussex, ex parte International Trader's Ferry Ltd
[1999] 2 A.C. 418 (HL), [1998] Q.B. 477 (CA), [1996] Q.B. 197 (DCt)

Restrictions on policing of exports of livestock to France - scope of discretion under EU and domestic law.

R v Secretary of State for Foreign and Commonwealth Affairs, ex parte Rees-Mogg [1994] Q.B. 552 (DCt)

Ratification of Maastricht Treaty.

COMMERCIAL LITIGATION

Rhodri also acts and advises regularly in commercial litigation arising out of competition law investigations. He is advising a number of potential follow-on claimants and defendants and acted successfully for Roche in a claim for breach of Article 102 and UK and EU regulatory legislation. Rhodri represented *Which?* in the first "follow on" consumer damages action in respect of the Replica Kit cartel. He recently acted for Ecotricity in a dispute with Tesla concerning the right to install charging points on the UK motorway network and in commercial litigation concerning the acquisition of shares in the operating company for the Coventry City football arena.

Rhodri has been a contributor to the 4th-7th editions of *Bellamy and Child, European Community Law of Competition*, and is currently the contributing editor on the chapter on abuse of dominance with Christopher Brown and Nicholas Gibson for the pending 8th edition. He is also the joint editor of a work on the new UK competition law regime: *UK Competition Law: the New Framework*, eds. Brown, Kellaway and Thompson, 2015.

Knatchbull- Hugessen et al. v. SISU Capital [2014] EWHC 1194, 1195 (Mercantile)

Enforceability of provisional agreement for sale of 50% shareholding in holding company of Coventry Ricoh Arena

Chemistree Homecare v. Roche, case withdrawn

Allegations of abuse in the context of homecare services.

Consumers Association v. JJB Sports [2009] CAT 2 and 3

Which? follow on damages action arising out of OFT decision and appeals in respect of pricing of replica kit (case settled following mediation)

Adidas-Salomon v. Draper [2006] EWHC 1318 (Ch.)

Challenge under EU competition law to restrictions on use of 'triple stripe' logo in major tennis tournaments

CAREER

Rhodri commenced his practice in Brussels and was a founder member of Matrix in 2000. He was a member of the Treasury panel from 1997 until taking silk in 2002. He was the Chair of the Matrix Management Committee from 2004-6 and 2014-16. He is a qualified negotiator and mediator and a civil recorder. He was the Joint Chair of the Joint Working Party of the UK Bars and Law Societies on Competition Law from 2013 to 2017. Rhodri is the Honorary Treasurer of the UKAEL and Chair of the EU Law Committee of the Bar Council for 2018.

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