



PAUL SKINNER

MAIN AREAS OF PRACTICE:

Arbitration
Commercial Law
Community Care
Competition and Regulation
Discrimination and Equality
Education
Employment Law
Environmental Law and Natural Resources
EU Law
Healthcare, Mental health and Mental Capacity
Human Rights
Immigration, Asylum and Free Movement
Injunctions
Local Government
Public and Private International Law
Public Law
Media and Information Law
Mediation
Sports Law

Called to the Bar 2010

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Practice Manager
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Recognised as a leading junior “with excellent judgement” and as “a safe and knowledgeable pair of hands who is empathetic towards clients” (Legal 500, 2020), Paul has a broad practice encompassing [public law](#), [human rights](#), [immigration](#), [education](#), [commercial](#), [competition and regulation](#), [employment](#), [environment](#) and [information law and data protection](#).

Paul is regularly instructed in high-profile and complex cases, including one of The Lawyer’s Top 20 Cases this year, and has appeared unled on numerous occasions before the Court of Appeal. He also has a busy practice as a junior as part of a counsel team. Paul has been appointed to the Attorney General’s panel of counsel.

PUBLIC LAW

Paul’s public law practice covers areas which principally affect individuals, and areas principally affecting business. Paul’s current practice includes significant Brexit-related work, which includes aspects of both. He is ranked in the legal directories as a leading junior in administrative and public law and immigration law.

Individuals

Of public law areas affecting individuals, Paul has particular expertise in:

- [Community care](#)
- [Discrimination and equality](#)
- [Education](#)
- [Immigration, immigration detention, asylum and nationality](#)
- [Information, data protection, privacy and freedom of expression](#)
- [Healthcare](#) (including mental health and Court of Protection)
- [Human rights](#)

- [Local government](#)
- National security and terrorism
- [Prison law](#)
- [Police law](#)
- [Public international law](#)
- Social security and welfare benefits

Notable and recent cases in these areas include:

- ***R (Bell) v The Tavistock and Portman NHS Foundation Trust*** (2020, ongoing) – Challenge to the ability of children with gender dysphoria to consent to hormone blocking treatment
- ***R (English Democrats) v The Prime Minister*** (2020, ongoing) – Wholesale challenge to Covid-19 lockdown regulations.
- ***R (Joshi) v Secretary of State for Health and Social Care*** (2020, ongoing) – Challenge in relation to provision of PPE for healthcare workers during coronavirus pandemic and disproportionate impact on BAME communities and healthcare workers
- ***R (Paget) v Secretary of State for Health and Social Care*** (2020, settled) – Challenge to coronavirus lockdown on grounds breaches Claimant's right to marry under Art 12 ECHR
- Advising in relation to quarantine requirements when travelling to the UK during coronavirus pandemic
- ***R (Petek) v Secretary of State for Work and Pensions*** (2020, settled) – Challenge to the re-imposition of Universal Credit work search requirements
- ***R (Vincent) v Secretary of State for Work and Pensions*** [2020] EWHC 1976 (Admin) – Disability discrimination challenge to the conversion of Support for Mortgage Interest into a loan repayable on sale of a claimant's home
- ***PF v Disclosure and Barring Service*** [2020] UKUT 256 (AAC) – Test case before the Presidential panel on the scope of the Tribunal's jurisdiction in error of fact cases
- ***Andrew Lownie v Cabinet Office*** (2020) – claim for failing to comply with data subject access request (settled)
- ***Demirtaş and others v Turkey*** (2019) 69 EHRR 27 – Instructed as sole counsel by Article 19 and Human Rights Watch in their intervention in this important case relating to the removal of Parliamentary immunity and the arrest and detention of Turkish (and in particular Kurdish) MPs (Grand Chamber judgment pending)
- ***Department for Transport v Information Commissioner*** (2020) – ongoing appeal in relation to decision that civil service staff surveys be released pursuant to freedom of information request
- ***R (Parkin) v Secretary of State for Work and Pensions*** [2019] EWHC 2356 (Admin), [2019] ACD 138 – Disability discrimination challenge to the Universal Credit Minimum Income Floor for self-employed claimants.
- ***R (London Enterprise Academy) v OFSTED*** [2019] EWHC 2282 (Admin) – Challenge to decision that the Claimant school was 'inadequate' and should be placed into special measures.

- ***R (Ryle) v Secretary of State for Justice*** [2019] EWHC 3031 (Admin) – Challenge to prisoner’s re-categorisation on grounds of his pending POCA proceedings.
- ***R (FDA, PCSU and Prospect) v Minister for the Cabinet Office*** [2018] EWHC 2746 (Admin) – Challenge to lack of consultation with trade unions in relation to civil service pay awards
- ***R (Buxton) v Secretary of State for Work and Pensions*** [2018] EWHC 2196 (Admin); [2019] PTSR 502 – Disability discrimination challenge to the cap on Access to Work awards
- ***R (B) v Office of the Independent Adjudicator for Higher Education*** [2018] EWHC 1971 (Admin), [2019] PTSR 769 – Successfully acted for the OIA in the lead case on decisions relating to the eligibility of complaints and the appropriate standard of review
- ***CH and KN v Secretary of State for Work and Pensions*** [2018] UKUT 330 (AAC) – Appeal as to extent to which decision makers must obtain, in determining eligibility to Personal Independence Payment, evidence submitted by a claimant in a previous claim to Disability Living Allowance.
- ***R (Gina Miller) v Secretary of State for Exiting the EU*** [2017] UKSC 5; [2018] AC 61 – Represented the ‘Expat Interveners’ in the successful challenge to the Government’s proposed notification of the UK’s intention to leave the EU without statutory authority
- ***R (MA (Pakistan)) v Upper Tribunal*** [2016] EWCA Civ 705; [2016] 1 WLR 5093 – Acted for the lead Appellants in test case on when a parent without leave to remain can rely on their non-British child’s long residence in the UK to resist removal under s.117B(6) of the Nationality, Immigration and Asylum Act 2002 and Article 8.
- ***Bytyqi v Republic of Serbia*** (ECtHR) – Advised the family of three American-Kosovan Albanians killed by Serbian police in proposed claim to the European Court of Human Rights for breach of the investigative duty under Article 2 ECHR
- ***R (LW) v Warwickshire County Council*** (2018)– Successful judicial review of local authority’s pathway plan in respect of a ‘former relevant child’
- ***X v Secretary of State for the Home Department*** (2017) – Judicial review challenge in respect of decision not to grant passport on national security grounds
- ***R (Latef) v Secretary of State for the Home Department*** – Judicial review of refusal to renew passport on basis SSHD wrongly thought applicant was British
- ***R (Zia) v Secretary of State for the Home Department*** [2015] UKUT 191 (IAC) – the leading case on when telephone advice given by Home Office advisors can create enforceable legitimate expectations
- ***El-Dinnaoui v Westminster City Council*** [2013] EWCA Civ 231; [2013] HLR 23 – leading case in relation to local authorities’ statutory duty to investigate medical conditions before determining whether accommodation provided to a homeless person is ‘suitable’

Business

Paul’s public law practice in areas affecting business spans:

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- [Broadcasting regulation](#)
- [Competition](#)
- [Consumer protection regulation](#) (including product safety, medicines and consumer credit)
- [Data protection](#)
- [Environmental regulation](#)
- [Financial services regulation](#)
- [International trade regulation](#) (anti-dumping, the EU four freedoms)
- [Public procurement](#)
- [State aid](#)

Examples of Paul's work in these areas include:

- *Churchill Gowns Ltd v Ede & Ravenscroft* (ongoing, CAT) – acting for Claimant in damages claim arising from agreements between Defendants and universities in relation to agreements for the provision of gowns and hoods at graduation ceremonies
- Advising on challenge to new Special Conditions for Subscription Services imposed on third party premium mobile product suppliers by the Phone-paid Services Authority (2019)
- Advising on alleged abuse of dominance issues in the water industry
- FCA competition investigation into asset management firms
- Advice on vertical restraints in the high-end beauty industry
- Advice on *vires* of Environment Agency to enter and damage commercial property under the Water Resources Act 1991
- *EU Commission Investigation into the dumping of Vinyl Acetate*: Successfully represented a manufacturer of vinyl acetate in the USA in European Commission investigation into its alleged dumping of the plastic on to the EU market
- *Payday lending investigations*: Represented a 'payday lender' in respect of the FSA, Competition Commission and FCA's respective investigations into the market for high-cost short-term credit
- Advice in relation to the *vires* of the Financial Services Compensation Scheme
- Advice to major debt collector in respect of extensive regulatory failings
- *FCA authorisation*: Advice in relation to proposed revocation of authorisation by the FCA
- Advice on the interplay between public procurement in a member state, the customs union created by the EU-Turkish Association Agreement and Regulation 1/95 and the free movement of goods
- Advice to a University on the acquisition of various broadcasting licenses
- Advice as to the suspension of pharmaceutical manufacture and distribution licenses under EU Regulations and Directives on the supply onto the market of counterfeit medicines
- Advice whether a joint venture shareholder agreement preventing one of the parties to it entering into a joint venture with any other party breached Article 101 TFEU

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COMMERCIAL LITIGATION AND ARBITRATION

Paul has considerable experience of a wide variety of commercial disputes and regularly appears in the Commercial Court, the Technology and Construction Court and the Chancery Division. As well as the full range of commercial contractual and tortious disputes (including conspiracy and other economic torts), Paul has particular expertise in banking, EU law related and multi-party commercial disputes, as well as related conflicts of laws issues and directors' duties and other commercial employment issues.

Paul is currently writing the practitioners' text on *Abuse of Process* for Oxford University Press and has contributed to the leading loose-leaf text on consumer credit law, *Goode, Consumer Credit: Law and Practice*.

Paul has experience of obtaining freezing orders and other injunctions at short notice to recover, secure and trace at-risk assets and to unwind fraudulent transactions.

Recent and notable cases include:

- ***Vadim Don Benyatov v Credit Suisse Securities (Europe) Ltd*** [2020] EWHC 85 (QB) (No 1); [2020] EWHC 313 (QB) (No 2); [2020] EWHC 682 (QB), [2020] 1 WLR 2913 (No 3) – One of The Lawyer's Top 20 Cases of 2020 this multi-million pound claim for breach of contract, failure to indemnify and breach of the duty of care for pure economic losses arises out of the Claimant's conviction in Romania while working there on privatisations of Romanian state utilities for the Defendant.
- Acted in complex asset tracing claim, including to reverse gift of property to defraud creditors under section 423 of the Insolvency Act 1981 and associated freezing order applications
- ***Geared Traded Endowment Policies Litigation*** – On-going multi-party multimillion-pound claim in relation to loans entered into to gear investments in Traded Endowment Policies
- ***Burrell v Helical (Bramshott Place) Ltd*** [2015] EWHC 3727 (Ch); [2017] ECC 3 – leading claim in respect of the meaning of "credit" in the Consumer Credit Act 1974 and whether exit fees in leases of properties in retirement villages were unfair terms
- ***The Bomu-Bonny Oil Pipeline Litigation*** (TCC): Part of the counsel team for the Defendant in this group litigation relating to oil spills in the Niger Delta, involving a variety of private international law issues
- ***The PIP Breast Implant Litigation*** (QB): Instructed to defend contractual claims against a clinic in respect of breast implants used which were of unsatisfactory quality.
- ***Waterland v Bank of Scotland plc*** (ChD, settled): Sole counsel in claim in respect of wrongful conversion of various secured lending facilities from Sterling into Swiss Francs (settled at mediation)
- ***Hills-Smith v Steiner*** (Admiralty Court): Claim for breach of contract occurring in international waters, involving a variety of jurisdiction and applicable law issues
- Injunctive proceedings in support of an arbitration relating to the breakdown of a dental practice
- ***Interest Rate Hedging Products***: Advice to a major retail bank in respect of a number of missold interest rate hedging products and in

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particular the extent of recoverable losses and applicable principles of causation

- Advising on claim for breach of copyright by song-writer in respect of well-known number 1 hit

EMPLOYMENT AND DISCRIMINATION

Paul has experience of various employment related matters, including discrimination, TUPE transfers, restrictive covenants, whistleblowing and unfair dismissal claims and has represented both claimants and respondents in multi-day Employment Tribunal proceedings and the EAT. He is also fully familiar with duties imposed by the Equality Act 2010 outside of (as well as within) the work context, including local authority equality duties and the duties imposed in the provision of services.

Recent and current cases include:

- ***Benyaton v Credit Suisse Securities (Europe) Ltd*** [2020] EWHC 85 (QB) (No 1); [2020] EWHC 313 (QB) (No 2); [2020] EWHC 682 (QB), [2020] 1 WLR 2913 (No 3) – One of The Lawyer's Top 20 Cases of 2020, this on-going High Court claim for £47million is brought by a banker against his former employer in respect of the consequences of his prosecution and conviction for espionage while working for the bank in Romania. Involves issues as to the scope of an employer's duty for employee's economic losses and the implied indemnity in employment contracts.
- ***Hopkins v Secretary of State for Justice*** (2019) – Successfully defended high-profile whistleblowing claim by analyst whose research indicated that the Sex Offender Treatment Programme in prisons may increase the likelihood of reoffending

Paul was previously instructed on the *Construction Industry Vetting Information Group Litigation*. He also regularly gives advice to HR professionals on data protection and modern slavery.

ENVIRONMENTAL LAW

Paul has experience is a variety of environmental law disputes, both civil and criminal. He is currently part of the team bringing a group action in relation to oil pollution in Colombia (***Bravo v Amerisur plc*** [2020] EWHC 203 (QB)) and was part of the team of counsel defending ***The Bomy-Bonny Oil Pipeline Litigation***, a 15,000 plus claimant international environmental group action arising out of a major oil spill in Nigeria. He has also recently both defended Environment Agency prosecutions and advised as to the EA's powers to enter land and damage property under the Water Resources Act 1991.

EDUCATION AND PRIOR EXPERIENCE

Paul had a first career as a professional musician. He holds a first-class music degree and licentiate diploma from the Royal Academy of Music, London, and was Woodwind finalist in BBC Young Musician of the Year.

Paul subsequently studied for an accelerated 2-year law degree at Cambridge and undertook the Bar Vocational Course at BPP Law School.

In 2011/12, Paul spent a year as Judicial Assistant to Lord Dyson and Lord Walker at the UK Supreme Court. Prior to this he worked at the European Court of Human Rights.

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Paul was a lecturer in law at the Open University from 2010-2012.

PUBLICATIONS

Abuse of Process (forthcoming, Oxford University Press)

'Caveat creditor: difficulties in unfair relationship claims' (2016) 30
Butterworths Journal of International Banking and Financial Law 555

'Retrospective Invalidation of Administrative Decisions – The Reverse Second
Actor' (2014) 130 Law Quarterly Review 382

'Freedom of expression, subsidiarity and "no win no fee" agreements' [2011]
EHRLR 329

'Trigger Happy' (2010) 154(42) SJ 16

MEMBERSHIPS

ALBA

Freebar

South Eastern Circuit

Paul accepts instructions 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](#).