



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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Paul's practice spans the full range of [public](#), [human rights](#) and [commercial law](#) as well as allied areas, including [competition and regulation](#), [employment](#), [EU](#) and [international law](#), [environmental](#), [media](#) and [sports law](#). He is regularly instructed in complex cases on his own and has a busy practice as a junior. His clients include individuals and businesses, NGOs and public bodies.

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.

Individuals

In respect of areas affecting individuals, Paul has particular expertise in:

- [Community care](#)
- [Discrimination and equality](#)
- [Education](#)
- [Immigration, asylum and nationality](#)
- [Information, data protection, privacy and freedom of expression](#)
- [Inquests and inquiries](#)
- [Healthcare](#) (including mental health and Court of Protection)
- Housing
- [Human rights](#)
- [Local government](#)
- National security and terrorism
- [Prison law](#)
- [Police law](#)
- Professional discipline
- [Public international law](#)
- Social security

Notable and recent cases in these areas include:

- *R(Gina Miller) v Secretary of State for Exiting the EU* [2017] UKSC 5 – 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 (on appeal to Supreme Court) – 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
- *Demirtaş and others v Turkey* (ECtHR) – Represent (as sole counsel) Article 19 and Human Rights Watch in their intervention in this important case relating to the removal of Turkish MPs' Parliamentary immunity and their arrest and detention.
- *R(LW) v Warwickshire County Council* – Successful judicial review of local authority's pathway plan in respect of a 'former relevant child'
- *R(DH) v Secretary of State for the Home Department* – On-going judicial review of the legality of the Claimant's immigration detention.
- *R(ZV) v SSHD* – On-going judicial review in relation to legality of detention of victim of trafficking
- *Various v NHS Trust* – Represents an NHS Trust in respect of alleged breaches of Articles 2, 3 and 8 ECHR
- *X v Secretary of State for the Home Department* – 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 and another) 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 – leading case in relation to local authorities' statutory duty to investigate medical conditions before determining whether accommodation provided to a homeless person is 'suitable'
- UN Treaty Negotiations – Paul has provided real-time advice to two NGOs in relation to negotiations of UN Treaties

Business

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

- [Broadcasting regulation](#)
- [Competition](#)
- [Consumer protection regulation](#) (including product safety, medicines and consumer credit)
- [Data protection](#)
- [Environmental regulation](#)
- [Financial services regulation](#)

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- [International trade regulation](#) (anti-dumping, the EU four freedoms)
- [Public procurement](#)
- [State aid](#)

Examples of Paul's work in these areas include:

- Advice on *vires* of Environment Agency to enter and damage commercial property under the Water Resources Act 1991
- *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 higher education consortium on whether funding for enterprise scheme constituted unlawful state aid
- Advice to an internationally renowned arts organisation as to whether local authority grant constituted unlawful state aid
- Advice to a University on the acquisition of various broadcasting licenses
- Advice in relation to the *vires* of the Financial Services Compensation Scheme
- 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

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 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 is a contributor to the leading loose-leaf text on consumer credit, *Goode, Consumer Credit: Law and Practice*.

Paul has considerable 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 cases include:

- Injunctive proceedings in support of an arbitration relating to the breakdown of a dental practice
- *Burrell v Helical (Bramshott Place) Ltd* [2015] EWHC 3727 (Ch) – 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
- *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
- Commercial Court contract claim, defended on basis the contracts were shams
- Acted in complex asset tracing claim, including to reverse gift of property to defraud creditors under section 423 of the Insolvency Act 1981, associated freezing order applications
- *Waterland v Bank of Scotland plc* (ChD): Sole counsel in claim in respect of wrongful conversion of various secured lending facilities from Sterling into Swiss Francs (settled at mediation)
- Advice on scope of accountant’s professional indemnity insurance
- *Interest Rate Hedging Products*: Advice to a major retail bank in respect of a number of missold interest rate hedging products and in particular the extent of recoverable losses and applicable principles of causation
- Advised on claim for breach of copyright by song-writer in respect of well-known number 1 hit
- *Financial Ombudsman Service complaints*: Regularly advises and drafts representations by both complainants and respondents in relation to complaints to the FOS and has advised on judicial review of FOS Final Determinations
- *Various consumer credit disputes*: Instructed in claims covering the whole range of issues under the CCA and related Regulations and provisions of the FCA handbook, including non-compliance with ss.60-64, 77-78 and 87-88 of the CCA, unfair relationships under ss.140A of the CCA, time orders, unfair terms in consumer contracts claims, penalty clauses
- *Hills-Smith v Steiner* (Admiralty Court): Claim for breach of contract occurring in international waters, involving a variety of jurisdiction and applicable law issues
- *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.
- *Shaw v Stryker Corp*: Jurisdiction dispute in relation to contract for supply of hip replacements

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ENVIRONMENTAL LAW

Paul has experience in a variety of environmental law disputes, both civil and criminal. He 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 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.

MEDIA, SPORT AND ENTERTAINMENT

Paul practises in all areas of media and information law. Paul worked extensively on *MGN Ltd v United Kingdom* [2011] EMLR 20 (on costs and freedom of expression) when he worked in the Registry of the European Court of Human Rights and was instructed in respect of *the Construction Industry Vetting Information Group Litigation*, a large claim for breach of the Data Protection Act 1998. He also has experience of defamation and breach of confidence proceedings, music copyright and professional discipline proceedings in respect of sports persons.

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.

Paul was instructed on the *Construction Industry Vetting Information Group Litigation*. He has given advice to HR professionals on data protection and modern slavery and has also responded to many employment queries posed by members of the public to Liberty.

EDUCATION AND PRIOR EXPERIENCE

Paul holds a first class music degree and licentiate diploma from the Royal Academy of Music, London, and had a first career as a professional musician. He subsequently studied for an accelerated 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.

Paul is a former associate 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

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'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, details of which can be found on our website under Code of Conduct.