

# Paul Luckhurst

*“Paul is absolutely fantastic. His advice is always clear and well structured, and he has a knack for presenting even the most complicated arguments in a manner that is both simple and compelling.”*

– CHAMBERS AND PARTNERS, 2024

Year of call: 2009  
Degree: BA in History and Politics (Oxford University) (double first & top of year); MPhil (Cambridge University); Graduate Diploma in Law (City University) (distinction); Bar Vocational Course (BPP Law School) (outstanding).



Paul is recommended in the legal directories for competition law, public law, financial services, public international law, international human rights law, EU law, civil liberties and human rights, and group litigation. Recent editions report: "Paul is absolutely fantastic... he has a knack for presenting even the most complicated arguments in a manner that is both simple and compelling"; "He is fiercely clever, very accessible and a real pleasure to work with" (Chambers UK, 2024); "A tremendous junior: intelligent, analytical and precise. Clients warm to him" (Legal 500, 2024); "Clearly a star in the field, with a calm and persuasive advocacy style" (Legal 500, 2023); "a powerful, calm, and thorough advocate"; "He is incredibly smart and a pleasure to work with" (Chambers UK, 2022); "He has a Ferrari of a mind - he just purrs and everything seems effortless - a sign of a real quality barrister and a silk in the making"; "Working with Paul is exceptional, when working with him you know that the case is in very good hands" (Legal 500, 2022); "One of the most talented junior barristers I have ever worked with... there is no question that he will go all the way to being a top silk. He has all the attributes" (Legal 500, 2021).

Paul is regularly instructed in high profile commercial and public law cases. He has been appointed to the Attorney General's A Panel and the Public International Law B Panel.

## EXPERIENCE

### Competition

Paul's experience includes competition damages claims, challenges to merger decisions and CMA investigations, and competition issues arising in a regulatory context in the utilities and telecoms sectors. He has been instructed in some of the largest competition damages claims before the UK courts.

*“Paul's in-depth competition law expertise enables him to deliver sophisticated and balanced advice, as well as impacting advocacy.”*

– CHAMBERS AND PARTNERS, 2024

Paul is recommended for competition law in Chambers and Partners and Legal 500. Comments include: "Paul's in-depth competition law expertise enables him to deliver sophisticated and balanced advice, as well as impacting advocacy"; "He is fiercely clever, very accessible and a real pleasure to work with"; "Paul balances excellent attention to detail, with concise and clear-minded advice" (Chambers and Partners, 2024); "Paul is super intelligent and very thoughtful; his advice is always robust and thought through. He is an intellectual barrister who is great for a frank discussion." (Chambers and Partners, 2023); "He has a Ferrari of mind - he just purrs and everything seems effortless - a sign of a real quality barrister and a silk in the making" (Legal 500, 2022); "He really keeps the client in mind, and his strategic and practical commercial advice are his strengths" (Chambers and Partners, 2022); "One of the most talented junior barristers I have ever worked with... there is no question that he will go all the way to being a top silk. He has all the attributes... An outstanding all-rounder" (Legal 500, 2021).

## Cases

### **Airwave Solutions Limited v CMA**

[2023] CAT 76

Acted for Motorola in its application under section 179 of the Enterprise Act 2002 for review of the CMA's decision to impose a price control remedy on Motorola in respect of its provision of communications network services to the UK emergency services (led by Mark Hoskins KC).

### **Spottiswoode v Nexans France S.A.S. & others**

(2023)

Acting for Nexans in proposed collective proceedings arising from the Commission's finding of an infringement in Case AT.39610 Power Cables (led by Tony Singla KC).

### **Secretary of State for Health and Social Care & others v Lundbeck Ltd & others**

(2023)

Acting for Lundbeck in a follow on damages claim arising from patent dispute settlement agreements concerning pharmaceutical products, which were found by the European Commission to breach Article 101 TFEU.

### **Evans v Barclays Bank Plc & others**

[2023] EWCA Civ 876 (Court of Appeal); [2022] CAT 16 (Competition Appeal Tribunal)

Acting for UBS in collective proceedings before the Competition Appeal Tribunal arising out of European Commission decisions concerning conduct in FX markets (led by Brian Kennelly KC).

### **Merricks v Mastercard Incorporated & Others**

Acting for the class representative Mr Merricks in collective proceedings seeking damages for consumers arising from interchange fees charged by the defendants (led by Marie Demetriou KC).

### **Viegas and Sanches v Cutrale & Others**

[2021] EWHC 1340 (Comm); [2021] EWHC 2956 (Comm)

Acting for the defendants in a competition damages claim regarding alleged breach of Brazilian competition law in respect of orange juice production (led by Brian Kennelly KC).

### **Federal Deposit Insurance Corporation v Barclays Bank Plc and Others**

[2020] EWHC 2001 (Ch)

Acting for UBS in its defence of this claim on behalf of 39 US banks for alleged breach of Article 101 TFEU, arising out of the alleged suppression of USD LIBOR (led by Brian Kennelly KC).

### **London Array Ltd & Others v Nexans France SAS & Another**

Acting for the defendant in a claim concerning alleged damage caused by a cartel in the high voltage power cables sector (led by Tony Singla KC).

### **Airwave Solutions Ltd, Motorola Solutions UK Ltd & Anr v CMA**

[2022] CAT 4

Acted for Motorola in its challenge to the CMA's decision to make a market reference under section 131 of the Enterprise Act 2002 in respect of the Airwave network used by the emergency services for secure communications (led by Brian Kennelly KC).

### **Allianz Global Investors GmbH and Others v Barclays Bank Plc and Others**

[2020] EWHC 626 (Comm); [2020] EWHC 2187 (Comm); [2021] EWHC 399 (Comm)

Acted for UBS in this damages claim against six banks arising out of alleged breach of competition law in relation to FX benchmark rates and bid/ask spreads (led by Brian Kennelly KC).

### **Ecolab Inc v Competition and Markets Authority**

[2020] CAT 12

Acted for Ecolab in its challenge to a CMA merger decision before the Competition Appeal Tribunal (led by Brian Kennelly KC).

### **LCIA Arbitration**

(2016-2017)

Acted for the respondent in relation to a claim concerning airport charges in an EU Member State and a counterclaim for alleged abuse of dominance contrary to Article 102 TFEU (led by Brian Kennelly KC).

### LCD Panels

Acted for three of the defendants in a follow on damages claim arising out of the European Commission's 2010 Decision concerning a cartel in the worldwide market for LCD panels (led by Thomas De La Mare KC).

### London Welsh promotion appeal

Acted for the interested party in proceedings in which it was claimed that the rules of the Rugby Football Union governing promotion to the Premiership infringed Articles 101 and 102 TFEU (led by Adam Lewis KC).

## Public & Regulatory

Paul has a wide ranging public law practice. He acts for claimants and defendants, including individuals, companies, regulators, and the government.

Paul is on the Attorney General's A Panel and was an editor for the journal *Judicial Review* from 2013 to 2016.

His public law experience includes cases where there is overlap with competition law, including challenges to merger decisions and competition issues arising in a regulatory context in the utilities and telecoms sectors.

Comments in the legal directories include: "A tremendous junior: intelligent, analytical and precise. Clients warm to him" (Legal 500, 2024); "Paul is excellent with technical points of law. He is easy to work with and is very diligent and hardworking" (Legal 500, 2023); "Working with Paul is exceptional, when working with him you know that the case is in very good hands" (Legal 500, 2022); "He has an incredible strength for honing in on the detail early on and following it through to completion" (Legal 500, 2021); "Excellent for mapping out the strategy in a dispute" (Legal 500, 2020).

***"A tremendous junior: intelligent, analytical and precise. Clients warm to him."***

— LEGAL 500, 2024

## Cases

### Airwave Solutions Limited v CMA

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Acted for Motorola in its application under section 179 of the Enterprise Act 2002 for review of the CMA's decision to impose a price control remedy on Motorola in respect of its provision of communications network services to the UK emergency services (led by Mark Hoskins KC).

### Amazon Services Europe v European Commission

Case T-367/23

Acting for Amazon in its application for annulment concerning its designation as a Very Large Online Platform under the EU's Digital Services Act (assisting Robert Spano of Gibson Dunn).

### **R (Nexperia B.V.) v Secretary of State in the Cabinet Office**

(2022-2023)

Acting for the claimant in a challenge to a divestment order made under the National Security and Investment Act 2021 in relation to a silicon wafer manufacturing plant (led by Lord Pannick KC).

### **R (Coulter) v Secretary of State for Justice**

(2023)

Acted for the Secretary of State to defend a decision to maintain a prisoner's Category A security classification.

### **R (L1T FM Holding UK Ltd) v Secretary of State in the Cabinet Office**

(2022-2023)

Acting for the claimants (part of the LetterOne group of companies) in a challenge to a divestment order made under the National Security and Investment Act 2021 (led by Tom Hickman KC).

### **AAA & Others v Secretary of State for the Home Department**

[2022] EWHC 1922 (Admin) (Divisional Court); [2023] EWCA Civ 745 (Court of Appeal)

Acted for eleven claimants in a challenge to the Secretary of State's decisions to remove certain asylum seekers to Rwanda (led by Raza Husain KC, Phillippa Kaufmann KC, and Sam Grodzinski KC).

### **Benkharbouche and Janah v United Kingdom**

5 Apr 2022 (App Nos. 19059/18 & 19725/18)

Represented both applicants in this successful claim against the UK for damages on the grounds that the State Immunity Act 1978 was contrary to customary international law and therefore a breach of Articles 6 and 14 ECHR.

### **Airwave Solutions Ltd, Motorola Solutions UK Ltd & Anr v CMA**

[2022] CAT 4

Acted for Motorola in its challenge to the CMA's decision to make a market reference under section 131 of the Enterprise Act 2002 in respect of the Airwave network used by the emergency services for secure communications (led by Brian Kennelly KC).

### **R (Motor Insurers' Bureau & ors) v Secretary of State for Transport**

Acted for the Secretary of State in a judicial review concerning an alleged failure to implement the Motor Insurance Directive (led by Brian Kennelly KC).

### **R (Western Sahara Campaign UK) v (1) Secretary of State for International Trade; (2) Her Majesty's Treasury**

[2022] EWHC 3108 (Admin)

Acted for the Defendants in this challenge to the lawfulness of the United Kingdom's international trade agreement with Morocco (led by Sir James Eadie KC).

### **Ola UK Private Ltd v Transport for London**

Acted for Ola in its appeal against TfL's decision not to renew its private hire operator licence (led by Tom de la Mare KC).

### **R (Wild Justice) v Natural England**

Acted for the respondent in this judicial review challenge to a wildlife licensing regime.

### **Ecolab Inc v Competition and Markets Authority**

[2020] CAT 12

Acted for Ecolab in its challenge to a CMA merger decision before the Competition Appeal Tribunal (led by Brian Kennelly KC).

### **Case 395/17 European Commission v Kingdom of the Netherlands**

ECLI:EU:C:2019:918

Appeared before the CJEU as sole advocate for the United Kingdom in its intervention in infraction proceedings against the Netherlands in which the Commission sought to establish the liability of the Member State for losses caused by the actions of the customs authorities of its overseas territory.

### **Janah v Libya; Benkharbouche v Sudan**

[2019] AC 777 (Supreme Court); [2016] QB 347 (Court of Appeal); [2014] ICR 169 (EAT)

Acted for the claimants in these successful challenges to the barring of their employment claims by the State Immunity Act, which resulted in the Act being declared incompatible with Articles 6 and 14 ECHR and disapplied pursuant to the EU Charter (led by Timothy Otty KC).

### **Reyes v Al-Malki**

[2019] AC 735 (Supreme Court); [2016] 1 WLR 1785 (Court of Appeal); [2014] ICR 135 (EAT)

Represented the claimant in her successful challenge to the availability of diplomatic immunity as a defence to a claim of human trafficking brought by a domestic worker (led by Timothy Otty KC).

### **R (Hoareau & Bancoult) v SSFCA**

[2020] EWCA Civ 1010

Acting for Ms Hoareau in litigation brought by former inhabitants of the Chagos Islands against the British Government arising out of their expulsion from the Islands (led by Ben Jaffey KC).

### **Bermuda Bar Council v Walkers (Bermuda) Ltd**

[2019] UKPC 25

Privy Council appeal concerning the regulation of foreign control of companies incorporated in Bermuda (led by Lord Pannick KC).

### **R (Langton) v (1) Secretary of State for Environment, Food and Rural Affairs; (2) Natural England**

[2020] Env LR 10 (Court of Appeal); [2019] Env LR 9 (High Court)

Acted for Natural England in this case concerning the Habitats Regulations.

### **R (RSPB & anr) v Natural England**

[2022] Env LR 15 (Court of Appeal); [2020] Env LR 2 (High Court)

Acted for Natural England in this case concerning the Wild Birds Directive.

### **R (Langton) v Natural England & SSEFRA**

[2020] Env LR 1

Acted for Natural England in this case concerning the protection of sites of special scientific interest (SSSIs).

### **Martland v HMRC**

[2018] UKUT 0178 (TCC)

Upper Tribunal case providing guidance on the scope of the statutory jurisdiction to admit out of time challenges to tax assessments.

### **R (Jimenez) v HMRC**

[2019] EWCA Civ 51 (Court of Appeal); [2018] 1 WLR 2017 (High Court)

Acted for the taxpayer in this challenge to an extra-territorial information notice on the grounds that HMRC had no power to issue the notice, having regard to principles of public international law concerning the extra-territorial exercise of enforcement jurisdiction (led by Rory Mullan).

**Case C-391/17 European Commission v United Kingdom**

ECLI:EU:C:2019:919

Appeared as sole advocate for the UK in infraction proceedings before the Grand Chamber of the Court of Justice concerning losses alleged to have been caused by the customs authorities of Anguilla, a British overseas territory.

**Case C-266/16 Western Sahara Campaign UK v DEFRA and HMRC**

EU:C:2018:118; [2019] EWHC 684 (Admin)

Acted for DEFRA and HMRC in this case concerning the lawfulness of the EU Fisheries Partnership Agreement and Association Agreement with Morocco, in light of the Moroccan presence in Western Sahara (led by Brian Kennelly KC).

**R (Project Management Institute) v Minister for the Cabinet Office**

[2016] 1 WLR 1737 (Court of Appeal); [2014] EWHC 2438 (Admin)

Acted for the interested party in this claim concerning the decision of the Privy Council to recommend the grant of a Royal Charter to a professional body (led by Michael Fordham QC).

**A Company v United Kingdom**

Acted for a company in relation to a potential complaint to the European Court of Human Rights concerning legislation that interferes with the right to property under Article 1 of the First Protocol (led by Lord Pannick KC).

**R (Crookenden) v Institute of Chartered Accountants for England and Wales**

[2013] EWHC 1909 (Admin)

Acted for the Institute in its defence of this application for judicial review based on allegations of bias and breach of Article 6 ECHR in the course of disciplinary proceedings against the claimant (led by Kate Gallafent KC).

**Mobile Phone Spectrum**

Acted for Vodafone on issues arising from Ofcom's proposed auction and liberalisation of mobile phone spectra (led by Michael Fordham QC).

**Public International Law**

Paul's public international law experience includes cases concerning state immunity, diplomatic immunity, international humanitarian law, trade agreements, and the status of Non-Self-Governing Territories. He has been appointed to the Attorney General's Public International Law B Panel. In addition to the UK Government, Paul has acted for companies, individuals, international organisations such as UNHCR, and other States.

*“Paul is a very high quality junior, surely destined for silk. He has laser-sharp intelligence.”*

— LEGAL 500, 2024



Comments in the legal directories include: "Paul is a very high quality junior, surely destined for silk. He has laser-sharp intelligence" (Legal 500, 2024); "Clearly a star in the field, with a calm and persuasive advocacy style" (Legal 500, 2023); "A junior with a very bright future in public international law matters" (Legal 500, 2022); "A diligent and conscientious advocate, great to work with and possesses excellent drafting skills" (Legal 500, 2021); "Extremely capable and knowledgeable in the field of state immunity" (Legal 500, 2020); "Has a deep knowledge of public international law and his drafting is first class" (Legal 500, 2019).

## Cases

### **Ukraine v Russia (X)**

(2022-2023)

Acting for the UK Government in its intervention in an inter-State application brought by Ukraine against Russia in the ECtHR following Russia's invasion of Ukraine commencing in 2022 (led by Sir James Eadie KC).

### **AAA & Others v Secretary of State for the Home Department**

[2022] EWHC 1922 (Admin) (Divisional Court); [2023] EWCA Civ 745 (Court of Appeal)

Acted for eleven claimants in a challenge to the Secretary of State's decisions to remove certain asylum seekers to Rwanda (led by Raza Husain KC, Phillippa Kaufmann KC, and Sam Grodzinski KC).

### **His Majesty Juan Carlos I v Sayn-Wittgenstein-Sayn**

[2022] EWCA Civ 1052

Acted for His Majesty Juan Carlos I in an application raising issues of immunity under sections 14 and 20 of the State Immunity Act 1978 (led by Tim Otty KC).

### **Benkharbouche and Janah v United Kingdom**

5 Apr 2022 (App Nos. 19059/18 & 19725/18)

Represented both applicants in this successful claim against the UK for damages on the grounds that the State Immunity Act 1978 was contrary to customary international law and therefore a breach of Articles 6 and 14 ECHR.

### **Hashwah & Ors v Qatar National Bank (QPSC) & Ors**

[2022] EWHC 2242 (Comm)

Acting for a Defendant in a case where the Commercial Court held that the Defendants were entitled to state immunity because immunity extends to servants or agents of foreign states who are sued in respect of matters where they were acting in discharge or purported discharge of their duties as such (led by Tim Otty KC and Andrew Scott KC).

**R (Western Sahara Campaign UK) v (1) Secretary of State for International Trade; (2) Her Majesty's Treasury**

[2022] EWHC 3108 (Admin)

Acted for the Defendants in this challenge to the lawfulness of the United Kingdom's international trade agreement with Morocco (led by Sir James Eadie KC).

**Wong v Basfar**

[2023] AC 33 (Supreme Court)

Acted for an alleged victim of modern slavery in this Supreme Court appeal, which established that a diplomat cannot assert immunity to defeat a claim by an employee who has been held in conditions of modern slavery (led by Tim Otty KC).

**Case 395/17 European Commission v Kingdom of the Netherlands**

ECLI:EU:C:2019:918

Appeared before the CJEU as sole advocate for the United Kingdom in its intervention in infraction proceedings against the Netherlands in which the Commission sought to establish the liability of the Member State for losses caused by the actions of the customs authorities of its overseas territory.

**Heiser & others v The Islamic Republic of Iran & another**

[2020] EWHC 3757 (QB)

Acted for the Claimants in this case raising issues of state immunity, recognition of US court judgments in the United Kingdom, and compliance with US sanctions against Iran.

**R (Hoareau & Bancout) v SSFCA**

[2020] EWCA Civ 1010

Acting for Ms Hoareau in litigation brought by former inhabitants of the Chagos Islands against the British Government arising out of their expulsion from the Islands (led by Ben Jaffey KC).

**Janah v Libya; Benkharbouche v Sudan**

[2019] AC 777 (Supreme Court); [2016] QB 347 (Court of Appeal); [2014] ICR 169 (EAT)

Acted for the claimants in these successful challenges to the barring of their employment claims by the State Immunity Act, which resulted in the Act being declared incompatible with Articles 6 and 14 ECHR and disapplied pursuant to the EU Charter (led by Timothy Otty KC).

**Reyes v Al-Malki**

[2019] AC 735 (Supreme Court); [2016] 1 WLR 1785 (Court of Appeal); [2014] ICR 135 (EAT)

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EU:C:2018:118; [2019] EWHC 684 (Admin)

Acted for DEFRA and HMRC in this case concerning the lawfulness of the EU Fisheries Partnership Agreement and Association Agreement with Morocco, in light of the Moroccan presence in Western Sahara (led by Brian Kennelly KC).

**Ministry of Defence v Mohammed**

[2017] AC 821 (Supreme Court); [2016] 2 WLR 247 (Court of Appeal); [2014] EWHC 1369 (High Court)

Acted for three of the claimants in these claims concerning the relationship between international law and Article 5 of the European Convention on Human Rights in the context of detention by HM Forces engaged in peacekeeping operations in Iraq and Afghanistan. The issues included whether there is a power to detain in non-international armed conflicts under customary international humanitarian law and the interpretation of United Nations Security Council Resolutions (led by Shaheed Fatima KC).

**SXH v CPS (UNHCR Intervening)**

[2017] 1 WLR 1401 (Supreme Court)

Acted for the United Nations High Commissioner for Refugees in its intervention in this case concerning refugees' protection against prosecution under Article 31 of the 1951 Refugee Convention (led by Raza Husain KC).

**Palladyne International Asset Management B.V. v Upper Brook (A) Limited and others**

Acted for the claimant in relation to litigation in the Cayman Islands in which the claimant challenged the validity of shareholder resolutions on the grounds that they breached United Nations sanctions freezing shares owned by Libyan state entities (assisting Brian Kennelly KC).

## IAA & Others v UK

(App. No. 25960/13) 31 Mar 2016

Acted for the claimants in this application to the European Court of Human Rights, which concerned the extra-territorial application of Article 8 ECHR in the context of family reunification (led by Raza Husain KC).

## Financial Services & Banking

Paul has acted both for and against financial services regulators, including the UK Financial Conduct Authority, the Hong Kong Securities and Futures Commission, and the European Securities and Markets Authority.

In addition to contentious and advisory work in the regulatory context, Paul has considerable experience of commercial litigation in the financial services sector.

Paul is recommended for financial services law in Chambers and Partners and Legal 500. Comments include: "Paul's strengths are clarity of thought and expression, as well as extremely good drafting, Paul is a thinker and is always a good choice to guide through tricky issues" (Legal 500, 2024); "He's very smart, very responsive and collaborative" (Chambers and Partners, 2024); "Paul is an excellent advocate. He is very good on the detail and very knowledgeable on the subject matter" (Legal 500, 2023); "A very bright advocate and a strategic thinker. He understands the FCA process and provides good cogent, coherent advice" (Legal 500, 2022); "he has great experience in financial services law" (Legal 500, 2021); "He has been involved in some of the highest profile FCA cases to date and his knowledge of the authority's enforcement process is second to none" (Legal 500, 2020); "He consistently stuns me with his intellectual acumen, common sense and strategic thinking" (Legal 500, 2019).

***"Paul's strengths are clarity of thought and expression, as well as extremely good drafting, Paul is a thinker and is always a good choice to guide through tricky issues."***

— LEGAL 500, 2024

## Cases

### FCA v Sir Christopher Gent

Final Notice (5.8.2022)

Acted for Sir Christopher Gent in FCA proceedings concerning breach of the Market Abuse Regulation (led by Javan Herberg KC).

### FCA v An individual

Acted for the former CEO of an insurance company in relation to an FCA investigation concerning alleged breach of Principle 1 (integrity), Principle 2 (due skill, care, and diligence), and Statement of Conduct 2 in COCON (ensuring the business complies with the requirements of the regulatory system).

### **Evans v Barclays Bank Plc & others**

[2023] EWCA Civ 876 (Court of Appeal); [2022] CAT 16 (Competition Appeal Tribunal)

Acting for UBS in collective proceedings before the Competition Appeal Tribunal arising out of European Commission decisions concerning conduct in FX markets (led by Brian Kennelly KC).

### **Federal Deposit Insurance Corporation v Barclays Bank Plc and Others**

[2020] EWHC 2001 (Ch)

Acting for UBS in its defence of this claim on behalf of 39 US banks for alleged breach of Article 101 TFEU, arising out of the alleged suppression of USD LIBOR (led by Brian Kennelly KC).

### **FCA v Andrew Tinney**

(2016-2017)

Acted for Mr Tinney, former Chief Operating Officer of Barclays Wealth, in proceedings before the FCA's Regulatory Decisions Committee in which Mr Tinney challenged the imposition of a prohibition order and public censure (led by Andrew Green KC).

### **Allianz Global Investors GmbH and Others v Barclays Bank Plc and Others**

[2020] EWHC 626 (Comm); [2020] EWHC 2187 (Comm); [2021] EWHC 399 (Comm)

Acted for UBS in this damages claim against six banks arising out of alleged breach of competition law in relation to FX benchmark rates and bid/ask spreads (led by Brian Kennelly KC).

### **FCA v Bruno Iksil**

Successfully defended Mr Iksil against allegations of misconduct related to his involvement in what became known in the press as the "London Whale" trades (led by Andrew Green KC).

### **FCA v Capital Alternatives Limited & Others**

[2016] 1 All ER 321 (Court of Appeal); [2014] 3 All ER 780 (High Court)

Acted for three of the defendants in an action brought by the FCA that raised issues as to the meaning of a collective investment scheme under section 235 of the Financial Services and Markets Act 2000 (led by Andrew Green KC).

### **FSA Mortgage Terms Investigation**

Acted for the Financial Services Authority (now the FCA) in an investigation concerning the fairness of a high street bank's mortgage terms under the Unfair Terms in Consumer Contract Regulations (led by Monica Carss-Frisk KC).

**R (British Bankers Association) v FSA and others**

[2011] Bus LR 1531

Acted for the interested party, Nemo Personal Insurance Ltd, in this case concerning the legality of a policy statement issued by the FSA regarding assessment and redress in respect of payment protection insurance sales (led by Michael Fordham QC).

## Commercial

Paul has experience of a range of commercial litigation including competition damages, shareholder disputes, commercial fraud, banking contracts, professional negligence, applications for freezing orders, and claims for injunctive relief to protect confidential information.

His recent work has included cases across a range of sectors, including financial services, aviation, energy, and hotels.

## Cases

**Spottiswoode v Nexans France S.A.S. & others**

(2023)

Acting for Nexans in proposed collective proceedings arising from the Commission's finding of an infringement in Case AT.39610 Power Cables (led by Tony Singla KC).

**Secretary of State for Health and Social Care & others v Lundbeck Ltd & others**

(2023)

Acting for Lundbeck in a follow on damages claim arising from patent dispute settlement agreements concerning pharmaceutical products, which were found by the European Commission to breach Article 101 TFEU.

**London Array Ltd & Others v Nexans France SAS & Another**

Acting for the defendant in a claim concerning alleged damage caused by a cartel in the high voltage power cables sector (led by Tony Singla KC).

**Merricks v Mastercard Incorporated & Others**

Acting for the class representative Mr Merricks in collective proceedings seeking damages for consumers arising from interchange fees charged by the defendants (led by Marie Demetriou KC).

**A Company & Ors v Russian Federation**

Acted for several corporate applicants in relation to alleged breach of the ECHR by the Russian Federation, arising from civil and criminal proceedings allegedly connected to a hostile corporate takeover (led by Shaheed Fatima KC).

**ArcelorMittal North America Holdings LLC v Ruia and others**

[2022] EWHC 2318 (Comm)

Acting for ArcelorMittal, the world's leading steel and mining business, in this \$1.5bn conspiracy claim arising out of an iron ore contract in Minnesota (led by Lord Falconer and Harish Salve KC).

**Viegas and Sanches v Cutrale & Others**

[2021] EWHC 1340 (Comm); [2021] EWHC 2956 (Comm)

Acting for the defendants in a competition damages claim regarding alleged breach of Brazilian competition law in respect of orange juice production (led by Brian Kennelly KC).

**Heiser & others v The Islamic Republic of Iran & another**

[2020] EWHC 3757 (QB)

Acted for the Claimants in this case raising issues of state immunity, recognition of US court judgments in the United Kingdom, and compliance with US sanctions against Iran.

**Evans v Barclays Bank Plc & others**

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[2019] UKPC 25

Privy Council appeal concerning the regulation of foreign control of companies incorporated in Bermuda (led by Lord Pannick KC).

**Allianz Global Investors GmbH and Others v Barclays Bank Plc and Others**

[2020] EWHC 626 (Comm); [2020] EWHC 2187 (Comm); [2021] EWHC 399 (Comm)

Acted for UBS in this damages claim against six banks arising out of alleged breach of competition law in relation to FX benchmark rates and bid/ask spreads (led by Brian Kennelly KC).

### **Allergan Inc v Amazon Medica**

[2018] EWHC 307 (QB)

Acted for an international pharmaceutical company in this application for an order to provide oral evidence and documents in support of US proceedings under the Evidence (Proceedings in Other Jurisdictions) Act 1975.

### **Federal Deposit Insurance Corporation v Barclays Bank Plc and Others**

[2020] EWHC 2001 (Ch)

Acting for UBS in its defence of this claim on behalf of 39 US banks for alleged breach of Article 101 TFEU, arising out of the alleged suppression of USD LIBOR (led by Brian Kennelly KC).

### **Arbitration under Arbitration Act 1996**

(2017-2018)

Acted for a large energy and commodities company in relation to this claim for restitution of sums overcharged in respect of the transport of aviation fuel.

### **Ryanair Limited v Hertz Europe Limited**

(2016-2018)

Acted for the claimant in this Commercial Court claim for breach of contract, named by The Lawyer as one of the top 20 cases of 2018 (led by Brian Kennelly KC).

### **Marathon Asset Management LLP v James Seddon & Others**

[2017] EWHC 300 (Comm)

Acted for the First Defendant in this claim concerning licence fee damages for alleged breach of confidence and breach of contract (led by Pushpinder Saini QC).

### **Palladyne International Asset Management B.V. v Upper Brook (A) Limited and others**

Acted for the claimant in relation to litigation in the Cayman Islands in which the claimant challenged the validity of shareholder resolutions on the grounds that they breached United Nations sanctions freezing shares owned by Libyan state entities (assisting Brian Kennelly KC).

### **LCIA Arbitration**

(2016-2017)

Acted for the respondent in relation to a claim concerning airport charges in an EU Member State and a counterclaim for alleged abuse of dominance contrary to Article 102 TFEU (led by Brian Kennelly KC).



### **Hosking v Marathon Asset Management LLP**

[2016] EWHC 2418 (Ch)

Appeal to the High Court from an arbitral award concerning remedies associated with breach of fiduciary duty (led by Pushpinder Saini QC).

### **Arbitration under CIA and Arbitration Act 1996**

(2015)

Acted for the respondent to an arbitration claim against a senior former employee for breach of post-termination restrictive covenants, including non-solicitation covenants, in the context of a successful investment firm (led by Pushpinder Saini QC).

### **Arbitration under CIA and Arbitration Act 1996**

(2014-2015)

Acted on behalf of the respondent in complex arbitration claim arising out of the retirement of a partner in an investment business, with allegations of breach of fiduciary duty and contract, conspiracy and inducing breach of contract (led by Pushpinder Saini QC).

### **LCD Panels**

Acted for three of the defendants in a follow on damages claim arising out of the European Commission's 2010 Decision concerning a cartel in the worldwide market for LCD panels (led by Thomas De La Mare KC).

### **Arbitration (under Football Association Rule K)**

(2015)

Acted for the claimant in a claim for commission under an agency agreement.

### **Arbitration (under Football Association Rule K)**

(2014)

Acted for the defendant in a claim for commission under an agency agreement.

### **Grainmarket Asset Management LLP v PGF II SA**

[2013] EWHC 1879 (Ch)

Represented the defendant in this trial concerning the construction of an agency agreement between the claimant investment manager and the Luxembourg-domiciled defendant company (led by Andrew Green KC).

## Daniel Stewart & Co Plc v Environmental Waste Controls Plc

[2013] EWHC 1763 (QB)

Represented the claimant investment bank in this four day trial concerning commission owed for services rendered in respect of the flotation on the Alternative Investment Market of the defendant company.

## EU Law

Paul has extensive experience of EU law in the domestic courts and before the Court of Justice of the European Union. He has appeared as sole advocate for the UK in infraction proceedings before the Grand Chamber of the Court of Justice.

Paul is recommended for EU law in Legal 500, with a Tier 1 ranking. Comments include: "Paul has a first class brain" (Legal 500, 2024); "Paul is extremely bright and is excellent at developing strategic advice for clients. His drafting is also very good. He is calm, capable and incisive in court" (Legal 500, 2021); "Excellent at mapping out the strategy for any dispute" (Legal 500, 2020).

Paul has been called to the Irish Bar and therefore maintains rights of audience before the EU courts.

***"Paul has a first class brain."***

— LEGAL 500, 2024

## Cases

### Amazon Services Europe v European Commission

Case T-367/23

Acting for Amazon in its application for annulment concerning its designation as a Very Large Online Platform under the EU's Digital Services Act (assisting Robert Spano of Gibson Dunn).

### R (Motor Insurers' Bureau & ors) v Secretary of State for Transport

Acted for the Secretary of State in a judicial review concerning an alleged failure to implement the Motor Insurance Directive (led by Brian Kennelly KC).

### Case 395/17 European Commission v Kingdom of the Netherlands

ECLI:EU:C:2019:918

Appeared before the CJEU as sole advocate for the United Kingdom in its intervention in infraction proceedings against the Netherlands in which the Commission sought to establish the liability of the Member State for losses caused by the actions of the customs authorities of its overseas territory.

### **Case C-391/17 European Commission v United Kingdom**

ECLI:EU:C:2019:919

Appeared as sole advocate for the UK in infraction proceedings before the Grand Chamber of the Court of Justice concerning losses alleged to have been caused by the customs authorities of Anguilla, a British overseas territory.

### **R (RSPB & anr) v Natural England**

[2022] Env LR 15 (Court of Appeal); [2020] Env LR 2 (High Court)

Acted for Natural England in this case concerning the Wild Birds Directive.

### **R (Langton) v (1) Secretary of State for Environment, Food and Rural Affairs; (2) Natural England**

[2020] Env LR 10 (Court of Appeal); [2019] Env LR 9 (High Court)

Acted for Natural England in this case concerning the Habitats Regulations.

### **Case C-266/16 Western Sahara Campaign UK v DEFRA and HMRC**

EU:C:2018:118; [2019] EWHC 684 (Admin)

Acted for DEFRA and HMRC in this case concerning the lawfulness of the EU Fisheries Partnership Agreement and Association Agreement with Morocco, in light of the Moroccan presence in Western Sahara (led by Brian Kennelly KC).

### **Case C-519/13 Alpha Bank Cyprus**

[2015] I.L.Pr. 47

Acted for the claimant in this reference to the CJEU by the Supreme Court of Cyprus concerning the interpretation of Regulation (EC) No 1393/2007 on the procedures for the cross-border service of judicial documents in civil or commercial matters (led by Brian Kennelly KC).

### **Joined Cases C-495/09 Nokia v Her Majesty's Revenue & Customs and C-446/09 Koninklijke Philips Electronics NV v Lucheng Meijing Industrial Company Ltd**

[2012] Bus LR 1850

Acted for HMRC in the Court of Justice of the European Union in this leading case on the meaning of "counterfeit goods" under the Trade Marks Directive (led by Thomas de la Mare KC).

## **Civil Liberties & Human Rights**

Paul has a wide ranging human rights practice, including claims where there is overlap with public international law. He also has particular experience in cases involving human trafficking.

***"A tremendous junior: intelligent, analytical and precise. Clients warm to him."***

– LEGAL 500, 2024

Paul's clients include individuals, NGOs, and public interest groups. His recent work has included cases before the Supreme Court and European Court of Human Rights.

Paul is recommended in both Chambers and Partners and Legal 500 for civil liberties and human rights. Comments include: "very approachable, thorough and brilliant to work with" (Chambers and Partners, 2024); "A tremendous junior: intelligent, analytical and precise. Clients warm to him" (Legal 500, 2024); "Paul has a razor-sharp intellect" (Chambers and Partners, 2023); "Paul is excellent with technical points of law. He is easy to work with and is very diligent and hardworking" (Legal 500, 2023); "Paul Luckhurst is a powerful, calm and thorough advocate"; "He is incredibly smart and a pleasure to work with" (Chambers and Partners, 2022); "He is level-headed and exceptionally clever; a rising star in human rights" (Chambers and Partners, 2021); "Very bright, with an eye for legal points that others could miss" (Legal 500, 2020); "an incredibly safe pair of hands. He is intelligent, strategic, creative and not put off by a challenge" (Chambers and Partners, 2020); "He is destined for really great things. He has an incredible intellect and gets straight to the heart of matters"; "He is calm, clear, creative, fiercely intelligent and isn't afraid to push boundaries" (Chambers and Partners, 2019).

## Cases

### **Ukraine v Russia (X)**

(2022-2023)

Acting for the UK Government in its intervention in an inter-State application brought by Ukraine against Russia in the ECtHR following Russia's invasion of Ukraine commencing in 2022 (led by Sir James Eadie KC).

### **R (Coulter) v Secretary of State for Justice**

(2023)

Acted for the Secretary of State to defend a decision to maintain a prisoner's Category A security classification.

### **R (Nexperia B.V.) v Secretary of State in the Cabinet Office**

(2022-2023)

Acting for the claimant in a challenge to a divestment order made under the National Security and Investment Act 2021 in relation to a silicon wafer manufacturing plant (led by Lord Pannick KC).

### **R (L1T FM Holding UK Ltd) v Secretary of State in the Cabinet Office**

(2022-2023)

Acting for the claimants (part of the LetterOne group of companies) in a challenge to a divestment order made under the National Security and Investment Act 2021 (led by Tom Hickman KC).

**AAA & Others v Secretary of State for the Home Department**

[2022] EWHC 1922 (Admin) (Divisional Court); [2023] EWCA Civ 745 (Court of Appeal)

Acted for eleven claimants in a challenge to the Secretary of State's decisions to remove certain asylum seekers to Rwanda (led by Raza Husain KC, Phillippa Kaufmann KC, and Sam Grodzinski KC).

**A Company & Ors v Russian Federation**

Acted for several corporate applicants in relation to alleged breach of the ECHR by the Russian Federation, arising from civil and criminal proceedings allegedly connected to a hostile corporate takeover (led by Shaheed Fatima KC).

**Benkharbouche and Janah v United Kingdom**

5 Apr 2022 (App Nos. 19059/18 & 19725/18)

Represented both applicants in this successful claim against the UK for damages on the grounds that the State Immunity Act 1978 was contrary to customary international law and therefore a breach of Articles 6 and 14 ECHR.

**Hashwah & Ors v Qatar National Bank (QPSC) & Ors**

[2022] EWHC 2242 (Comm)

Acting for a Defendant in a case where the Commercial Court held that the Defendants were entitled to state immunity because immunity extends to servants or agents of foreign states who are sued in respect of matters where they were acting in discharge or purported discharge of their duties as such (led by Tim Otty KC and Andrew Scott KC).

**R (Western Sahara Campaign UK) v (1) Secretary of State for International Trade; (2) Her Majesty's Treasury**

[2022] EWHC 3108 (Admin)

Acted for the Defendants in this challenge to the lawfulness of the United Kingdom's international trade agreement with Morocco (led by Sir James Eadie KC).

**Wong v Basfar**

[2023] AC 33 (Supreme Court)

Acted for an alleged victim of modern slavery in this Supreme Court appeal, which established that a diplomat cannot assert immunity to defeat a claim by an employee who has been held in conditions of modern slavery (led by Tim Otty KC).

**R (Hoareau & Bancoult) v SSFCA**

[2020] EWCA Civ 1010

Acting for Ms Hoareau in litigation brought by former inhabitants of the Chagos Islands against the British Government arising out of their expulsion from the Islands (led by Ben Jaffey KC).

### **Janah v Libya; Benkharbouche v Sudan**

[2019] AC 777 (Supreme Court); [2016] QB 347 (Court of Appeal); [2014] ICR 169 (EAT)

Acted for the claimants in these successful challenges to the barring of their employment claims by the State Immunity Act, which resulted in the Act being declared incompatible with Articles 6 and 14 ECHR and disapplied pursuant to the EU Charter (led by Timothy Otty KC).

### **Reyes v Al-Malki**

[2019] AC 735 (Supreme Court); [2016] 1 WLR 1785 (Court of Appeal); [2014] ICR 135 (EAT)

Represented the claimant in her successful challenge to the availability of diplomatic immunity as a defence to a claim of human trafficking brought by a domestic worker (led by Timothy Otty KC).

### **Ministry of Defence v Mohammed**

[2017] AC 821 (Supreme Court); [2016] 2 WLR 247 (Court of Appeal); [2014] EWHC 1369 (High Court)

Acted for three of the claimants in these claims concerning the relationship between international law and Article 5 of the European Convention on Human Rights in the context of detention by HM Forces engaged in peacekeeping operations in Iraq and Afghanistan. The issues included whether there is a power to detain in non-international armed conflicts under customary international humanitarian law and the interpretation of United Nations Security Council Resolutions (led by Shaheed Fatima KC).

### **SXH v CPS (UNHCR Intervening)**

[2017] 1 WLR 1401 (Supreme Court)

Acted for the United Nations High Commissioner for Refugees in its intervention in this case concerning refugees' protection against prosecution under Article 31 of the 1951 Refugee Convention (led by Raza Husain KC).

### **IAA & Others v UK**

(App. No. 25960/13) 31 Mar 2016

Acted for the claimants in this application to the European Court of Human Rights, which concerned the extra-territorial application of Article 8 ECHR in the context of family reunification (led by Raza Husain KC).

### **Karugi v The Home Office**

Acted for the claimant this claim against the Home Office for damages under the Human Rights Act for breach of the positive obligation under Article 4 ECHR to protect against trafficking.

### **R (AB) v Secretary of State for Defence**

[2013] EWHC 3908 (Admin)

Acted for the claimant in this claim concerning alleged breach of Articles 2 and 3 ECHR in the context of British military action in Afghanistan (led by Shaheed Fatima).

### **R (Yiadom) v Secretary of State for the Home Department**

Represented the claimant in her application for judicial review of the Secretary of State's failure to take steps to establish whether her son is a British citizen and related issues under Article 8 ECHR and Article 20 TFEU.

### **Reda v Secretary of State for the Home Department**

Acted for the claimant in this appeal to the Court of Appeal on the grounds that his removal from the United Kingdom would breach his rights and his foster mother's rights under Article 8 ECHR and Article 20 TFEU. The appeal was conceded by the Secretary of State before the hearing and the matter remitted to the Upper Tribunal.

### **R (Ceesay) v Secretary of State for the Home Department**

Acted for the claimant in this claim against the Secretary of State for unlawful detention and breach of Article 5 ECHR.

## **Group Litigation**

Paul's experience includes collective proceedings before the Competition Appeal Tribunal and group litigation in the High Court. He has been instructed in some of the largest group actions before the UK courts.

Paul is recommended for group litigation in Chambers and Partners and Legal 500. Comments include: "Steeped in group litigation issues and adept strategist" (Legal 500, 2024); "Paul is absolutely fantastic. His advice is always clear and well structured, and he has a knack for presenting even the most complicated arguments in a manner that is both simple and compelling" (Chambers and Partners, 2024); "Paul has a razor-sharp legal mind, and is able to understand and navigate complex issues and client subtleties with apparent ease" (Chambers and Partners, 2024); "Paul is brilliant and we can always count on him to pick up small but really important details. He is also very responsive and understands clients' needs before advising them" (Chambers and Partners, 2024); "Extremely intelligent and able to provide user-friendly advice. He is very good with clients" (Chambers and Partners, 2024).

***"Steeped in group litigation issues and adept strategist."***

— LEGAL 500, 2024

## Cases

### **Merricks v Mastercard Incorporated & Others**

Acting for the class representative Mr Merricks in collective proceedings seeking damages for consumers arising from interchange fees charged by the defendants (led by Marie Demetriou KC).

### **Evans v Barclays Bank Plc & others**

[2023] EWCA Civ 876 (Court of Appeal); [2022] CAT 16 (Competition Appeal Tribunal)

Acting for UBS in collective proceedings before the Competition Appeal Tribunal arising out of European Commission decisions concerning conduct in FX markets (led by Brian Kennelly KC).

### **Spottiswoode v Nexans France S.A.S. & others**

(2023)

Acting for Nexans in proposed collective proceedings arising from the Commission's finding of an infringement in Case AT.39610 Power Cables (led by Tony Singla KC).

### **Viegas and Sanches v Cutrale & Others**

[2021] EWHC 1340 (Comm); [2021] EWHC 2956 (Comm)

Acting for the defendants in a competition damages claim regarding alleged breach of Brazilian competition law in respect of orange juice production (led by Brian Kennelly KC).

## ACHIEVEMENTS

### Education

BA in History and Politics (Oxford University) (double first & top of year); MPhil in Political Thought and Intellectual History (Cambridge University); Graduate Diploma in Law (City University) (distinction); Bar Vocational Course (BPP Law School) (outstanding).

Paul's MPhil dissertation, for which he received a distinction, examined whether there are universal concepts of human rights or crimes against humanity that legitimise humanitarian intervention.



## Prizes & Scholarships

After finishing top of his year at Oxford University, Paul was awarded the Gibbs Proxime Accessit Prize in Politics, a Book Prize for History, and a Wadham College Prize.

## Appointments

- Attorney General's A Panel
- Attorney General's Public International Law B Panel

## Memberships

- Commercial Bar Association
- Administrative Law Bar Association
- Bar European Group
- Human Rights Lawyers Association
- Financial Services Lawyers Association

VAT registration number: 994974831

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