BRICK COURT
CHAMBERS

Brick Court Chambers
7-8 Essex Street, London WC2R 3LD
DX 302 London Chancery Lane

Gerard Rothschild

YEAR OF CALL: 2005

"Gerard is exceptionally bright, approachable, responsive and helpful. He gets to the heart of the issues quickly. I felt that I was in safe hands."

Chambers & Partners 2027

Clerk's Email: **PaulsClerkingTeam@brickcourt.co.uk**



Practice Overview

Gerard Rothschild is a versatile advocate with 20 years' experience of high-profile litigation with a commercial focus.

Gerard is recognised in the legal directories as a leading practitioner in Commercial Litigation, Competition, Energy, EU Relations, and Group Litigation. He taught Constitutional Law for five years at Magdalen College, Oxford.

Client feedback includes that he is *"very clinical, very clever and very precise; for difficult cases he's a very good choice."* He has been described as *"a silk in all but name"*.

Please click on the headings below for details of his expertise.

Commercial

Commercial Law forms the core of Gerard's practice, advising and representing clients in a wide range of business litigation and arbitration, often with an EU or international element. From his postgraduate studies, he has particular interests in restitution and the conflict of laws. He is Vice-Chair of the Commercial Bar Association's Continuing Education Programme.

Notable cases include:

- *Asda Stores Ltd. v. Bremnes Seashore AS* [2025] CAT 14 (forum non conveniens).
- *Evans v. Barclays & others* [2023] EWCA Civ 876; [2024] 1 All ER (Comm) 573 (opt-in v. opt-out certification of FX collective proceedings).

- *Prismall v. Google & DeepMind* [2023] EWHC 1169 (KB); [2024] 1 WLR 879 (representative proceedings for misuse of private information).
- *Stokoe Partnership Solicitors v. Grayson* [2021] EWCA Civ 626; [2021] 4 WLR 87 (cross-examination on *Norwich Pharmacal* affidavit).
- *Micula v. Romania* [2020] UKSC 5; [2020] 1 WLR 1033 (relationship between enforcement of an ICSID arbitration award and EU State aid law).
- *Apple v. Qualcomm* [2018] EWHC 1188 (Pat); [2018] FSR 27 (service out of the jurisdiction and summary judgment on French law in a global IP/FRAND dispute).
- *General Nutrition Investment Co. v. Holland & Barrett International Ltd.* [2017] EWHC 746 (Ch) (requirements for serving notice of termination where there has been an equitable assignment).
- *Gerald Metals SA v. Timis* [2016] EWHC 2327 (Ch) (scope of the court's role to grant interim relief by way of freezing injunction in aid of an arbitration under the LCIA Rules).
- *Aspen Insurance UK Ltd. v. Adana Construction Ltd.* [2015] EWCA Civ 176; [2015] Lloyd's Rep. IR 511 (meaning of "product" in a liability insurance policy).
- *Liberata UK Ltd. v. British Telecommunications plc* [2014] EWHC 2565 (Comm) (amendment of statement of case in the context of likely frustration of a public sector outsourcing project).
- *Secretary of State for Transport v. Paragon* (Commercial Court proceedings to recover the cost of replacing all V5 vehicle registration documents).
- *Hussain v. Seymour* [2014] EWHC 891 (QB) (obligation of full and frank disclosure upon applying for a freezing injunction).
- *Opus Property Finance Ltd. v. Arca Homes Ltd.* [2013] EWHC 2617 (Comm) (summary judgment despite disputed authenticity of document).
- *Cherney v. Deripaska* (Commercial Court claim between two 'oligarchs' said to be for over $3 billion and cited by *The Lawyer* among the 'top cases of 2012').
- *Terna Bahrain Holding Co. WLL v. Al Shamsi* [2012] EWHC 3283 (Comm); [2013] 1 Lloyd's Rep. 86 (antisuit injunction and enforcement of arbitral award).
- *E-Nik Ltd. v. Department for Communities and Local Government* [2012] EWHC 3027 (Comm); [2013] 2 All ER (Comm) 868 (distinction between debt and damages and availability of interest under the Late Payment of Commercial Debts legislation).
- *Sir Keith Mills v. Coutts & Co.* (Chancery Division claim alleging mis-selling of investments).
- *Shared Network Services Ltd. v. NextiraOne UK Ltd.* [2011] EWHC 3845 (Comm); Lawtel 9/12/2011 (construction and fairness of a limitation clause).
- *Harsco Infrastructure Services Ltd. v. Bellway Homes Ltd.* [2011] EWHC 3519 (TCC); [2011] All

ER (D) 203 (Oct.) (incorporation of standard contract terms in a battle of forms).

- *Coys of Kensington Automobiles Ltd. v. Pugliese* [2011] EWHC 655 (QB); [2011] 2 All ER (Comm) 664 (test of consensus for a jurisdiction clause to apply).

Competition

In the field of Competition Law, Gerard has appeared before all levels of domestic courts and tribunals from the Supreme Court to the Competition Appeal Tribunal. He is experienced in collective proceedings. He is a contributing author of *Competition Litigation: UK Practice and Procedure* (OUP).

Gerard has twice been nominated as Competition Junior of the Year at the Legal 500 Bar Awards (2020 and 2025).

Notable cases include:

- *R (Innsworth) v. Competition Appeal Tribunal* [2026] EWHC 1393 (Admin) (judicial review of collective settlement).
- *Gutmann v. Stagecoach South Western Trains* [2025] CAT 72 (reopening collective settlement).
- *Merricks v. Mastercard* [2025] CAT 28; [2025] Bus LR 1426 (charitable recipient of undistributed funds from collective settlement).
- *Spottiswoode v. Nexans & others* [2024] CAT 31 (collective proceedings order for damages claim on behalf of all British domestic electricity billpayers).
- *Evans v. Barclays & others* [2023] EWCA Civ 876; [2024] 1 All ER (Comm) 573 (opt-in v. opt-out certification of collective proceedings and scope of appeals from the CAT).
- *Meta Platforms Inc. v. CMA* [2022] CAT 26; [2022] Bus LR 1162 (review of Meta/GIPHY merger decision addressing dynamic competition, redaction of reasons and the application of the *Carltona* principle to the CMA).
- *Michael O'Higgins FX Class Representative Ltd. v. Barclays & others* [2022] CAT 16; [2022] Bus LR 1334 (applications for opt-out collective proceedings orders relating to foreign exchange cartels).
- *Facebook Inc. v. CMA* [2021] EWCA Civ 701; [2021] Bus LR 1178 (derogation from initial enforcement order in merger investigation).
- *Michael O'Higgins FX Class Representative Ltd. v. Barclays & others* [2020] CAT 9 (case management of carriage dispute in collective proceedings).
- *Apple v. Qualcomm* [2018] EWHC 1188 (Pat); [2018] FSR 27 (acting for defendants in claim

alleging breach of competition law by abuse of dominance, in particular via charging of excessive (non-FRAND) royalties).

- *Iiyama Benelux BV v. Samsung* [2018] EWCA Civ 220; [2018] CMLR 23 (territorial scope of EU/EEA competition law).
- *Société Coopérative de Production Seafrance v. CMA* [2015] UKSC 75; [2016] 2 All ER 631 (whether a relevant merger situation within the jurisdiction of CMA).
- *Accord Healthcare v. Astellas Pharma* [2015] EWHC 3676 (Ch) (conditional marketing authorisation within EU Medicines Directive).
- *R (Speed Medical Examination Services Ltd.) v. Secretary of State for Justice* [2015] EWHC 3585 (Admin); [2016] ECC 13 (whether government created a scheme which gave rise to an abuse of dominance).
- *BT v. Ofcom* [2014] EWCA Civ 133; [2014] 4 All ER 673 (test on appeals from the CAT under the Communications Act 2003, s.316).
- *Lafarge Tarmac v. Competition Commission* [2013] CAT 27; [2014] Comp AR 69 (expedited application during a market investigation).
- *BMI Healthcare v. Competition Commission* [2013] CAT 24; [2014] Comp AR 8 (unfair procedure for data rooms in the Private Healthcare market investigation).
- *BSkyB & others v. Ofcom* [2012] CAT 20 (Pay TV appeals relating to mandating access to Sky Sports channels as an *ex ante* remedy).
- *Hays plc & others v. OFT* [2011] CAT 8; [2011] Comp AR 389 (application of OFT Penalties Guidance to the Construction Recruitment Forum).
- *Virgin Media v. BSkyB* [2008] EWCA Civ 612; [2008] 1 WLR 2854 (right to use lawyer of choice in competition proceedings).
- *Chester City Council v. Arriva* [2007] EWHC 1373 (Ch); [2007] UKCLR 1582 (Chapter 2 abuse of dominance claim relating to bus transport in Chester).

Energy

Gerard has acted for a range of clients in the energy sector including National Grid, Scottish Power and UK Power Networks, as well as the regulators Ofgem and the Utility Regulator of Northern Ireland. In addition to commercial issues arising in this field, he has broad experience of regulatory issues in the context of price controls, having acted in several CMA appeals on the subject, and under the Electricity Act 1989 and Gas Act 1986 more generally.

Notable cases include:

- *Spottiswoode v. Nexans* [2025] CAT 68 (Government decisions on banding for the

Renewables Obligation).

- *RIIO-2 appeals* (CMA, 28/10/2021) (acting for Scottish Power in energy licence modification appeal to the CMA arising out of Ofgem's RIIO-T2 price control).
- LCIA arbitration concerning green energy subsidies with Helen Davies QC (2021).
- *Fine Lady Bakeries v. EDF* [2020] EWHC 87 (QB) (acting for EDF in High Court proceedings concerning responsibility for incorrect set-up of an industrial user's electricity meter).
- *EDF & SSE v. Gas and Electricity Markets Authority (GEMA)* (CMA, 26/2/2018) (acting for National Grid in an energy code modification appeal relating to the cap imposed on transmission charges by EU law).
- *Firmus Energy v. Northern Ireland Authority for Utility Regulation* (CMA, 26/6/2017) (acting for the Utility Regulator of Northern Ireland in the first licence modification appeal under the Gas (Northern Ireland) Order 1996).
- *R (UK Power Networks) v. GEMA* [2017] EWHC 1175 (Admin); [2017] ACD 91 (challenge to Ofgem determination concerning whether sums amounted to "security" or "payment" for the purposes of sections 19 and 20 of the Electricity Act 1989).
- *British Gas Trading Ltd. v. GEMA* (CMA, 29/9/2015) (acting for Scottish Power in energy licence modification appeal to the CMA arising out of Ofgem's RIIO-ED1 price control).
- *R (RWE Generation UK plc) v. GEMA* [2015] EWHC 2164 (Admin); [2016] 1 CMLR 17 (judicial review considering whether National Grid's electricity transmission tariffs were discriminatory and/or cost-reflective).
- *R (Western Power Distribution Ltd.) v. GEMA* [2014] EWHC 4381 (Admin) (judicial review concerning whether a loss reduction adjustment in electricity distribution price control arrangements amounted to a penalty reviewable on grounds of proportionality).

Public Law

In the area of Public Law, Gerard has particular expertise acting for both claimants and defendants in commercial judicial review cases, where the regulatory issues often overlap with his other fields of practice. He has also been involved in significant cases with a constitutional aspect, drawing on his experience of teaching Constitutional Law.

Notable cases include:

- *R (Innsworth) v. Competition Appeal Tribunal* [2026] EWHC 1393 (Admin) (judicial review challenge to scheme for rewarding litigation funder in a settlement of collective proceedings).
- *Attorney General for the Falkland Islands v. Barkman* [2024] 2 LRC 418 (constitutional

disqualification from election and voting by acknowledging allegiance to a foreign Power or State).

- *Meta Platforms Inc. v. CMA* [2022] CAT 26; [2022] Bus LR 1162 (review of Meta/GIPHY merger decision addressing permissible redaction of reasons and the *Carltona* principle of authority within a government department).
- *RIIO-2 appeals* (CMA, 28/10/2021) (energy licence modification appeal arising out of Ofgem's RIIO-T2 price control).
- *Facebook Inc. v. CMA* [2021] EWCA Civ 701; [2021] Bus LR 1178 (derogation from initial enforcement order in merger investigation).
- *R (Good Law Project) v. Electoral Commission* [2019] EWCA Civ 1567; [2020] 1 WLR 1157 (acting for the Electoral Commission defending judicial review proceedings on the application of expenditure rules at the 2016 EU Referendum).
- *R v. Mackinlay* [2018] UKSC 42; [2019] AC 387 (criminal appeal on issues of electoral expenses law arising at the South Thanet by-election).
- *EDF & SSE v. Gas and Electricity Markets Authority (GEMA)* (CMA, 26/2/2018) (energy code modification appeal relating to whether EU law imposes a cap on transmission charges).
- *Re Charlie Gard* (acting *pro bono* for the parents of baby Charlie Gard in the appeals as far as the European Court of Human Rights challenging the decision to restrict medical treatment for their child).
    - *Great Ormond Street Hospital v. Yates (no. 2)* [2017] EWHC 1909 (Fam); [2017] 4 WLR 131 (whether fresh evidence can be adduced before the Family Division exercising its best interests jurisdiction).
    - *Gard v. UK* (2017) 65 EHRR SE9 (rights to life and to private and family life in the context of life-sustaining treatment).
    - *Re G (a child)* [2017] EWCA Civ 410; (2017) 157 BMLR 1 (withdrawal of medical treatment despite parental wishes).
- *Firmus Energy v. Northern Ireland Authority for Utility Regulation* (CMA, 26/6/2017) (first licence modification appeal against Northern Ireland Regulator under Gas (Northern Ireland) Order 1996).
- *R (UK Power Networks) v. GEMA* [2017] EWHC 1175 (Admin); [2017] ACD 91 (challenge to Ofgem determination concerning whether sums amounted to "security" or "payment" for the purposes of sections 19 and 20 of the Electricity Act 1989).
- *R (Speed Medical Examination Services Ltd.) v. Secretary of State for Justice* [2015] EWHC 3585 (Admin); [2016] ACD 25 (challenge to civil procedure reforms regarding personal injury claims based on their effect on competition).
- *British Gas Trading Ltd. v. GEMA* (CMA, 29/9/2015) (energy licence modification appeal

arising out of the RIIO-ED1 price control).

- *R (RWE Generation UK plc) v. GEMA* [2015] EWHC 2164 (Admin); [2016] 1 CMLR 17 (judicial review raising issues of discrimination in relation to electricity transmission).
- *R (Western Power Distribution Ltd.) v. GEMA* [2014] EWHC 4381 (Admin) (judicial review distinguishing between incentives and penalties in the context of an electricity distribution price control).
- *R (Wheeler) v. Office of the Prime Minister* [2014] EWHC 3815 (Admin); [2015] 1 CMLR 46 (challenge under the European Union Act 2011 to the Government opting in to the European Arrest Warrant scheme).
- *BMI Healthcare v. Competition Commission* [2013] CAT 24; [2014] Comp AR 8 (natural justice challenge to the procedure adopted by the Competition Commission in relation to viewing confidential materials).
- *R (Wilcock) v. Lancaster City Council* [2013] EWHC 1231 (Admin); [2013] LLR 607 (hackney carriage licensing decisions and legitimate expectations).
- *R (Birmingham and Solihull Taxi Association) v. Birmingham International Airport Ltd.* [2009] EWHC 1913 (Admin); [2009] LLR 727 (judicial review of contracting decisions of private airport company).
- *R (Higher Burrow Organic Farming Partnership) v. Secretary of State for Environment, Food and Rural Affairs* [2008] EWHC 953 (Admin); [2008] All ER (D) 230 (Apr.) (judicial review arising out of the Government's scheme for controlling tuberculosis in cattle).

Publications

Publications and conference papers include:

- 'The EU's relationship with the anti-suit injunction and how it is being shaped by FRAND cases' (Bar European Group conference, 2026)
- 'The development of anti-suit injunctions in the English courts' (EPLAW Congress, 2025)
- Contributing author of 'Competition Litigation: UK Practice and Procedure' (OUP, 2010 & 2019)
- 'Combatting the Italian Torpedo' (European Advocate, Summer 2016)
- 'Legal Professional Privilege for Corporations' (Business Law International, September 2014)
- 'Ensuring Due Formality' (Counsel, April 2014)
- Contributor on private international law to Westlaw Insight (since 2012)
- 'The Battle of the Buses' (2008) 29 ECLR 271

Qualifications

Degrees:

- MA Jurisprudence (Oxon.) – First Class
- BCL (Oxon.) – Distinction

Scholarships and prizes:

- Bar European Group Phoenicia Scholar (2005)
- Lord Denning Scholar, Lincoln's Inn (2004)
- Arts and Humanities Research Board studentship for postgraduate study (2003-4)
- Prize for best performance in International Trade paper in Law Finals (2003)
- Hardwicke Entrance Award, Lincoln's Inn (2002)
- Norton Rose Law Prize, Magdalen College, Oxford (2001)
- Scholar, Magdalen College, Oxford (2001-3)
- Honorary Scholar, Westminster School (1995-2000)

Directory Quotes

"He's excellent. Gerard is a really well-respected barrister who is calm and measured." (Chambers & Partners 2027)

"Gerard Rothschild is massively detail focused. A good draftsman, and an absolute pleasure to work with." (Chambers & Partners 2027)

"He is a calm and measured advocate." (Chambers & Partners 2027)

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"Gerard is exceptionally bright, approachable, responsive and helpful. He gets to the heart of the issues quickly. I felt that I was in safe hands." (Chambers & Partners 2027)

"Gerard is massively detail-focused, across the details and the law and very responsive. He gives good comments on correspondence and has an excellent turn of submission. Gerard is an absolute pleasure to work with." (Chambers & Partners 2027)

"Gerard is extremely clever." (Chambers & Partners 2027)

"Gerard is massively detail focused. He's across the detail and the law. He's very responsive and gives good comments on correspondence. He's a good draftsman and an absolute pleasure to work with." (Chambers & Partners 2027)

"Gerard is a brain on a stick and is really good at what he does." (Chambers & Partners 2027)

"Gerard was great in attention to detail and understanding of the law, but also great at bearing in mind the broader picture, and distilling information down for us. He was really generous with his time. I couldn't fault the support he gave throughout." (Chambers & Partners 2027)

"Gerard is very experienced and bright in group litigation. He's very able, does good drafting and is highly intelligent." (Chambers & Partners 2027)

"Gerard is an excellent advocate who displays phenomenal attention to detail and provides comprehensive legal advice. He is always calm and represents a valued member of the team." (Chambers & Partners 2027)

"Gerard is someone who is very reliable, who turns things around very quickly and who is always ready to assist." (Chambers & Partners 2027)

"Highly intelligent and excellent at analyzing complex problems." "Gerard is very knowledgeable and highly skilled. He is also very thorough and methodical in his approach. He takes time to understand the context and explains it in ways that are easy to understand." "An excellent lawyer and a truly brilliant, succinct draftsman." "Gerard Rothschild is extremely confident and experienced. He knows exactly how to pick a case up and run with it." "Very highly intelligent and articulate. Gives fearless advice." (Legal 500 2027)

"Gerard is extremely bright and authoritative. When he speaks people listen." "A talented junior, Gerard Rothschild is very client-friendly, responsive and commercial in his approach." "Gerard's work is always outstanding, as well as being expressed in terms which are clear and easy for non-legal colleagues to understand." "Gerard Rothschild is impressive at writing skeleton arguments." "Gerard is an excellent barrister and a safe pair of hands." "He is a highly skilled technical barrister for substantive and procedural law. He is very tight with his drafting and an absolute core part of the case." "Gerard is a very smart guy. He was very good on the tactical and strategic issues of the case. He is an extremely good junior to work with." "Gerard has a best-in-class ability to think creatively and apply the law from a vast array of different areas to form commercially-minded legal winning arguments." "Gerard is a versatile commercial lawyer with a skill set in group litigation." "He is very precise and one of the best technical lawyers I've worked with. He is unshowy, measured, and judges trust him." (Chambers & Partners 2026)

"Exceptionally clever and hard-working." "There is no finer draftsman at the junior Bar than Gerard, his written advocacy is a model of its kind. He is also efficient, courteous and a joy to deal with." "Gerard has phenomenal attention to detail. He is highly responsive, so turns documents around quickly and is a very safe pair of hands. His advocacy is characteristically thorough and methodical,

which seems to land well with judges, and his level of preparation and communication beforehand gives the solicitor team and client confidence going into hearings that he will be able to field questions and deal with ad hoc developments as they arise." (Legal 500 2026)

"Gerard Rothschild is probably the finest draughtsman in energy regulatory law." "Gerard Rothschild is user-friendly and extremely smart." "The way Gerard puts points across is extremely persuasive. He is a consummate performer and he knows the CPR backwards." "Very clinical, very clever and very precise; for difficult cases he's a very good choice." (Chambers & Partners 2025)

"Gerard is a first rate barrister. He is a black letter lawyer of the highest order which he combines with oral and written advocacy which is precise and laconic. He is a silk in all but name." "Gerard is a cerebral and thoughtful lawyer who is nonetheless extremely user-friendly and responsive. He is a careful and effective advocate." "Gerard's advocacy is accomplished, his written work is first-rate, and he is super with clients." "Gerard has outstanding attention to detail and fantastic familiarity with the relevant court or tribunal rules and case law. His drafting is excellent and he is always replying promptly and with a considered view." "Gerard has incredible attention to detail. A particular strength is his ability to be across the detail of granular expert evidence, distilling extremely complicated information into clear and reasoned advice. His written advocacy is exceptional and his oral advocacy is clear, methodical and persuasive. His knowledge and understanding of civil procedure is second to none." (Legal 500 2025)

"Gerard is very bright and very understated." "Gerard Rothschild is highly rated, very thoughtful and really clever. He adds value and dimension to his work." "He is diligent, calm, reassuring and always provides superb advice." "Gerard has an impeccable and fastidious eye for detail and his knowledge of competition law is excellent." "Gerard Rothschild deals with our queries very quickly and is very good tactically." (Chambers & Partners 2024)

"An exceptionally talented junior barrister." "Gerard is incredibly diligent and efficient, with a first-class intellect." "Calm excellence is his hallmark. Clients and judges are blown over by his mastery of the brief and class." "An analytical junior." (Legal 500 2024)

Languages

French, Spanish