

## Richard Howell

YEAR OF CALL: 2018

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Chambers & Partners 2024

Clerk's Email: [TonysClerkingTeam@brickcourt.co.uk](mailto:TonysClerkingTeam@brickcourt.co.uk)



## Practice Overview

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Richard practices across the full range of public and administrative law, civil liberties and human rights, including public international law. He has acted in a number of important and high-profile cases including *R (Miller) v Prime Minister*; *R (British Sugar) v Secretary of State for International Trade*; and *R (Volkswagen) v Competition and Markets Authority*. He is a member of the Attorney General's C Panel. Richard also specialises in competition law, notably statutory judicial reviews in merger and subsidy control cases, and accepts instructions in commercial cases. He has appeared led at all levels up to the Supreme Court and unled in the Court of Appeal, High Court, Upper Tribunal, Competition Appeal Tribunal and Family Court.

## Public and administrative law

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Richard accepts instructions in all areas of public and administrative law, including constitutional and administrative law, commercial judicial review, trade, and subsidy and merger control. He regularly acts both for and against public authorities. In September 2022, he was appointed to the Attorney General's C Panel of Junior Counsel to the Crown.

His notable instructions include:

### Constitutional law

- Junior counsel for the Church Commissioners in an appeal to the Privy Council (listed in February 2024) on the ambit of the Human Rights Act and public sector equality duty.
- *R (Volkswagen) v CMA* [2023] Bus LR 754 (High Court); [2023] EWCA Civ 1506 – presumption against extra-territoriality.
- *Quest Vocational Training v Department for Education* [2022] EWHC 3578 (KB) – interim

relief against the Crown in civil proceedings; nature of executive agencies.

- Junior counsel for the Government in the English judicial reviews concerning the EU (Withdrawal) (No.2) Act 2019 ('the Benn Act'), including *R (Liberty) v Prime Minister* [2020] 1 WLR 1193 (prerogative powers, the frustration principle, and judicial comity between UK jurisdictions in public law cases).
- Junior counsel for the Government in *R (Miller) v Prime Minister* in the Divisional Court [2019] EWHC 2381 (QB) and Supreme Court [2020] AC 373 (prorogation, prerogative powers, justiciability, parliamentary sovereignty, and art. IX of the Bill of Rights).

#### General administrative law, social security, child support and legal aid

- Richard regularly acts unled in the Administrative Court, Upper Tribunal and Family Court in social security, child support and legal aid cases.
- *R (CMA) v Competition Appeal Tribunal* – junior counsel for CMA in judicial review concerning search warrants (listed March 2024)
- *Umbrella Interchange Fee Proceedings* [2023] CAT [59] (unled) – vires of Payment Systems Regulator to disclose documents for the purpose of civil litigation.
- *SM v Secretary of State for Work and Pensions* [2023] UKUT 176 (AAC) (unled) – meaning of "care" in size criteria rules in Schedule 4 to the Universal Credit Regulations 2013.
- *R v Tredget* [2023] Crim LR 425 – Richard appeared unled before the Court of Appeal in an application concerning that Court's jurisdiction to grant a representation order in criminal proceedings.
- *R (Bluebird Boats) v The Royal Parks Limited* [2020] EWHC 3647 (Admin) – junior counsel in challenge to management of boating in Royal Parks (with Maya Lester KC).

#### Civil liberties and human rights

- Junior counsel for the Church Commissioners in an appeal to the Privy Council (listed in February 2024) on the ambit of the Human Rights Act.
- Acting for the Secretary of State for Northern Ireland in proceedings in England and Wales challenging the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 as incompatible with the ECHR.
- *Phillips v Secretary of State for Foreign, Commonwealth and Development Affairs* [2024] EWHC 32 (Admin) – freedom of expression and financial sanctions.

#### Trade

- Junior counsel for the Government in proceedings challenging regulations implementing the UK-Australia free trade agreement.
- *R (British Sugar) v Secretary of State for International Trade* [2022] EWHC 393 (Admin) (judicial review of first post-Brexit autonomous tariff-rate quota, with Aidan Robertson KC and Tim Johnston).
- Richard has advised on threatened proceedings relating to the Export Control Act 2002.

## Subsidy control

- Junior counsel for Respondent in *The Durham Company v Durham CC*, the first case under the Subsidy Control Act 2022, concerning an alleged cross-subsidy; see the Court of Appeal judgment on cost capping ([2023] Costs LR 1117); and the Tribunal's judgment on the substantive application ([2023] PTSR 2128), with Aidan Robertson KC.
- Junior counsel for the Government in *R (British Sugar) v Secretary of State for International Trade* [2022] EWHC 393 (Admin) (the first judicial review concerning the State aid provisions of the Northern Ireland Protocol and subsidy control provisions of the Trade and Cooperation Agreement), led by Aidan Robertson KC and Tim Johnston.
- Junior counsel in a judicial review of whether contractual payments fell within the *Altmark* criteria or were unlawful State aids.

## Merger and transaction control

- *Microsoft v CMA* – junior counsel for the CMA in a challenge to a decision to prohibit the anticipated merger between Microsoft and Activision (procedural judgments at [2023] CAT 40; [2023] CAT 48).
- *Meta Platforms v CMA* [2022] Bus LR 1162 – junior counsel for applicant, led by Daniel Jowell KC and Gerard Rothschild (dynamic competition, procedural fairness in merger inquiries, the duty to give reasons and the *Carltona* principle).
- Richard regularly advises on notifications and call-ins under the Nationality Security and Investment Act 2021.

## Utilities, transport and telecommunications

- Junior counsel in appeal to the Privy Council on construction of water legislation in Turks and Caicos Islands.
- Richard acted in a judicial review for Ofgem defending a challenge to elements of the domestic energy price cap.
- Advice on proceedings under the Civil Aviation Act 2012.
- Advice in connection with appeal proceedings under the Communications Act 2003.
- Richard acted in an appeal concerning the compatibility of capital allowances for ships with EU law.

## Public international law

- Junior counsel for the Government in UKSC 2022/0117 *Dance v Barts Health NHS Trust* (Supreme Court consideration of domestic effect of interim measures granted by UN Committee, with Marie Demetriou KC and Tim Johnston).
- *R (British Sugar) v Secretary of State for International Trade* [2022] EWHC 393 (Admin) (effect of Northern Ireland Protocol and Trade and Cooperation Agreement, with Aidan Robertson KC and Tim Johnston)
- *Lane v Angell* (2021) – unled in High Court (recognition of foreign judgments at common law,

natural justice and public policy bars to recognition).

## Environment

Richard is acting as junior counsel in a judicial review of general licensing decision made under the Wildlife and Countryside Act 1981 and associated guidance.

## Financial sanctions

Richard has advised on financial sanctions legislation and has been instructed in several proceedings under the Sanctions and Anti-Money Laundering Act 2018.

- *Phillips v Secretary of State for Foreign, Commonwealth and Development Affairs* [2024] EWHC 32 (Admin) – principle of legality, freedom of expression and financial sanctions – led by Maya Lester KC & Malcolm Birdling.

## Competition

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Richard accepts instructions in competition cases (for his merger and subsidy control practice, see above), including in appellate proceedings before the Competition Appeal Tribunal and in private law claims. His notable instructions include:

- Junior counsel for Defendants (led by Victoria Wakefield KC and Jennifer Macleod) in *Cabo Concepts v MGA Entertainment* – 6-week trial listed in 2024 – interlocutory decision [2022] EWHC 702 (Pat).
- *Allianz FX proceedings* (led by Marie Demetriou KC and Colin West KC) – [2023] 1 All ER (Comm) 20 – Court of Appeal judgment on avoided loss/pass on, standing to sue, reflective loss and effect of EU law post-Brexit.
- *OT Computers (In Liquidation) v Infineon Technologies* [2021] QB 1183 (led by Daniel Jowell KC) – major judgment on s.32(1)(b) of the Limitation Act 1980 in competition cases.
- *FP McCann v CMA* [2020] CAT 28 (led by Robert O'Donoghue KC) – challenge to the legality of the CMA's penalty guidance.
- *Gazprom Export v DDI Holdings* [2020] 4 CMLR 16 – led by Neil Calver KC – abuse of process by way of collateral attack on arbitration awards and the effectiveness of EU competition law.
- *Office Depot v Holdham* [2019] 4 WLR 120 (envelopes cartel led by Marie Demetriou KC).

## Education and qualifications

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2018–2019: Pupillage, Brick Court Chambers

2017-2018: BPTC, City Law School (Outstanding)

2014-2015: GDL, City Law School (Distinction)

2011-2014: BA, History, Wadham College, University of Oxford (1<sup>st</sup> class)

Scholarships and Prizes

*Honourable Society of Middle Temple:*

**Baron Dr Ver Heyden de Lancey Prize**

*City Law School:*

**Barstow Scholarship**

**Worshipful Company of Arbitrators Prize**

*Wadham College, University of Oxford:*

**Gibbs Book Prize**

**Cheney Prize**

**Undergraduate scholarships**

Other experience

Before coming to the Bar, Richard worked for a year in politics, providing policy advice and assistance to cabinet ministers, MPs and peers.

## directory quotes

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