

Richard Howell

YEAR OF CALL: 2018

Clerk's Email: TonysClerkingTeam@brickcourt.co.uk



Practice Overview

Richard joined Chambers as a tenant in September 2019, following the successful completion of his pupillage under the supervision of Martin Chamberlain QC, Tony Singla QC and Marie Demetriou QC. He is now developing a broad practice across all of chambers' main practice areas, including public, EU/international, competition and commercial law.

Examples of current and recent instructions include:

- *R (Miller) v Prime Minister* – junior counsel for the Prime Minister in the English prorogation litigation before the Divisional Court and Supreme Court.
- *R (Liberty) v Prime Minister* – junior counsel for the Prime Minister in English proceedings concerning the EU (Withdrawal) (No.2) Act 2019 ('the Benn Act').
- *Allianz Global Investors v Barclays Bank* – acting in a competition damages claim arising out of allegedly unlawful activity by banks on the foreign exchange market (with Marie Demetriou QC and Colin West QC).
- *OT Computers v Infineon Technologies* – junior counsel in appeal concerning s.32(1)(b) of the Limitation Act 1980 in competition claims (with Daniel Jowell QC)

Public Law

Examples of current and recent instructions include:

- 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 (concerning prorogation, prerogative powers, justiciability, parliamentary sovereignty, and art. IX of the Bill of Rights).
- Junior counsel (led by Maya Lester QC and Sarah Love) in *R (Bluebird Boats) v The Royal Parks Limited*, a challenge to the decision to break the continuity of boating services on the Serpentine (permission and interim relief judgment: [2020] EWHC 3647 (Admin)).
- Defending appeals against enforcement orders under the Child Support Act 1991.
- Resisting non-party costs orders under the Civil Legal Aid (Costs) Regulations 2013.
- Obtaining an extension of an interim suspension of a paramedic from the Administrative Court.
- Advising in an employment case concerning the presumption against Crown application, the divisible capacity of the Crown in overseas territories, and the employment status of police officers.
- Advising in relation to Articles 2, 3, 6, 7 and 14 of the ECHR.

As a pupil, Richard assisted in a range of public law matters, including:

- *R (British Telecommunications plc) v HM Treasury* [2019] Pens LR 2019 (judicial review in the Divisional Court on powers to index public sector pensions, improper purpose and AIP1, with Martin Chamberlain QC and Tim Johnston).
- *R (Privacy International) v IPT* [2020] AC 491 (an intervention in the Supreme Court on the interpretation and permissibility of clauses ousting judicial review, with Martin Chamberlain QC and David Heaton).
- *R (BF (Eritrea)) v SSHD* [2020] 4 WLR 38 (intervention in judicial review of the legality of the Home Office's age assessment policy, with Martin Chamberlain QC).
- *R (Advanz Pharma Corp) v CMA* [2019] EWHC 1605 (Admin) (judicial review on procedural fairness and rationality of CMA investigative decisions, with Marie Demetriou QC).

Competition

Examples of current and recent instructions include:

- Richard acts as junior counsel for the Claimants (led by Marie Demetriou QC and Colin West QC) in *Allianz Global Investors v Barclays Bank and others*, a follow-on and standalone damages claim brought in respect of allegedly unlawful conduct by banks on the foreign exchange market: see [2021] 4 CMLR 18 (judgment on pass on, standing to sue and reflective loss).

- Junior counsel in *OT Computers (In Liquidation) v Infineon Technologies* [2021] EWCA Civ 501 on s.32(1)(b) of the Limitation Act 1980 in competition cases (led by Daniel Jowell QC).
- Junior counsel for the appellant in appeal against a CMA decision to impose the maximum penalty under the Competition Act 1998, including a challenge to the legality of the CMA's penalty guidance (led by Robert O'Donoghue QC): [2020] CAT 13; [2020] CAT 28.
- Advice on the notification of mergers under the Enterprise Act 2002.

As a pupil, Richard assisted in a range of competition cases, including:

- *Ping Europe Limited v CMA* [2020] 4 AER 276 (restrictions of competition by object, with Marie Demetriou QC).
- *Electro Rent Corp v CMA* [2019] CAT 4 (breach of interim order during merger control reference, with Marie Demetriou QC).
- *Personnel Hygiene Services v CMA* (judicial review of remedy on merger reference, with Marie Demetriou QC and Tom Pascoe).

Commercial

Examples of current and recent instructions include:

- *Gazprom Export LLC v DDI Holdings Limited* [2020] 4 CMLR 16, led by Neil Calver QC (abuse of process by way of collateral attack on arbitration awards and the effectiveness of EU law).
- *Office Depot v Holdham* [2019] 4 WLR 120, led by Marie Demetriou QC (relationship between CPR Part 11 and article 30 of the Brussels Regulation, and whether there is a presumption of a stay under article 30).

As a pupil, he assisted in a range of commercial matters, including:

- *Vasant v NHS Commissioning Board* [2020] 1 AER (Comm) 799 (uncertain contracts and reference to extrinsic material in interpretation, with Marie Demetriou QC).
- *Harbour Fund III, LP v Kazakhstan Kagazy plc and others* (construction of litigation funding agreement and relationship between damages and costs; (with Tony Singla)).
- An arbitration involving a delay claim and alleged economic torts (with Tony Singla).
- *Chu v Borrelli* [2019] HKCA 622 (redemption of share mortgages, with Charles Hollander QC).

International/EU

Examples of current and recent instructions include:

- Junior counsel in a judicial review on whether contractual payments fell within the *Altmark* criteria or were State aids.

- Advice on the Refugee Convention.
- Advice on environmental obligations under customary international law.
- Advice on the recovery of EU grants and the interpretation of the EU Financial Regulation (2018/1046/EU).
- Advice on EU external relations law and dispute resolution.

As a pupil, Richard assisted in a range of EU/international law matters, including:

- *Micula v Romania* [2020] 1 WLR 1033 (appeal and cross-appeal to Supreme Court on EU law, the Arbitration (International Investment Disputes) Act 1966 and Brexit, with Marie Demetriou QC and Hugo Leith).
- *Gubeladze v Secretary of State for Work and Pensions* [2019] AC 885 ('goldplating' of EU directives, construction of Citizens Rights Directive, derogations under Treaties of Accession, with Martin Chamberlain QC).
- Advice on the foreign act of state doctrine and the statutory presumption against extraterritoriality (with Marie Demetriou QC).

Education and qualifications

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- 2017–2018: BPTC, City Law School (Outstanding)
- 2014–2015: GDL, City Law School (Distinction)
- 2011–2014: BA, History, Wadham College, Oxford (1st 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.