BRICK COURT
CHAMBERS

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

Fergus Randolph KC

YEAR OF CALL: 1985 **YEAR OF SILK**: 2009

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The Legal 500 2025

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Practice Overview

Fergus is recognised as a go-to Counsel for sanctions, competition, procurement and trade litigation in the UK and for cases before the Luxembourg Court of Justice, where he has appeared regularly in the past and has several hearings in 2027. He is called to the English Bar, the Brussels Bar (*Balie*), the Northern Irish Bar and the BVI Bar. Fergus is fluent in French and 'not too bad' in Dutch and Italian.

His trajectory can be measured from *Factortame*, through *Interchange*, to *KS & KD*, amongst others.

In terms of recent cases, Fergus appeared for *Rusal* in a key case in the High Court, dealing in particular with issues of ownership and control in the context of the UK Russian sanctions regime, in the context of a prior Jersey Court ruling. He is now leading the litigation team in the *Smyrtos* matter, on behalf of the owner of the vessel seized in the English Channel in June. This is the first case dealing with the UK's asserted prerogative right to stop and detain vessels on the high seas in a sanctions-related context.

He is acting in the car financing collective action in the CAT and will be part of a major health related anti-competitive collective claim, also in the CAT, in 2027.

In the EU Courts, Fergus is acting in the legal precedent-breaking case of *KS* and *KD* in relation to the justiciability of CFSP decisions in the CJEU and the equally important case of *ISD/ET* dealing with the impact of the *Achmea* and *Micula* judgments in relation to an EU Commission State aid decision in the EU General Court.

Fergus also sits as an arbitrator, dealing in particular with major infrastructure projects impacted by sanctions.

Fergus is a full member of the Brussels Bar (Balie) and as such is entitled to advise and represent clients on matters of EU law before the EU Commission and the EU Courts in Luxembourg.

Prior to practising at the London bar, Fergus spent 15 years in Brussels including time at the Legal Service of the European Commission and his practice has taken him to international jurisdictions such as Hong Kong, the Falkland Islands and the South Georgia Supreme Court.

Throughout his career, he has appeared in many leading cases including *White v. White* (House of Lords); *Lonsdale* (House of Lords); *Quark* (South Georgia Supreme Court and the House of Lords); *Ingmar* (European Court of Justice); *Arkin v. Borchard Lines* (High Court and Court of Appeal); *Albion Water* (Competition Appeal Tribunal); *Churchill Insurance v. Wilkinson* (High Court, Court of Appeal and European Court of Justice); *Bloomsbury International* (Supreme Court); *Arcadia v. MasterCard* and Visa (Commercial Court); *Churchill v. Ede & Ravenscroft* (Competition Appeal Tribunal); *IRISL* (General Court), *Tomanovic* (General Court and CJEU) and *OWH SE i.L. (in liquidation) v RTI Limited (in liquidation) and United Company Rusal, IPJSC* (High Court).

Competition

Fergus continues to be instructed in key competition cases in the UK and abroad. He is currently leading the collective action in relation to car financing. He started the ground-breaking interchange litigation on behalf of Arcadia and other retailers against MasterCard and Visa and acted in the first competition damages claim brought in the English courts in *Arkin v. Borchard*.

Sanctions

Since Russia's invasion of Ukraine, Fergus has been instructed by a large number of individuals and companies on sanctions issues. He was involved in the *Truphone* pre-pack and has appeared in the Commercial Court on a heavy application dealing with ownership and control under Regulation 7(4) of the 2019 Regulations - *Rusal*. He is leading the team in the *Smyrtos* litigation, dealing with the asserted use of the prerogative to seize and detain a vessel on the high seas. He also advises international regulators as to their obligations under their respective sanctions' regimes.

Post-Brexit trade

Much trade work, including in relation to anti-dumping duties, used to be the exclusive preserve of the EU. Post-Brexit, that is no longer the case. Fergus was instructed by a major supermarket in three appeals against HMRC decisions, seeking to impose multi-million-pound duties on the company. He recently appeared in the First-Tier Tribunal (Tax Chamber) on an application against

HMRC.

International/EU

Fergus has rights of audience before the EU General Court and the EU Court of Justice as a fully qualified member of the Brussels Bar. He appeared in front of the CJEU's Grand Chamber on a case relating to events in the Kosovan conflict – *KS & KD*. The case has determined the Court's jurisdiction over the EU's Common Foreign and Security Policy, and accordingly is of substantial constitutional importance. Fergus will appear next year in the CJEU in a subsequent appeal on the same matter on the issue of the availability of damages.

He has also acted on behalf of a third-country national politician who was refused access to the UK. The matter was determined in the Special Immigration Appeals Tribunal, with open and closed procedures.

He is presently representing the sole mono-British national sanctioned by the UK Government in a case before the European Court of Human Rights in Strasbourg

Arbitration

Fergus sits regularly as an arbitrator. The matters covered include the commercial agents' regulations and sanctions.

Miscellaneous

In appropriate cases, he will accept instructions on a direct access basis within his areas of expertise. He is fully accredited under the Bar Council's Public Access Rules.

Qualifications & Further Information

- Called to the BVI Bar February 2025;
- LLB and Licence en Droit (Aix-en-Provence);
- Called to the Brussels Bar February 2018;
- Called to the Northern Ireland Bar 1991;
- Appointed to the Competition Commission of Hong Kong's Panel of External Senior Counsel;

- Former Leader of the European Circuit of the Bar Council;
- Chairman of the Bar Council's Law Reform Committee;
- Bar Council representative for the European Commission's initiative on contract law;
- Committee member of the Bar European Group;
- Committee member of the European Maritime Lawyers Organisation;
- Bencher, Middle Temple;
- Member of the Slynn Foundation's Delivery Group with special responsibility for EU law;
- Member of lawforchange panel of experts.

Lectures

- Frequent lectures on all aspects of EC law and UK litigation

Publications

- Commercial Agency & Distribution Agreements: Graham & Trotman 1989
- Shipping & EC Competition Law: Butterworths 1991
- Banking Secrecy: Sweet & Maxwell 1993
- Guide to the Commercial Agents Regulations CCH 1994; Davey and Randolph
- Guide to the Commercial Agents Regulations 2nd Edition: Hart Published 2003
- Contributor to Competition Litigation UP Practice and Procedure OUP 2010
- Guide to the Commercial Agents Regulations 3rd Edition - published by Hart in 2010

Directory Quotes

- "Fergus has a very high standard of knowledge, skill, professionalism and efficiency." (Chambers & Partners 2027)

- "Fergus knows competition law inside out and upside down. He knows the proper competition law, which is broader than just damages. He is very personable and likeable and very collaborative." (Chambers & Partners 2027)

- "Fergus is very calm and professional. He stayed and made the case work. He is cheerful, unfazed and just got on with it. He is also very knowledgeable and on top of all the details." (Chambers & Partners 2027)

- "Fergus is extremely responsive to our requests and digests massive amounts of information, reducing it to succinct, clear and concise advice. He does it all with immense confidence and has been a great asset." (Chambers & Partners 2027)

- "Fergus' strengths are his expertise, professionalism, efficiency and excellent advocacy skills." (Legal 500, 2027)
- "Fergus Randolph is an excellent all-rounder." (Chambers & Partners 2026)
- "Fergusprovidesafirst-classservicecombiningexpertisewithcommercial awareness." (Chambers & Partners 2026)
- "He's excellent on his feet. He's one of the more experienced KCs at the Bar." (Chambers & Partners 2026)
- "Fergus knows a lot of the much more technical competition law stuff; he's very steeped in EU case law, which is still very important." (Chambers & Partners 2026)
- "Fergus Randolph KC is recognised as a go-to counsel for sanctions-related instructions. He earns praise for his deep expertise in matters touching Russian sanctions, including the challenging of individual designations. In addition to his sanctions practice, Randolph advises on a broad range of practice areas, including competition, international trade law and commercial agency." (Chambers & Partners 2026)
- "Fergus Randolph KC acts for claimants in follow-on damages actions and also handles standalone competition claims for injured parties seeking to block anti-competitive conduct by commercial partners. He also assists appellants with the review of CMA decisions." (Chambers & Partners 2026)
- "Fergus has a deep knowledge of sanctions, is very, very clever and at the same time has an eye to the commercial context and provides clear, helpful and robust advice. He is always a pleasure to deal with and very accommodating in relation to transaction timetables and unexpected developments." (Legal 500, 2026)
- "Fergus is very good at navigating his way through complex fact patterns and he is a reassuring voice for funders." (Legal 500, 2026)
- "Fergus provides excellent and always very timely advice. He combines his expertise with a very understanding and approachable manner." (Chambers & Partners 2025)
- "Fergus is very approachable and provides a fantastic level of service. He has strong commercial awareness and keeps this in mind while providing clear and decisive advice." (Chambers & Partners 2025)

- "Fergus is commercial and extremely knowledgeable. He's certainly a leader in his field." (Chambers & Partners 2025)
- "Fergus is able to provide solid and strategic advice and assist clients navigating complex regulatory issues." (Chambers & Partners 2025)
- "Fergus is incredibly intelligent and at the same time pragmatic, always taking into account the commercial context and keeping the end objective in mind. He is extremely accommodating in relation to timing pressures and very responsive. He is a great pleasure to work with." (Legal 500 2025)
- "Fergus has an excellent in-depth knowledge of the technical side of competition law, not just the law around cartels and damages actions. He is entertaining and friendly to work with." (Legal 500 2025)
- "Fergus Randolph is very strong in competition and regulatory matters." (Chambers & Partners 2024)
- "He is very knowledgeable in antitrust/competition law matters and matters regarding procedural law. He is responsive and can draw from his wide experience when providing advice." (Legal 500 2024)
- "Very responsive and an industry expert, who delivers very astute, pragmatic and strategic advice." (Chambers & Partners 2023)
- "Fergus is extremely knowledgeable and addresses novel legal issues in a pragmatic manner. An incredibly versatile and accessible silk, his client is always highly satisfied with the depth and clarity of his legal opinions." (Legal 500 2023)
- "Fergus is highly experienced, very knowledgeable and a responsive silk who provides advice quickly." (Legal 500 2023)
- "Knows his stuff and appears well in court." "He is incredibly good-natured and is willing to work collaboratively." (Chambers & Partners 2022)
- "He possesses deep competition knowledge and is a fantastic team player who is unflappable under pressure." (Legal 500 2022 and Chambers & Partners 2021)
- "He's a brilliant lawyer and a very easy person to work with." (Chambers & Partners 2021)
- "Pleasant to deal with, he gets the job done." (Legal 500 2021)
- "Efficient, proactive, and clearly well prepared." "If ever I have a point to check I can pick up the phone and ask him. He will always point me in the right direction or give a direct answer." "He was quickly able to grasp our industry and all of the terminology that goes with it; within a matter of days he seemed to know our market and our business inside-out." (Chambers & Partners UK & Global 2020)
- "Very persuasive, particularly in trial." (The Legal 500 2020)
- "Personable and easy to work with, he has a good rapport with clients." (Chambers & Partners

UK & Global 2019)

- "Exceptionally responsive and dedicated to the cause. He applies his mind to the client's problems and then takes it from there, which is a desperately rare quality for a barrister." (The Legal 500 2018-19)
- "He is very calm, user-friendly and has a good ability to distil things down for his clients." (Chambers & Partners 2018)
- "He is really quick to understand what the issues are and understands how the issues impact on us." (Chambers & Partners 2018)
- "He is popular with clients and has a no-nonsense attitude." (Chambers & Partners 2018)
- "A broad pair of shoulders in a challenging field." (The Legal 500 2017)
- "He is extremely good: he's flexible, hard working and has enormous technical knowledge." (Chambers & Partners 2017)
- "He is very experienced and he gives sensible and pragmatic advice because he knows his area so well." (Chambers & Partners 2017)
- "He is approachable, hands-on, makes himself available and is very user-friendly." (Chambers & Partners 2017)
- "Sensible, tough and determined." (The Legal 500 2016)
- "He is an extremely clear and very articulate EU policy expert with very good written and oral advocacy skills." (Chambers & Partners 2016)
- "At the forefront of the development of damages claims for breaches of competition law." (The Legal 500 2015)
- "He is really forging ahead." "A great all-rounder who is very creative. He's good to have on your side when you are in a tight corner." (Chambers & Partners 2015)
- "Astonishingly intelligent, he has a phenomenal ability to get to grips with other areas of the law quickly." "Offers clear advice and never loses sight of the commercial end game." (Chambers & Partners 2014)
- "A strong performer, who is also good on paper and very thorough." (The Legal 500 2014)
- "Astonishingly intelligent, he has a phenomenal ability to get to grips with other areas of the law quickly." "Offers clear advice and never loses sight of the commercial end game." (Chambers & Partners 2014)
- "excellent advocate" (Legal 500 2013)
- "Fergus Randolph KC consistently impresses sources with his hands-on and pragmatic approach, and is someone who "demonstrates extreme commitment, remains consistently focused and is a good team player." His vast experience in competition and non-competition-related EU law matters means he is instructed on a range of complex briefs."

(Chambers & Partners 2013)

- "Fergus Randolph KC earns praise for having long-standing expertise in advising on competition and European law-related matters." (Chambers & Partners 2012)
- "'pragmatic, and involved, and brings real momentum to a case'." (Legal 500 2011)
- "Fergus Randolph KC is "not one of those barristers who likes to wrap the client up in reams of legal arguments." Instead, he takes a more practical approach, "preferring direct action to endless prevarication." Those who have seen him in court see him as "a barrister of great style." (Chambers & Partners 2011)

Languages

Fluent French, basic Italian and Dutch.