

## Tim Ward

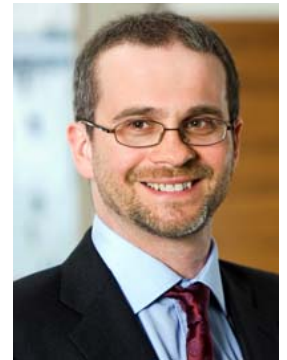
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## Summary

Tim Ward is an experienced litigator and advocate in the fields of EC, competition, and public law. He has particular expertise in commercial and regulatory matters. He has acted in 40 cases before the European Court of Justice, and has over 30 reported cases in the field of public law.

He is a member of the Attorney General's A Panel.

He was nominated for Barrister of the Year at The Lawyer Awards, 2008, and for Barrister of the Year at the Law Society Excellence Awards 2008.

## Recent cases

- *R(Shoemith) v Ofsted & Ors*: procedural fairness of inspection of Children's Services.
- *R(Global Knafaim) v BAA and CAA*: legality of detention of aircraft for unpaid charges.
- *Vodafone & Ors v Ofcom, CA*: jurisdiction of CAT to direct retrospective changes to price controls.
- *Carphone Warehouse v Ofcom, CAT*: local loop unbundling.
- *Tesco v Competition Commission*, CAT judicial review of competition test for supermarket development.
- Dairy retail pricing.
- *Vodafone v Ofcom, CAT*: number portability.
- *Metock, ECJ*: free movement of third country nationals within the EU.

His publications include three books: *Competition Litigation in the UK* (with Kassie Smith, Sweet & Maxwell 2005), *Judicial Review and the Human Rights Act (2000)* and co-editor of *The Strasbourg Case Law - Leading Cases from the European Human Rights Reports (2001)*. He is Editor in Chief of the *Human Rights Law Reports - UK Cases (Sweet & Maxwell)* and Contributor to the forthcoming sixth edition of *Bellamy & Child, The European Community Law of Competition*.

## Specialist Areas

### Competition/Regulatory

Tim has wide experience of both litigation and advisory work in the field of competition and regulation. He has particular expertise in telecoms. He appears regularly in the courts and Competition Appeal Tribunal in cases including cartel penalty appeals, competition damages actions and claims for judicial review under the Enterprise Act 2002. He also has experience before the Competition Commission.

Recent cases include:

- *Carphone Warehouse v Ofcom, CAT, Competition Commission*: wholesale pricing of local loop unbundling.
- *Cable & Wireless v Ofcom, CAT, Competition Commission*: leased lines price control.
- *Barclays Bank v Competition Commission, CAT*: judicial review of Competition Commission's report on payment protection insurance.
- *Tesco v Competition Commission*: CAT judicial review of the planning remedy proposed by the Competition Commission as a result of its Groceries Market Investigation.
- *BSkyB v Ofcom, CAT*: challenge to price control on pay TV.
- *Vodafone & Ors v Ofcom, CA*: jurisdiction of CAT to direct retrospective changes to price controls.
- *JML v Freesat, CA*: broadcasting code and contractual discretion.
- *Vodafone v Ofcom, CAT*: challenge to Ofcom's number portability regime.

- *Dairy retail pricing*: investigation into the pricing of milk and other dairy products by supermarkets, dairies and other milk processors.
- *Bid rigging in the construction industry*.
- *Healthcare at Home v Genzyme*, CAT: action for damages arising out of an infringement of the Chapter II prohibition.

Recent advisory work includes:

- Chapter II prohibition and water supply agreement.
- Legality of long term contracts for a major utility.
- Abuse of dominant position on behalf of an electricity generator.
- State aids and utility licensing.

## European Law

Tim has exceptionally broad experience of litigation and advocacy before the European Court of Justice. He has wide experience of litigating EU law issues in the domestic courts, and has acted in a large number of references from the English courts to the ECJ. He has appeared in cases concerning direct and indirect tax, telecoms, free movement, conflicts of laws, single market, external relations and the environment.

Recent cases include:

- C-434/09 *McCarthy*: reference from Supreme Court concerning EU citizenship.
- C-403/08 *FA Premier League*: reference to ECJ from High Court concerning exclusive broadcast rights.
- *Lekpo-Bozua v LB Hackney, CA*: EU citizenship.
- C-58/08 *O2, Vodafone & Ors v Secretary of State*: validity of price ceiling in respect of mobile phone roaming charges.
- C-482/08 *United Kingdom v Council*: challenge to regulation of access to visa information for anti-terrorism purposes.
- C-475/05 *Banca Popolare di Cremona*: direct tax and prospective temporal limitation.
- C-432/05 *Unibet*: test for grant of interim relief in national courts.

## Public Law

Tim's public law practice is predominantly concerned with commercial, European, and regulatory challenges. He has, however, acted in almost every conceivable kind of public matter in both domestic and international courts. He has particular expertise in cases where public law, EC law and/or human rights law overlap.

Recent cases include:

- *R(Shoesmith) v Ofsted & Ors*: procedural fairness of inspection of Children's Services.
- *R(Global Knafaim) v BAA and CAA*: legality of detention of aircraft for unpaid charges.
- *R(Langley) v Preston Crown Court*: anti-social behaviour orders
- *R(Government of Bermuda) v Ofcom*: judicial review concerning allocation of satellite spectrum.
- *Church of Latter Day Saints v Gallagher*, HL: human rights challenge to commercial rating.
- *X v Switzerland*: ECtHR challenge to Swiss financial services regulation and mutual assistance.
- *R(Federation of Tour Operators) v HM Treasury, CA*: human rights and EC law challenge to increase in Air Passenger Duty.
- *R(EISAI) and Alzheimer's Association v NICE*: challenge to NHS guidance on availability of Alzheimer's drugs.

## Additional Information

Tim's publications include three books: Ward and Smith, *Competition Litigation in the UK*, Sweet & Maxwell 2005, Gordon and Ward *Judicial Review and the Human Rights Act* (2000) and Gordon, Ward and Eicke, *The Strasbourg Case Law - Leading Cases from the European Human Rights Reports* (2001). He is Editor in Chief of the Human Rights Law Reports - UK Cases (Sweet & Maxwell) and Contributor to *Bellamy & Child, The European Community Law of Competition* (OUP, 2008).

## What the directories say

**Chambers UK, 2010** describes Tim as "user-friendly, bright and knowledgeable." He has experience of a broad range of competition and EU law and recently acted for Vodafone in its successful challenge to Ofcom's demand for changes to the means by which a customer can transfer a number from one operator to another."

Tim Ward is 'more of a public law generalist' and is listed as a leading Junior in EU and Competition law. Tim Ward, among others, plays to chambers' recognised strength on all European law matters. This includes strength in EHCR litigation, in which court members of chambers have appeared regularly. - **Legal 500, 2009**

In **Chambers UK, 2009** under Administrative and Public law, "Tim Ward is "an extremely articulate, imaginative and very experienced" senior junior. He focuses on mainstream judicial review, as well as competition and EU human rights law. Clients find him "very sharp and able to cut through to the important issues," while impressed solicitors comment that "he prepares, with the minimum of fuss, clear and focused pleadings that strike precisely the right note."

Tim is recommended in three sections of **The Legal 500, 2008**; in Admin and Public, EU and Competition and Human Rights and Civil Liberties. " Junior Tim Ward is ' very good' ... an experienced figure before the ECJ. "

**Finalist - Barrister of the Year, The Lawyer Awards 2008**

**Shortlisted - Barrister of the Year, The Law Society Excellence Awards 2008**

On EU / Competition: "Tim Ward maintains an active practice in both competition and EU law. Regarded as 'doing more and more work for the competition authorities,' he has also appeared frequently before the European Court of Justice. His recent work includes Healthcare at Home v Genzyme, an action for competition damages before the CAT."

On Public and Administrative law: "Clients speak highly of Tim Ward of Monckton Chambers, describing him as 'a determined advocate who's knowledgeable, user-friendly and attentive to detail.' 'Of all the junior counsel we've worked with, he's the best,' said one client. He has a broad practice, which incorporates litigation in European, competition, public and tax law. He recently appeared in R (British Casino Association) v Secretary of State for Culture, Media and Sport, a pending challenge to the new regulatory regime for casinos."

On Human Rights: "...Tim Ward is a 'good, solid junior, much better than silks at unknown chambers.'..." -

**Chambers UK, 2008**

**The Legal 500, 2004, 2005, 2006 and 2007** recommends Tim as a leading junior in Administrative and Public Law as well as in Civil Liberties and Human Rights. Their 2007 edition highlights: "... junior Tim Ward is 'very clear in his advice and pleasant to deal with' ".

On EU/Competition: "Having firmly established themselves in the competition world, both Kassie Smith and Tim Ward are impressing people with their European law capabilities. ... while Ward regularly represents the UK government in the ECJ on issues as varied as human rights and conflict of laws."

On Human Rights: "At the same set, Tim Ward is a 'good, solid junior, much better than silks at unknown chambers.' He focuses on EU and public law and has a varied caseload. He recently defended an application for a declaration of incompatibility under the Human Rights Act 1998 by a detained mental patient." - **Chambers UK, 2007**

"[Kassie Smith] co-edited 'Competition Litigation In The UK' with Tim Ward, another new entry in the tables. His EU practice includes competition, social security, free movement of persons, utility regulation and tax. His cases include UK v European Parliament and Council in the ECJ and Apex Roofing v OFT in the CAT." - **Chambers UK, 2006**

On Competition and EU law "Tim Ward wins clients and peers over with his "intellect, great presentation skills and ability to think on his feet." Having acted in more than 30 cases before the ECJ - seven of those in 2007 alone - he offers solid experience."