

Owain Draper

MA Eng Lit (First Class), Dip Law

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Summary

Owain was taken on in October 2009 as a tenant at Monckton Chambers, having completed pupillage with pupil supervisors Daniel Beard, Peter Mantle, and Paul Harris, all of whom are recommended as leading juniors by the legal directories.

During pupillage and as a recent tenant, Owain has gained experience of all Chambers' main practice areas, including competition law, VAT, European law generally, sports law, public law and human rights.

Owain returned to Chambers in January of this year having completed an internship in the Chambers of Eleanor Sharpston QC, the English Advocate General to the European Court of Justice. During his *stage* at the ECJ, Owain prepared notes for hearings and produced first drafts of Opinions in matters including VAT exemption for activities related to the supply of medical services, and European Union measures governing the freezing of the assets of suspected terrorists. Since returning to Chambers, Owain has undertaken a part-time secondment to Ofgem, where he has advised on matters arising out of the implementation of EU liberalisation measures, and has advised and represented (as junior) public and private clients in VAT, competition, procurement and sports law matters.

Education & Prizes

- MA (Hons) English Literature, Edinburgh (First Class) (2002-2006)
- Graduate Diploma in Law, City University (Commendation) (2006-2007)
- Bar Vocational Course, BPP London (Very Competent) (2007-2008)
- Hardwicke Entrance Scholar, Lincolns Inn (2007)
- JP Warner European Scholar, Lincolns Inn (2008)
- Bar European Group Pegasus Scholar (2009)

Languages

French (fluent).

Specialist Areas

Competition Law

Owain has drafted (as junior) advice to a major company in the food retail sector in relation to an alleged refusal to supply by a competitor.

R v George and others (as pupil assisting Jon Turner QC). Preliminary legal arguments on the compatibility of the UK cartel offence with Community law.

BAA v Competition Commission (as pupil to Paul Harris). An Enterprise Act 2002 review, on the grounds of proportionality and apparent bias, against the divestment remedy decided upon by the Commission in its market investigation into the supply of airport services by BAA.

Bookmakers' Afternoon Greyhound Services v Amalgamated Racing Limited [2009] EWCA Civ 750 (as pupil to Paul Harris). Appeal to the Court of Appeal concerning the application of Article 81 EC to the joint selling by racecourses of certain media rights to live horse racing.

Tesco v Competition Commission [2009] CAT 6 (as pupil to Daniel Beard). An Enterprise Act 2002 review, on the ground of proportionality, of the Commission's decision on the remedy to be imposed in relation to the high level

of concentration (at the local level) in the grocery retail market.

European Law

Owain has advised public and private clients in relation to the free movement of capital and the freedom of establishment. He is currently instructed by a City Council in relation to the procurement of Type B services.

During pupillage, Owain assisted Members of Chambers in relation to:

- the free movement of goods (the importation of taxis);
- State aid (new, potentially selective tax legislation); and
- the duties of a national regulator under Community law.

Public & Administrative Law

Owain has advised the Home Office on the *travaux préparatoires* for a measure in the field of asylum rights. He represents frequently an electricity supplier in relation to the disconnection of business customers.

Lunt v Liverpool City Council (as pupil assisting Gerry Facenna). A potentially highly significant High Court claim against the council on disability discrimination grounds (and European free movement law).

Sports Law

Owain is currently advising an international sports organisation in relation to a commercial dispute with a supplier of information technology, and is representing an international-level athlete in an appeal against a period of ineligibility imposed as a result of a doping violation.

Bolton Wanderers FC v KCL and Anelka (as pupil to Paul Harris).

A claim for breach of an image rights agreement and infringement of copyright against a Premiership footballer.

Owain has also assisted Paul Harris in the relation to the appeal by Renault against the decision of the stewards at the 2009 Hungarian Grand Prix to ban Fernando Alonso from the next Grand Prix.

Tax and Revenue Law

Owain has advised a top-tier European football club on the merits of an appeal in relation to the VAT place of supply rules. He has advised jointly (as junior) a trader on the merits of its appeal in relation to HMRC's refusal of input VAT claims on the grounds of alleged MTIC fraud, and is the author of an article published in the Tax Journal on the recovery of compound interest on VAT overpayments (May 2010).

Littlewoods v HMRC. Instructed, as junior to Andrew Macnab, in a claim for compound interest in relation to VAT overpayments.

Chalke and Barnes v HMRC [2009] 952 (Ch) (as pupil to Peter Mantle). The leading case on compound interest in VAT law.

R(Oriel Support Ltd) v HMRC [2009] EWCA Civ 401 (as pupil to Peter Mantle). An appeal to the Court of Appeal on whether a payroll services outsourcing company could account for PAYE, in respect of payments made on behalf of individual employers, using its own PAYE reference.

Homeserve v HMRC [2009] EWHC 1311 (Ch) (as pupil assisting Andrew Macnab). An appeal from the VAT and Duties Tribunal on whether payments made to an insurance intermediary were part of the 'premium' for the purposes of insurance premium tax.