

# Ava Mayer

Year of call: 2021  
Degree: LLM (Cantab) (First Class), GDL (Distinction), BSc (Economics & Philosophy, LSE) (First Class)



Ava has a diverse practice encompassing all areas of Chambers' expertise. She has appeared before the Court of Appeal, the High Court, the Competition Appeal Tribunal, the Upper Tribunal and the County Court.

Recent highlights of Ava's practice include:

- acting for Visa in its defence of multiple claims brought by retailers alleging that interchange fees applicable to card transactions are anti-competitive and breach Article 101 and Article 102 TFEU
- acting for the FCA in Bluecrest Capital Management (UK) LLP v FCA, currently on appeal to the Court of Appeal, in a case concerning the nature and scope of the Upper Tribunal's jurisdiction on a reference, and the extent of the FCA's powers to impose requirements to pay redress on individual firms under the Financial Services and Markets Act 2000
- acting for an environmental charity seeking to bring a judicial review challenge to the Government's approach to the use of biomass
- acting for asylum seekers who have been held on the island of Diego Garcia since October 2021
- acting for Volkswagen AG in the action arising out of what is often described as "Dieselgate"

Before coming to the Bar, Ava trained as a solicitor with Linklaters in the financial regulation, commercial and litigation teams. She went on to work as Judicial Assistant to Lady Black in the UK Supreme Court and the Judicial Committee of the Privy Council, working on complex and high-profile cases across a range of disciplines. She then served as the Policy Analyst to the House of Lords Constitution Committee, where she supported the Committee with its legislative scrutiny of public bills and co-drafted reports on constitutional topics. She has also taught Administrative Law at the University of Cambridge.

## EXPERIENCE

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### Commercial

Ava accepts instructions in all areas of commercial law.

### Cases

#### **Umbrella Interchange Fee Proceedings**

For Visa in its defence of multiple claims brought by retailers alleging that interchange fees applicable to card transactions are anti-competitive and breach Article 101 and Article 102 TFEU.

#### **VW Emissions Group Litigation**

For Volkswagen AG in group litigation proceedings, arising out of what is often referred to as "dieselgate", which raise a number of EU and competition law issues, including in respect of the Commission's decision regarding emission levels (with Brian Kennelly KC, Jason Pobjoy and Rayan Fakhoury).

#### **Re. Preferred Management Limited**

[2021] EWHC 2953 (Ch)

For the successful respondents to an unfair prejudice petition regarding an English company holding shares in a major Russian insurer. The Court rejected the petitioner's case that it was in truth a 50/50 shareholder and inheritor of a quasi-partnership interest, following evidence regarding discussions between Russian principals over two decades (assisting Fraser Campbell).

#### **Global Plastic v Inivos**

[2022]

For the claimant in respect of an oral contract, alternatively for a quantum meruit, arising from the supply of PPE during the pandemic (assisting Victoria Windle QC).

#### **Chep Equipment Pooling v ITS Ltd**

[2022] EWHC 741

For the claimant at a one day hearing challenging jurisdiction in a claim involving issues of breach of fiduciary duty, dishonest assistance and conspiracy brought against parties domiciled in five different jurisdictions (assisting Victoria Windle QC).

**Rahbarpoor v Said**

2022] EWHC 1093 (Ch); [2021] EWHC 3319 (Ch)

Dispute regarding ownership of substantial West London property, based on a disputed Declaration of Trust. Preliminary hearings regarding remote attendance, third party disclosure and adjournment on the basis of the disappearance of a key witness (assisting Fraser Campbell).

**Suppipat & Others v Narongdej, Siam Commercial Bank and Others**

[2022]

For the claimants in a multi-jurisdictional fraud claim against 17 separate defendants, for damages of more than \$1 billion. The claim raises issues of limitation, characterisation of loss and conflict of laws (assisting Victoria Windle QC).

**London Oil & Gas Ltd**

[2022]

For a defendant to a claim for fraudulent trading and breach of directors' duties, valued at over £200 million and brought by administrators (assisting Victoria Windle QC).

**Re. sale of vintage car**

[2021]

For the defendant to claim of misrepresentation regarding the seven-figure sale by auction of a vintage racing car (assisting Fraser Campbell).

**Re. sale of national gym business**

[2021]

For multiple defendants to breach of warranty claims following the sale of a chain of gyms (assisting Fraser Campbell).

## EU Law

Ava accepts instructions in all areas of EU law.

## Cases

**Umbrella Interchange Fee Proceedings**

For Visa in its defence of multiple claims brought by retailers alleging that interchange fees applicable to card transactions are anti-competitive and breach Article 101 and Article 102 TFEU.

**VW Emissions Group Litigation**

For Volkswagen AG in group litigation proceedings, arising out of what is often referred to as "dieselgate", which raise a number of EU and competition law issues, including in respect of the Commission's decision regarding emission levels (with Brian Kennelly KC, Jason Pobjoy and Rayan Fakhoury).

**Colley v Motor Insurers' Bureau**

[2022] 1 WLR 2930

For the Motor Insurance Bureau in the Court of Appeal, in a claim regarding the scope and effect of European Union motor insurance law (assisting Jason Pobjoy).

## Competition

Ava accepts instructions in all areas of competition law.

## Cases

**Umbrella Interchange Fee Proceedings**

For Visa in its defence of multiple claims brought by retailers alleging that interchange fees applicable to card transactions are anti-competitive and breach Article 101 and Article 102 TFEU.

**VW Emissions Group Litigation**

For Volkswagen AG in group litigation proceedings, arising out of what is often referred to as "dieselgate", which raise a number of EU and competition law issues, including in respect of the Commission's decision regarding emission levels (with Brian Kennelly KC, Jason Pobjoy and Rayan Fakhoury).

## Financial Services & Banking

Ava accepts instructions in all areas of financial services & banking.

## Cases

**FCA v Seiler, Whitestone & Raitzin**

[2023] UKUT 133 (TCC)

Ava acted for the FCA (with Andrew George KC and Celia Rooney) in Upper Tribunal proceedings which, following a 4-week trial in 2022-3, resulted in important judicial pronouncements concerning the regulator's obligations to adduce factual evidence and the Upper Tribunal's jurisdiction to entertain allegations advanced by the FCA which were not part of its Warning Notice.

**FCA v Bluecrest Capital Management (UK)**

[2023] UKUT 140 (TCC)

For the FCA in this case (with Andrew George KC and Ajay Ratan), currently on appeal to the Court of Appeal, which concerns the FCA's powers to impose requirements to pay redress on individual firms (in this case a requirement said to amount to \$700m arising out of an alleged failure properly to manage conflicts of interests) and the Upper Tribunal's jurisdiction to permit amendments to the FCA's case after the issuance of a statutory notice and/or during Tribunal proceedings.

## Public & Regulatory

Ava accepts instructions in all areas of public & regulatory law.

## Cases

**Proposed judicial review of the Medicines and Healthcare products Regulatory Agency (2021)**

Advised the Medicines and Healthcare products Regulatory Agency in a proposed judicial review of its alleged failure to properly categorise a biomedical research company under domestic and EU law (assisting Fraser Campbell).

**X v Y Government (2022)**

Advising an individual who had been arbitrarily arrested and detained incommunicado. The case raised issues of international law, human rights and torture (assisting Jason Pobjoy).

**R (HM) v SSHD**

[2022] EWHC 695 (Admin)

For the Claimant in a successful claim challenging the Defendant's operation of a blanket policy to seize, retain and extract data from the mobile phones of migrants arriving by small boat (assisting Jason Pobjoy)

**Pension Protection Fund Advice**

[2021]

Advised the trustee of a pension scheme in assessment with the Pension Protection Fund regarding its obligations to provide minimum levels of benefits to members of the scheme (assisting Fraser Campbell).

**[Confidential] Advising an educational institution on the right to freedom of expression (2022)**

Advising an educational institution on the restrictions on the right to freedom of expression that may lawfully be implemented within an internal misconduct and harassment policy (assisting Jason Pobjoy).

**R v [Individual]**

[2021]

For the Crown Prosecution Service in an action for civil recovery of property suspected to have been obtained through unlawful conduct (assisting Fraser Campbell).

**[Confidential] Advising a public body on the interaction between human rights and equalities law (2021)**

Written advice regarding the right to freedom of expression and the legality of restrictions upon it for the purposes of prohibiting discrimination (assisting Jason Pobjoy).

**R (JD) v Secretary of State for Justice and Parole Board**

[2022] EWHC 1238 (Admin)

For the Parole Board in judicial review brought by the first Parole Board member in its 54-year history to be removed for misconduct. Permission was refused in respect of complaints of procedural unfairness after an oral renewal hearing; reasonableness challenge to be heard in due course (assisting Fraser Campbell).

**R (YA & ors) v SSHD (2022)**

For a family seeking reunion with a family member who had been granted asylum in the UK. The case raised issues regarding the Immigration Rules, Article 8 ECHR, and Article 3 of the United Nations Convention on the Rights of the Child (assisting Jason Pobjoy).

**R (FDA) v Prime Minister**

[2022] 4 WLR 5

For the respondent Prime Minister and others in a challenge to the Prime Minister's decision that the Home Secretary had not breached the Ministerial Code following allegations that she had shouted and sworn at civil servants (assisting Jason Pobjoy).

**R (PSCU & Ors) v SSHD**

[2022] EWHC 823 (Admin)

For Freedom from Torture in challenge to the UK Government's refugee pushback policy on the basis that it was ultra vires and incompatible with the 1951 Refugee Convention and Articles 3 and 4 ECHR (assisting Jason Pobjoy).

### **R (Harvey & Others) v NHS England & Others**

CO/4311/2021

For claimants in a challenge to the delays in NHS trans healthcare provision (assisting Jason Pobjoy).

### **R (Good Law Project & Runnymede Trust) v Prime Minister & Secretary of State for Health**

[2022] EWHC 298 (Admin)

For the successful respondents in a challenge to Ministerial appointments during the Covid-19 pandemic (assisting Jason Pobjoy).

### **Advice on a proposed appeal to the Judicial Committee of the Privy Council (2021)**

Advised the respondent public body on the merits of an appeal to the Judicial Committee of the Privy Council. The case raised complex issues concerning ouster clauses, procedural exclusivity, and breach of statutory duties (assisting Jason Pobjoy).

### **Keighley v BBC (2021)**

For the BBC in a challenge to its framework for monitoring compliance with its due impartiality obligations (assisting Jason Pobjoy).

## ACHIEVEMENTS

### Education

- LLM (Cantab) (First Class; winner of the Russell Vick Prize for outstanding academic achievement in Law)
- Legal Practice Course (University of Law) (Distinction)
- Graduate Diploma in Law (University of Law) (Distinction)
- BSc Economics and Philosophy (LSE) (First Class; winner of LSE100 prize for outstanding academic achievement)

### Professional Experience

- 2020-21: Policy Analyst, House of Lords Constitution Committee
- 2019-20: Judicial Assistant to Lady Black, UK Supreme Court
- 2019-20: Supervisor in Administrative Law, Sidney Sussex College
- 2016-2018: Trainee Solicitor, Linklaters

VAT registration number: 447008068

Barristers regulated by the Bar Standards Board