

# Monica Carss-Frisk KC

*"Monica is a standout silk who Judges respect and listen to. She has a very persuasive style of advocacy, excellent judgement and is a brilliant team player."*

— CHAMBERS & PARTNERS, 2024

Year of call: **1985**  
Appointed to silk: **2001**  
Degree: **LLB (Lond), BCL (Oxon)**  
Languages: **Swedish (fluent), Finnish (working knowledge), French (some knowledge), German (some knowledge)**



Monica's practice spans public and regulatory law, civil liberties and human rights (including immigration), EU and competition law, commercial law, telecoms and employment law. She has appeared in a large number of leading cases in the Court of Appeal, House of Lords and the Supreme Court, as well as in the High Court, and other Courts and Tribunals.

Monica is one of the UK's most highly rated King's Counsel and was co-Head of Blackstone Chambers from January 2012 to October 2022. Prior to taking silk, Monica was Junior Counsel to the Crown (A Panel).

She has been called to the Bar of Hong Kong, the Cayman Islands, Bermuda and the British Virgin Islands to enable her to represent clients in those jurisdictions.

Monica is recognised by latest editions of both the leading independent legal directories for her expertise in administrative & public law, financial services regulation, EU law and civil liberties & human rights. Key recent quotes include:

- "Monica is a standout silk who Judges respect and listen to. She has a very persuasive style of advocacy, excellent judgement and is a brilliant team player." - Chambers UK, 2024
- "Monica is a serene presence in court and always commands the attention of her tribunal." - Legal 500, 2024
- "Monica is one of the very best, combining a superb approach to advocacy with a brilliant eye for strategy." - Legal 500, 2023
- "Monica is simply a class act. She is brilliant with clients, her advice is top notch and her advocacy skills are first class." - Legal 500, 2023
- "She is all over the strategic matters and utterly unflappable. She is a refined presence in court and knows exactly what she is doing." - Chambers and Partners, 2023

## EXPERIENCE

### Public & Regulatory

Monica deals with a wide range of public law cases, including regulatory work and judicial review with a commercial aspect. She frequently advises and acts for regulators and other public authorities, as well as claimants in relation to regulatory proceedings and judicial review.

Prior to taking silk, Monica was Junior Counsel to the Crown (A Panel).

Key cases in her career include:

***“Monica draws upon her extensive litigation experience to deliver clear and direct strategic and legal advice in a palatable manner.”***

— CHAMBERS & PARTNERS, 2024

### Cases

#### **R (Radiocentre Ltd) v Ofcom and the BBC (as Interested Party)**

[2023] EWHC 1977 (Admin)

Acted for the Interested Party in a judicial review challenge to the regulation of the launch of BBC Radio 1 Dance (R1D).

#### **R (Terra Services Ltd) v National Crime Agency**

[2020] EWHC 130 (Admin)

Represented the claimant in the Divisional Court on a judicial review concerning a search and seizure warrant and the circumstances in which it is appropriate to appoint a special advocate in relation to a closed hearing.

#### **R (T) v Financial Conduct Authority**

[2021] EWHC 396 (Admin)

Acted for the Financial Conduct Authority on an application to stay disciplinary proceedings before the their Regulatory Decisions Committee pending the outcome of Commercial Court proceedings where the issues to be considered were held to be the same.

#### **Barking & Dagenham College & Bloomsbury Institute v Office for Students**

[2019] EWHC 2667 (Admin)

Instructed by the Office for Students on an application for interim relief to prevent the new higher education regulator from publishing its decision not to register the Claimant as a higher education provider.

**R (Elan-Cane) v Secretary of State for the Home Department**

[2021] UKSC 56; [2020] EWCA Civ 363

Represented the intervener, Human Rights Watch, in an appeal brought by a non-gendered person challenging the Government's policy not to issue non gender-specific "X" passports to non-gendered, non-binary and other trans persons who do not identify as, or exclusively as, male or female.

**R (Bloomsbury Institute Ltd) v Office for Students**

[2020] EWCA Civ 1074; [2020] EWHC 580 (Admin); [2020] 3 WLUK 190

Represented the higher education regulator, the OfS, in a judicial review challenge to its decision not to register the Claimant higher education provider.

**Re. The German Swiss International School Association Limited**

[2020] HKCFI 1341

Advising the German Swiss International School Association Limited ("GSISAL") in a case concerning discriminatory language restrictions imposed by the German Swiss International School in Hong Kong. The Hon Mr Justice Harris upheld the application by GSISAL for a declaration that the German language restrictions contained in its Articles of Association infringed the Race Discrimination Ordinance (Cap. 602).

**R (Inclusion Housing Community Interest Company) v Regulator of Social Housing**

[2020] 2 WLUK 293

Acted for a regulator in a judicial review challenge to a regulatory judgement assessing the Claimant as non-compliant with regulatory standards.

**Fawaz Al-Attiya v His Excellency Jaber Al Thani**

Instructed to act for the former Prime Minister of Qatar. The claim is for damages, including aggravated damages for assault and false imprisonment out of his detention in Qatar between October 2009 to January 2011.

**R (on the application of Gwynt-y-mor Offshore Wind Farm Ltd) v Gas & Electricity Markets Authority**

[2019] EWHC 654 (Admin)

Acted for Ofgem Authority in a judicial review of a decision concerning regulated revenue made pursuant to the Offshore Transmission Licence.

**QT v Director of Immigration**

[2017] HKCA 489

Acting for the Director of Immigration in a Landmark Hong Kong Court of Appeal ruling in a discrimination case regarding excluding a same-sex couple from a policy of granting dependant visas to the spouses of employment visa holders.

### **R (Gallaher Group Ltd) v Competition & Markets Authority**

[2016] EWCA Civ 719; [2016] Bus. L.R. 1200

Acted for one of the Claimants in judicial review proceedings relating to the regulator's failure to repay them sums paid by way of penalties in circumstances where the regulator had made such a repayment to another company.

### **Friar Tuck Ltd v International Tax authority**

Judicial review in the British Virgin Islands. The ground-breaking case concerns the central question of what information someone has to be given when providing information to an authority.

### **R (on the application of Holmcroft Properties LTD) (Claimant) v KPMG LLP (Defendant) & (1) Financial Conduct Authority (2) Barclays Bank PLC (Interested Parties)**

Acting for the Financial Conduct Authority. Due in the Court of Appeal in December. The case deals with the question of who is amenable to judicial review.

### **Consultancy/advisory work for the FCA**

Payment protection insurance advice and consultation for the Financial Conduct Authority.

### **R (on the application of Grace Bay II Holdings SARL and others) v The Pensions Regulator**

[2017] EWHC 7 (Admin), [2017] All ER (D) 29 (Jan)

Acted for pension trustees in a case upholding the principle that where there is an alternative remedy available to the Claimants judicial review will only be granted in exceptional circumstances.

### **Judicial review – search warrants**

JR in BVI on behalf of the claimants magnum & Nightaroy against the AG of BVI. The case concerned public law issues of fairness and the setting aside of a search warrant and the legal principles applicable to applications for search warrants at the request of foreign authorities. Awaiting judgment.

### **R (London Borough of Enfield) v Secretary of State for Transport**

[2016] EWCA Civ 480

Acted for the Claimant in a challenge to the Secretary of State's decision as to the train service specification included in his Invitation to Tender for the East Anglia Rail Franchise.

### **R (Holmcroft Properties Ltd) v KPMG**

[2016] EWHC 323 (Admin)

Acted for the Financial Conduct Authority concerning the amenability to judicial review of a firm appointed as independent reviewer in relation to a voluntary redress scheme.

### **Al-Attiya v Bin-Jassim Bin-Jaber Al Thani**

[2016] EWHC 212 (QB)

Representing the defendant, a former high-ranking member of the Qatari Government, in a significant case concerning state and diplomatic immunity.

### **Transport for London v Uber London Limited**

[2015] EWHC 2918 (Admin); [2016] R. T. R. 12

Acted for Uber London Limited (“ULL”) in a test case as to whether private hire vehicles registered with ULL are equipped with a “taximeter” for the purposes of section 11 of the Private Hire Vehicles (London) Act 1998.

### **R (Somerfield Stores Limited) v Competition and Markets Authority**

[2015] EWHC 84 (Admin)

Acted for Somerfield in its judicial review challenge to the CMA alleging a failure to accord it equal treatment with another retailer as regards the repayment of a penalty paid pursuant to an Early Resolution Agreement in connection with the OFT’s Tobacco Decision. Pending in the Court of Appeal.

### **Governor of the Cayman Islands v Information Commissioner**

Judgment of the Grand Court, 15 March 2015

Represented the Information Commissioner in the second of two test cases concerning a report into alleged misconduct by the judiciary and the scope of freedom of information legislation in the Caymans and the powers of the Caymans Information Commissioner.

### **R (United Company Rusal) v London Metal Exchange**

[2014] EWCA Civ 1271; [2015] 1 WLR 1375

Acted for metal producer Rusal in its judicial review challenge to a consultation conducted by the LME into a proposed new warehousing rule.

### **R (Flatley) v Hywel Dda University Health Board**

[2014] EWHC 2258 (Admin); (2014) 140 BMLR 1

Acted for the Defendant University Health Board in a judicial review raising issues about duties of consultation and legitimate expectation in the context of proposals for major re-organisation of health services in West Wales.

### **R (EM (Eritrea) & Ors) v Secretary of State for the Home Department**

[2014] UKSC 12; [2014] AC 1321

Represented the claimants in the Supreme Court in a case concerning the interplay between EU law and the ECHR in the context of removals of asylum seekers and refugees.

### **Emptage v Financial Services Compensation Scheme Ltd**

[2013] EWCA Civ 729

Acted for the FSCS in the Court of Appeal in a test case concerning its powers to award compensation in connection with mortgage advice.

### **R (Virgin Trains Ltd) v Secretary of State for Transport and First West Coast Limited**

Acted for First Group in a judicial review brought by Virgin against the Secretary of State for Transport in respect of the decision to award the West Coast Main Line rail franchise to First Group. (The case has not proceeded to a substantive hearing in the light of the Secretary of State's decision not to proceed with the franchise award.)

### **Rabone v Pennine Care NHS Foundation Trust**

[2012] UKSC 2; [2012] 2 AC 72

Represented the NHS Trust in a case in the Supreme Court concerning the right to life of a voluntary mental health patient.

### **BBC v Sugar**

[2012] UKSC 4; [2012] 1 WLR 439

Instructed by the BBC in the Supreme Court in litigation concerning the Freedom of Information Act.

### **R (Thames Water Utilities Ltd) v Water Services Regulation Authority**

[2012] EWCA Civ 218; [2012] PTSR 1147

Instructed on behalf of Ofwat in a test case involving Ofwat's powers to make new appointments of water and sewerage undertakers and the proper interpretation of the Water Industry Act 1991.

### **R (Moos) v Commissioner of Police of the Metropolis**

[2012] EWCA Civ 12

Acted for the MPS in a challenge to the application to protestors of the tactic of containment.

**W v Registrar of Marriages**

FACV4/2012; judgment of 13.05.13

Instructed by the Department of Justice in Hong Kong concerning the right of transsexuals to marry. Appeal to the Court of Final Appeal heard in 2013.

## Civil Liberties & Human Rights

Civil liberties and human rights (including immigration) form a large part of Monica's practice and she frequently acts in these areas both for claimants and public authorities.

Highlight cases include:

***“She is incredibly inspiring to work with. Very calm and effective in the way she presents. She is all over the detail and handles complex issues with ease and compassion.”***

— CHAMBERS & PARTNERS, 2024

## Cases

**Leigh & Others v The Commissioner of the Police of the Metropolis**

Ongoing

Representing the Metropolitan Police on a judicial review raising issues concerning the lawfulness of decisions of the police in relation to an intended vigil for Sarah Everard on Clapham Common in March 2021 in the light of Articles 10 and 11 ECHR.

**R (Terra Services Ltd) v National Crime Agency**

[2020] EWHC 130 (Admin)

Represented the claimant in the Divisional Court on a judicial review concerning a search and seizure warrant and the circumstances in which it is appropriate to appoint a special advocate in relation to a closed hearing.

**Former trustees of the Tchenguiz**

Acting for a former Tchenguiz brothers investee in a complex and long –running multi-jurisdictional matter due before the Privy Council in November.

**R (Elan-Cane) v Secretary of State for the Home Department**

[2021] UKSC 56; [2020] EWCA Civ 363

Represented the intervener, Human Rights Watch, in an appeal brought by a non-gendered person challenging the Government's policy not to issue non gender-specific "X" passports to non-gendered, non-binary and other trans persons who do not identify as, or exclusively as, male or female.

**Re. The German Swiss International School Association Limited**

[2020] HKCFI 1341

Advising the German Swiss International School Association Limited ("GSISAL") in a case concerning discriminatory language restrictions imposed by the German Swiss International School in Hong Kong. The Hon Mr Justice Harris upheld the application by GSISAL for a declaration that the German language restrictions contained in its Articles of Association infringed the Race Discrimination Ordinance (Cap. 602).

**Friar Tuck Ltd v International Tax authority**

Judicial review in the British Virgin Islands. The ground-breaking case concerns the central question of what information someone has to be given when providing information to an authority.

**Fawaz Al-Attiya v His Excellency Jaber Al Thani**

Instructed to act for the former Prime Minister of Qatar. The claim is for damages, including aggravated damages for assault and false imprisonment out of his detention in Qatar between October 2009 to January 2011.

**Judicial review – search warrants**

JR in BVI on behalf of the claimants magnum & Nightaroy against the AG of BVI. The case concerned public law issues of fairness and the setting aside of a search warrant and the legal principles applicable to applications for search warrants at the request of foreign authorities. Awaiting judgment.

**QT v Director of Immigration**

[2017] HKCA 489

Acting for the Director of Immigration in a Landmark Hong Kong Court of Appeal ruling in a discrimination case regarding excluding a same-sex couple from a policy of granting dependant visas to the spouses of employment visa holders.

**Akerman-Livingstone v Aster**

[2015] UKSC 15; [2015] AC 1399

Represented the EHRC in the Supreme Court in a case concerning the approach to disability discrimination raised as a defence in possession proceedings brought by a social landlord.

**The Allied Trust and Allied Development Partners Limited v The Attorney General of Bermuda and the Minister for Home Affairs**

(Supreme Court of Bermuda 24 August 2015)

Represented the Government of Bermuda in a constitutional case concerning the right to property.



### **R (EM (Eritrea) & Ors) v Secretary of State for the Home Department**

[2014] UKSC 12; [2014] AC 1321

Represented the claimants in the Supreme Court in a case concerning the interplay between EU law and the ECHR in the context of removals of asylum seekers and refugees.

### **DIL & Ors v Commissioner of Police of the Metropolis**

[2014] EWHC 2184 (QB)

Instructed for the Metropolitan Police in claims by women arising out of sexual relationships with men who were alleged to have been undercover police officers, raising the issue of the extent to which the police are able to rely on a policy of "neither confirm nor deny" in relation to allegations concerning the use of undercover police officers.

### **AJA & Ors v Commissioner of Police of the Metropolis & Ors**

[2013] EWCA Civ 1342; [2014] 1 WLR 285

Represented the Metropolitan Police Service on questions of jurisdiction to hear human rights claims brought by women who alleged breach of their rights in respect of relationships with alleged undercover police officers.

### **Van Colle v United Kingdom**

(2013) 56 EHHR 23

Acted for the applicants in a case concerning the right to life in the context of police failure to protect the life of the applicants' son.

### **Catholic Care (Diocese of Leeds) v Charity Commission for England and Wales**

[2012] UKUT 395 (TCC); [2013] 1 WLR 2105

Acted for the appellant charity concerning the correct application of the Equality Act 2010 in respect of adoption services being offered by the charity.

### **W v Registrar of Marriages**

FACV4/2012; judgment of 13.05.13

Instructed by the Department of Justice in Hong Kong concerning the right of transsexuals to marry. Appeal to the Court of Final Appeal heard in 2013.

### **Rabone v Pennine Care NHS Foundation Trust**

[2012] UKSC 2; [2012] 2 AC 72

Represented the NHS Trust in a case in the Supreme Court concerning the right to life of a voluntary mental health patient.

### **R (Moos) v Commissioner of Police of the Metropolis**

[2012] EWCA Civ 12

Acted for the MPS in a challenge to the application to protestors of the tactic of containment.

### **R (FR (Albania)) v Secretary of State for the Home Department**

[2016] EWCA Civ 605

Acted for the Claimants in the Court of Appeal in test cases concerning the correct approach to certifying asylum claims as clearly unfounded under section 94(3) of the Nationality Immigration and Asylum Act 2002.

### **R (ZH (Tanzania)) v Secretary of State for the Home Department**

[2011] UKSC 4; [2011] 2 AC 166

Acted for the Secretary of State in the Supreme Court in a test case about the best interests of children in the context of Article 8 of the European Convention on Human Rights.

### **R (BN) v Secretary of State for the Home Department**

[2011] EWHC 2367 (Admin); 92011) 155 (37) SJLB 31

Acted for the Secretary of State in a case concerning the best interests of children and fresh claims in the context of Article 8 ECHR.

### **O'Donoghue v United Kingdom**

(2011) 53 EHRR 1

Instructed for the United Kingdom Government in the ECtHR in a case concerning legislation to prevent individuals from gaining an immigration advantage through sham marriages.

## **EU & Competition**

EU law forms a significant part of Monica's practice, particularly involving competition law.

***“Monica is one of the very best, combining a superb approach to advocacy with a brilliant eye for strategy.”***

— LEGAL 500, 2023

## Cases

**AB Volvo v Ryder Ltd**

[2020] EWCA Civ 1475

Represented Iveco in the Court of Appeal concerning the application of the doctrine of abuse of process in follow-on claims brought in the domestic Court following a cartel decision of the European Commission.

**R (Bayer plc) v NHS Darlington Clinical Commissioning Group**

[2020] EWCA Civ 449

Represented the Association of British Pharmaceutical Industry in the Court of Appeal in a challenge to the lawfulness under EU law of a policy of offering a particular drug (Avastin) as the preferred treatment option for certain patients.

**Vodafone v Office of Communications**

[2020] EWCA Civ 183; [2020] 2 WLR 1108

Acted for Vodafone in the Court of Appeal in relation to a claim for restitution of sums paid pursuant to an ultra vires demand.

**R (Gallaher Group Ltd) v Competition and Markets Authority**

[2019] AC 96; [2016] EWCA Civ 719

Representing a co-Claimant in a case concerning duties of equal treatment and substantive fairness. The claim concerned whether the CMA acted unlawfully, and in breach of the principle of equal treatment, in failing to make repayment to Gallaher of a fine of more than £50 million imposed for alleged breaches of competition law arising from a tobacco cartel, as well as interest. The Supreme Court held that domestic administrative law did not recognise distinct duties of equal treatment or substantive fairness.

**R (Somerfield Stores Limited); R(Gallaher) v Competition and Markets Authority**

[2016] EWCA Civ 719

Acted for Somerfield in both the Administrative Court and Court of Appeal in a challenge to the CMA arising out of its repayment of a penalty paid under an Early Resolution Agreement by one of Somerfield's competitors in connection with the OFT's tobacco cartel decision.

**Recall Support Services Ltd v Secretary of State for Culture, Media and Sport**

[2013] EWHC 3091 (Ch); [2014] 2 C.M.L.R 2; [2014] EWCA Civ 1370

Represented the Claimants in large "Francovich" claim in the High Court and the Court of Appeal in respect of alleged failure to implement the RTTE and Authorisation Directives.

**Telefonica O2 UK Limited v Ofcom**

[2012] CAT 28

Represented H3G ("Three") in an appeal concerning the relevance of ex ante regulation to Ofcom's dispute resolution powers in the light of the common EU regulatory framework.

## Financial Services & Banking

Monica is an expert in the field of financial services regulation, having advised and acted for institutions and the regulators in regulatory proceedings and investigations and judicial review.

Her work includes advising regulators, regulated bodies, banks and individuals across a broad spectrum of financial services matters, including collective investment schemes and tax avoidance, the failure of financial institutions, PPI, Libor, mis-selling of various financial products and redress schemes.

***"She is just pin sharp all of the time and has really good judgement also. Monica is a go-to for financial services regulatory matters."***

— CHAMBERS & PARTNERS, 2024

## Cases

**R (T) v Financial Conduct Authority**

[2021] EWHC 396 (Admin)

Acted for the Financial Conduct Authority on an application to stay disciplinary proceedings before the their Regulatory Decisions Committee pending the outcome of Commercial Court proceedings where the issues to be considered were held to be the same.

**ICAEW Consent Order – Deloitte LLP**

Advised and represented ICAEW in professional disciplinary proceedings brought against Deloitte LLP, Mr Neville Kahn, Mr Christopher Farrington and Mr Nicholas Edwards, arising out of their roles as Joint Administrators (and subsequently, Joint Liquidators) of Comet Group Ltd, the high street retailer which went into administration in 2012. The Consent Order may be found [here](#).

**R (British Bankers Association) v Financial Services Authority**

[2011] Bus. L.R. 1531

Represented the Financial Services Authority in the BBA's challenge to the FSA's policy concerning the mis-selling of payment protection insurance.

**R (on the application of Holmcroft Properties LTD) (Claimant) v KPMG LLP (Defendant) & (1) Financial Conduct Authority (2) Barclays Bank PLC (Interested Parties)**

Acting for the Financial Conduct Authority. Due in the Court of Appeal in December. The case deals with the question of who is amenable to judicial review.

## **R (Zai Corporate Finance) v AIM Disciplinary Committee of the London Stock Exchange**

[2017] EWHC 778 (Admin); [2017] EWCA Civ 1294

Acted for the LSE's AIM Disciplinary Committee in the High Court and in the Court of Appeal in challenge to alleged bias of panel members and decision to hold hearing in private. Leading case on bias in financial services tribunals and private hearings.

## **Consultancy/advisory work for the FCA**

Payment protection insurance advice and consultation for the Financial Conduct Authority.

## **R (Holmcroft Properties Ltd) v KPMG**

[2016] EWHC 323 (Admin)

Acted for the Financial Conduct Authority concerning the amenability to judicial review of a firm appointed as independent reviewer in relation to a voluntary redress scheme.

## **Arch Financial Products LLP & Ors v FCA**

Acted for the FCA in 2014 in the Upper Tribunal in an appeal arising out of the collapse of Arch Cru, raising significant issues as to the circumstances in which individuals may be said to have acted without integrity.

## **Emptage v Financial Services Compensation Scheme Ltd**

[2013] EWCA Civ 729

Acted for the FSCS in the Court of Appeal in a test case concerning its powers to award compensation in connection with mortgage advice.

## **R (Jenkinson & Ors) v Financial Conduct Authority**

Acted for the FCA in a judicial review challenge to the exercise by the FSA/FCA of powers to establish a redress scheme for customers who have been mis-sold interest rate hedging products.

## **R (Coull Money Limited) v Financial Services Authority**

Acted for the FSA in a judicial review challenge to the exercise by the FSA of powers to vary a firm's permission so as to require a payment scheme to compensate investors in the Arch Cru failed investment funds. Permission for judicial review refused in February 2012.

## Telecommunications

Telecoms are also a significant part of Monica's practice and representations include:

***“A really high-quality barrister who approaches things in a calm, matter-of-fact fashion – nothing flusters her. Her advocacy style is clear, and she puts the case across in a way that helps judges comprehend the situation.”***

– CHAMBERS & PARTNERS, 2024

## Cases

### **Vodafone v Office of Communications**

[2020] EWCA Civ 183; [2020] 2 WLR 1108

Acted for Vodafone in the Court of Appeal in relation to a claim for restitution of sums paid pursuant to an ultra vires demand.

### **Recall Support Services Ltd v Secretary of State for Culture, Media and Sport**

[2013] EWHC 3091 (Ch); [2014] 2 C.M.L.R 2; [2014] EWCA Civ 1370

Represented the Claimants in large “Francovich” claim in the High Court and the Court of Appeal in respect of alleged failure to implement the RTTE and Authorisation Directives.

### **Telefonica O2 UK Limited v Ofcom**

[2012] CAT 28

Represented H3G (“Three”) in an appeal concerning the relevance of ex ante regulation to Ofcom’s dispute resolution powers in the light of the common EU regulatory framework.

## Employment

Monica has advised and represented claimants and defendants in a wide range of employment cases, including sex, race, age and disability discrimination matters, cases concerning the Working Time Regulations and applications for injunctive relief in the High Court.

***“Monica is a ruthless cross-examiner with meticulous attention to detail. She is serene in the face of hostility and dominates the courtroom.”***

– CHAMBERS & PARTNERS, 2024

## Cases

### **Leung Chun Kwong v Secretary of State for the Civil Service**

[2018] HKCA 318

Acted for the Secretary of State in a landmark case in the Hong Kong Court of Appeal concerning the entitlement of same sex spouses of civil servants who had married abroad to dependant's benefits (instructed by the Hong Kong Department of Justice).

### **Signia Wealth Limited v Various Parties**

[2018] EWHC 1040 (Ch); [2017] EWHC 363 (Ch)

Representing Mr Caudwell of phones4U and his fund Signia Wealth in a high profile case concerning a share transaction dispute and wrongful dismissal by a former employee.

### **R (Lowery) v Secretary of State for Defence**

(2014-2015)

Instructed by Liberty on behalf of the Claimant in a challenge before the High Court to the Secretary of State's employment policy on members of the armed services who are HIV positive.

### **Gillian Switalski v F&C Asset Management PLC**

Instructed on behalf of the respondents in ongoing sex discrimination litigation, which has twice been the subject of an appeal to the EAT (UKEAT/0423 and 24/08 and UKEAT/0080/08).

### **Shymanski v Calyon**

Instructed in relation to disclosure issues in a high value sex discrimination case.

### **Oti-Obihara v Dresdner Kleinwort Limited**

Represented the respondent in the Employment Tribunal and EAT in a claim for race discrimination and victimisation by a City trader whose offer of employment had been withdrawn following the discovery of discrepancies in the details provided in his application form.

### **Chaudhary v Secretary of State for Health**

Instructed on behalf of the Secretary of State in a long-running claim by a doctor for direct and indirect race discrimination in relation to NHS arrangements for training. The case came to an end when Mr Chaudhary's application for permission to appeal to the Court of Appeal was dismissed after an oral hearing. The proposed appeal raised issues as to, among other things, the burden of proof in direct and indirect discrimination.

## Immigration

Monica is recognised as a leading expert on immigration matters by both the independent legal directories, having appeared in a number of the leading cases in this field.

***“She is really clear and articulate. She absorbs everything and is completely unflustered.”***

– CHAMBERS & PARTNERS, 2024

## Cases

### **R (FR (Albania)) v Secretary of State for the Home Department**

[2016] EWCA Civ 605

Acted for the Claimants in the Court of Appeal in test cases concerning the correct approach to certifying asylum claims as clearly unfounded under section 94(3) of the Nationality Immigration and Asylum Act 2002.

### **QT v Director of Immigration**

[2017] HKCA 489

Acting for the Director of Immigration in a Landmark Hong Kong Court of Appeal ruling in a discrimination case regarding excluding a same-sex couple from a policy of granting dependant visas to the spouses of employment visa holders.

### **R (EM (Eritrea) & Or)s v Secretary of State for the Home Department**

[2014] UKSC 12; [2014] AC 1321

Represented the claimants in the Supreme Court in a case concerning the interplay between EU law and the ECHR in the context of removals of asylum seekers and refugees.

### **R (ZH (Tanzania)) v Secretary of State for the Home Department**

[2011] UKSC 4; [2011] 2 AC 166

Acted for the Secretary of State in the Supreme Court in a test case about the best interests of children in the context of Article 8 of the European Convention on Human Rights.

### **R (BN) v Secretary of State for the Home Department**

[2011] EWHC 2367 (Admin); 92011) 155 (37) SJLB 31

Acted for the Secretary of State in a case concerning the best interests of children and fresh claims in the context of Article 8 ECHR.

### **O'Donoghue v United Kingdom**

(2011) 53 EHRR 1

Instructed for the United Kingdom Government in the ECtHR in a case concerning legislation to prevent individuals from gaining an immigration advantage through sham marriages.



## Commercial

Monica's practice also includes commercial cases, ranging from judicial reviews with a commercial or regulatory basis to commercial litigation raising issues of conflicts of laws.

Recent notable cases include:

## Cases

### Re. Severn Trent Water

An ongoing multi-million pound High Court claim in restitution by personal search companies alleging breach of the Environmental Information Regulations.

### Vodafone v Office of Communications

[2020] EWCA Civ 183; [2020] 2 WLR 1108

Acted for Vodafone in the Court of Appeal in relation to a claim for restitution of sums paid pursuant to an ultra vires demand.

### SAS Institute Inc v World Programming Ltd

[2020] EWCA Civ 599; [2020] 5 WLUK 92

Acted for the Claimant in the Court of Appeal concerning a wide-ranging anti-enforcement injunction in respect of enforcement of a foreign judgement

### Akhtar v Habib Bank Limited

Represented various Defendants in 2019 on applications for summary judgment, to strike out, and for a stay, raising issues concerning the principle of forum non conveniens.

### R (Holmcroft Properties Ltd) v KPMG

[2016] EWHC 323 (Admin)

Acted for the Financial Conduct Authority concerning the amenability to judicial review of a firm appointed as independent reviewer in relation to a voluntary redress scheme.

### R (Somerfield Stores Limited); R(Gallaher) v Competition and Markets Authority

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**Arch Financial Products LLP & Ors v FCA**

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**R (British Bankers Association) v Financial Services Authority**

[2011] Bus. L.R. 1531

Represented the Financial Services Authority in the BBA's challenge to the FSA's policy concerning the mis-selling of payment protection insurance.

## ACHIEVEMENTS

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### Publications

Contributor to:

- Halsbury's Laws, Volume 8(2): Constitutional Law and Human Rights (1996)
- European Employment Law in the UK (2001)
- Butterworths Human Rights Law and Practice (1999, 2004 and 2009)

Lecturing:

Monica is a frequent participant in conferences on her practice areas. She has provided human rights training under the auspices of the Council of Europe, including in the Russian Federation and Montenegro.

### Selected earlier reported cases

#### Public & Regulatory

- R (British Bankers Association) v FSA [2011] EWHC 999 (Admin); [2011] ACD 71
- Northern Rock Applicants v (1) Andrew Caldwell and (2) HM Treasury [2011] UKUT 408 (TCC)
- HJ (Iran) v Secretary of State for the Home Department; HT(Cameroon) v Secretary of State for the Home Department [2010] 3 WLR 386
- ZH (Tanzania) v Secretary of State for the Home Department [2011] 2 WLR 148
- Ofcom v Gerry Morrissey and the Information Commissioner [2011] UKUT 116 (AAC)
- David Southall v General Medical Council [2010] Med LR 252
- Ahmed Mahad (Ethiopia) and Ors v Entry Clearance Officer [2010] 1 WLR 48
- Baiai and Trzcinska v Secretary of State for the Home Department [2009] 1 AC 287
- Beoku-Betts v Secretary of State for the Home Department [2009] 1 AC 115

- Sugar v Information Commissioner [2009] 1 WLR 430
- Ratcliffe v Secretary of State for Defence [2009] ICR 762
- EM(Lebanon) v Secretary of State for the Home Department [2008] 3 WLR 931
- AL (Serbia) v Secretary of State for the Home Department [2008] 1 WLR 1434
- Chikwamba v Secretary of State for the Home Department [2008] 1 WLR 1420
- Van Colle v Chief Constable of Hertfordshire Police [2008] 3 WLR 593
- Huang v Secretary of State for the Home Department [2007] 2 AC 167
- Brooke v Parole Board [2007] HRLR 46
- Gray v Marlborough College [2006] ELR 516
- Floe Telecommunications Limited v OFCOM [2006] 4 All ER 688
- In the matter of T&N Limited and Others [2006] 1 WLR 2831
- Tozlukaya v Secretary of State for the Home Department [2006] EWCA Civ 379; LTL 11/4/2006
- Office of Fair Trading v The Officers Club [2005] EWHC 1080 (Ch); LTL 2/6/2005
- Corner House v Secretary of State for Trade and Industry [2005] 1 WLR 2600
- R (Interbrew SA) v Competition Commission and Secretary of State for Trade and Industry (Moses J) 23 May 2001; LTR 12/11/2001
- JA Pye (Oxford) Ltd v Graham [2001] 2 WLR 1293
- Wilson v First County Trust Ltd [2003] 3 WLR 568
- R (L) v Secretary of State for the Home Department [2003] 1 WLR 1230
- National Provincial Building Society v United Kingdom (1998) 25 EHRR 127
- R v S.O.S. for Employment, ex p. EOC [1995] 1 AC 1

## Civil Liberties & Human Rights

- ZH (Tanzania) v Secretary of State for the Home Department [2011] 2 WLR 148
- O'Donoghue v United Kingdom (2011) 53 EHRR 1
- HJ (Iran) v Secretary of State for the Home Department; HT(Cameroon) v Secretary of State for the Home Department [2010] 3 WLR 386
- Ahmed Mahad (Ethiopia) and Ors v Entry Clearance Officer [2010] 1 WLR 48
- Baiai and Trzcinska v Secretary of State for the Home Department [2009] 1 AC 287
- Beoku-Betts v Secretary of State for the Home Department [2009] 1 AC 115
- Ratcliffe v Secretary of State for Defence [2009] ICR 762
- EM (Lebanon) v Secretary of State for the Home Department [2008] 3 WLR 931
- AL (Serbia) v Secretary of State for the Home Department [2008] 1 WLR 1434
- Chikwamba v Secretary of State for the Home Department [2008] 1 WLR 1420
- Van Colle v Chief Constable of Hertfordshire Police [2008] 3 WLR 593
- Huang v Secretary of State for the Home Department [2007] 2 AC 167
- In the matter of T&N Limited and Others [2006] 1 WLR 2831
- Tozlukaya v Secretary of State for the Home Department [2006] EWCA Civ 379; LTL 11/4/2006
- R (Lin) v Secretary of State for Transport [2006] EWHC 2575 (Admin)
- R (N) v Secretary of State for the Home Department [2005] 2 AC 296

- R (Bagdanavicius) v Secretary of State for the Home Department [2005] 2 WLR 1359
- Adali v Turkey (judgment of the European Court of Human Rights of 31 March 2005)
- Ghaidan v Mendoza [2004] 3 WLR 113
- R (Ullah) v Special Adjudicator; R(Do) v Secretary of State for the Home Department [2004] 2 AC 323
- Wilson v First County Trust Ltd [2003] 3 WLR 568
- JA Pye (Oxford) Ltd v Graham [2001] 2 WLR 1293
- Former King of Greece and Others v Greece (2001) 33 EHRR 21
- R (Interbrew SA) v Competition Commission and Secretary of State for Trade and Industry (Moses J) 23 May 2001; LTR 12/11/2001

## EU & Competition

- Chemistree Homecare Ltd & Another v Teva Pharmaceuticals Ltd [2011] EWHC 1877 (Ch)
- Telefonica O2 UK Limited v Ofcom [2010] CAT 25
- National Grid plc v Gas & Electricity Markets Authority [2009] CAT 14; [2010] UKCLR 386
- Ofcom and T-Mobile (UK) Ltd v Floe Telecommunications Limited [2009] EWCA Civ 47; [2009] Eu. L.R. 709
- I-Cable Webserve Ltd v The Telecommunications Authority, CACV329/2008, 11 June 2009
- Software Cellular Network Ltd v T-Mobile (Robin Knowles KC, 17 July 2007) LTL 23/7/2007
- Floe Telecommunications Limited v OFCOM [2006] 4 All ER 688
- Baiai and Trzcinska v Secretary of State for the Home Department [2006] 3 All ER 608 and [2006] 4 All ER 555
- OFT v The Officers Club [2005] EWHC 1080 (Ch); LTL 2/6/2005
- R (Amicus) v Secretary of State for Trade and Industry [2004] IRLR 430
- R (Interbrew SA) v Competition Commission and Secretary of State for Trade and Industry (Moses J) 23 May 2001; LTR 12/11/2001

## Financial Services

- R (British Bankers Association) v Financial Service Authority [2011] EWHC 999 (Admin); [2011] Bus LR 1531

## Telecommunications

- Telefonica O2 UK Limited v Ofcom [2010] CAT 25
- Ofcom and T-Mobile (UK) Ltd v Floe Telecommunications Limited [2009] EWCA Civ 47; LTL10/2/2009; [2009] Eu. L.R. 709
- I-Cable Webserve Ltd v The Telecommunications Authority, unreported, 11 June 2009
- Software Cellular Network Ltd v T-Mobile (Robin Knowles KC, 17 July 2007) LTL 23/7/2007
- Floe Telecommunications Limited v OFCOM [2006] 4 All ER 688

## Employment

- Ministry of Defence v Fletcher [2010] IRLR 25
- R (Amicus) v Secretary of State for Trade and Industry [2004] IRLR 430
- Obonio v Wandsworth Primary Care Trust
- Bewley v Prison Service [2004] ICR 422
- Sibbick v Prison Service
- Chaudhary v Department of Health [2003] ICR 1510
- Gerrard Ltd v Reed (judgment of 21 December 2001; Newlawonline no. 2011224302)
- Hall v Woolston Hall Leisure Ltd [2001] ICR 99
- Chief Constable of West Yorkshire Police v A [2001] ICR 128
- Waters v Commissioner of Police of the Metropolis [1997] IRLR 589
- R v S.O.S. for Employment, ex p. EOC [1995] 1 AC 1
- Bullock v Alice Ottley School [1993] ICR 138
- Universal Thermosensors Ltd v Hibben [1992] 1 WLR 840

## Other Information

Monica was a part-time tutor in law at UCL (English legal system and civil liberties) from 1984 to 1987.

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