

## Nicholas Padfield QC

Nicholas Padfield QC has been a Silk for 28 years. He has been called to the Bar in various jurisdictions, where he has appeared as Leading Counsel, including the Eastern Caribbean Supreme Court, Malaysia, Isle of Man, Anguilla, Antigua, St Kitts, Nevis, Gibraltar and Sabah.

His first five years of practice were spent acting for all government departments as the Treasury Devil's devil, when Lord Slynn of Hadley was the Treasury Devil, whose room he shared as well as his workload, as a pupil and tenant of One Hare Court, where he spent most of his professional life.

He has also acted in an advisory capacity in Australia (Melbourne), Egypt (Cairo), USA (Maryland, Baltimore, New York and Chicago), Canada (Toronto), Singapore, Hong Kong, Mauritius, Pakistan, India, Jamaica, Jersey, St Lucia, Bermuda, the Bahamas and Barbados.

He has a principally appellate practice both in the UK and internationally. He has a substantial Privy Council practice, with inevitable Supreme Court appearances, as a consequence of which he has received further instructions from the States from which his Privy Council instructions originated.

His recent instructions have involved advising on MPs' expenses, Brexit, and Windrush during the recent Commonwealth Conference in 2018. He is involved at present in a number of substantial commercial disputes which involve the public liability of the Government, as well as Government owned entities. He has also acted for celebrities whose reputation has been defamed by the media, by photographs, online and in print. A recent instruction was advising a State in relation to the unlawful killing of its citizens as the basis of a State Referral to the International Criminal Court in the Hague.

Areas of specialisation include commercial law, international and domestic arbitration, trans-national litigation, public and private international law, banking and financial instruments, international trusts, insurance, off shore disputes, judicial review, extradition and immigration law, human rights, constitutional and



**Year of Call: 1972, QC 1991**

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administrative law, university law, peerage law, building and engineering, oil refineries and tunnels. A particular speciality of his is blood stock and stud syndication, where he has advised owners of bloodstock all over the world including Stavros Niarchos, Prince Abdullah and Lady Beaverbrook, the Curragh, Tattersalls, Wetherby's, Members of the Jockey Club, Lester Piggott and his family, and various trainers.

## **International Practice**

Examples of his involvement on an international level, include the repatriation of the Canadian Constitution, the re-scheduling of debt for Peru, advising the Serbian Supreme Court (post Milosevic) on constitutional matters involving the judiciary and human rights, advising on the illegality of the bombing of churches in Kosovo, the illegality and immorality of the decision to invade Iraq for the purpose of regime change, and vote-rigging in the 2005 Nigerian Presidential elections. He has also represented various parties in relation to disputes involving the WHO, ILO and the World Bank. As well as drafting legislation for foreign states, he has given expert evidence in a number of international matters, and has been the legal adviser to a foreign commission of inquiry chaired by Sir Louis Blom-Cooper QC in St Kitts into malfeasance in public office by the Government of St Kitts.

His entry in the first edition of Who's Who in Public International Law 2007 which is by invitation only (he was invited by Professor Sir Elihu Lauterpacht CBE QC) illustrates the scope of his involvement in advising States and appearing on their behalf. The first edition covers the top 200 international lawyers in the world. The second edition is in the course of preparation, but has not yet been published.

He has for many years advised on trust and off-shore matters, in particular in the Caribbean, where he has successfully defeated attacks made in the Supreme Court of the Eastern Caribbean on the validity of off-shore trusts set up there and elsewhere in the world, particularly by the US Government.

## **Domestic Practice**

As a practising barrister he has been involved for many years on a domestic level as an adviser, an advocate, and an expert witness, where issues of private and public international law have arisen. Examples of his involvement on a domestic level include the freezing of Iranian assets, the Turkish intervention in Northern Cyprus, the recovery of assets for the Government of Norway concealed in the bankrupt estate of Hilmar Reksten (Norway), and representing the Pakistan Ministry

of Defence, Hastings Banda (Malawi), Sunny Abacha and Princess Abiola (Nigeria).

He has appeared in more than 100 reported cases, in the majority of which he has represented the successful party as Leading Counsel.

## Arbitration

He is a Fellow of the Chartered Institute of Arbitrators and is a past Chairman of the CI Arb (London Branch). He is a Lloyd's arbitrator for claims without restriction as to amount (i.e. claims in excess of £200,000). He is a founder member of the LCIA (the London Court of International Arbitration).

As an advocate he has been instructed in the following areas: commodity arbitrations, physicals as well as futures, Forex, shipping, charter-parties, international carriage of goods by road, air and sea, banking, commercial, international and domestic, construction, tunnelling, engineering, oil and off-shore drilling rigs. He has also given expert evidence in international contexts, both abroad and domestically.

## Qualifications and appointments

- University College, Oxford, BA (Hons), MA (Oxon).
- Trinity Hall, Cambridge, LLB, LLM (Cantab), International Law. Standing Counsel to Cambridge University.
- Part time Tutor in Law at St. John's College, Oxford. Fellow of the Chartered Institute of Arbitrators (FCI Arb). Date of call November 1972, Inner Temple.
- Year of Silk 1991.
- Master of the Bench of the Inner Temple 1993.
- Member of the Executive Committee and Year Book Editor.
- Former Director of Professional Ethics and Advocacy, Inner Temple. Inter-Inns' Advocacy Committee Member (Inner Temple).
- Deputy High Court Judge, Queen's Bench Division and the Administrative Court, the specialist division of the Queen's Bench, dealing specifically with judicial review, human rights and constitutional law.
- Recorder of the Crown Court.
- Past Chairman of the CI Arb. (London Branch).
- Past Chairman of the Commonwealth and Ethnic Barristers' Association.
- Trustee and Member of the Advisory Council of the Lord Slynn European Law Foundation.
- Member of the Advisory Council of the International Council for Capital Formation (Brussels and Washington).
- Deputy Chairman, Ethics and Integrity Committee of the Conservative Party.

## Bar Council

- Former member, Joint Regulations Committee (Chairman of two sub-committees), and former Vice-Chairman of the JRC.
- Opinion for the Bar Council: "The application of the European Convention on Human Rights to Criminal Legal Aid cases in the light of the decision of the European Court in "Granger v United Kingdom" (29th May 1990)
- Opinion for the Bar Council: "In the Matter of Interest recovered on Costs awarded in favour of Legally-aided litigants" (10th May 1991)
- Bar Council panellist for the programme "An American in Europe: Corporate Counsel Relations with European Lawyers" at the American Bar Association, San Francisco, 6-13th August 1992.
- Speaker, Bar European Group Joint Bar Council/Law Society presentation on the Lugano and San Sebastian Conventions (1993).
- Author of the official response by the Bar Council to the European Commission on the EC Diplomas Directive entitled "Re. EC Practitioners Aptitude Test" (8th March 1995).
- The Bar Council's representative on the two-man UK Delegation for the EC Diplomas Directive Meeting of the Council of the Bars and Law Societies of the European Community on 7th July 1995.
- Briefed (November 1994) by the Bar Council to advise and represent the Bar's interests re the public interest petition brought by the Delhi Bar in the New Delhi High Court to prevent barristers from being admitted as advocates in India on the ground that "duly qualified" Indian advocates are not automatically admitted to the English Bar.
- Briefed by the Bar Council in a number of cases before the Visitor to the Inns of Court.
- Past Member of the Committee of the Commercial Bar Association (COMBAR) and former Captain of the COMBAR football team.
- A Founder Member of the Bar Pro Bono Unit, as COMBAR's representative.

## Publications

- UN publication on the Endangerment of Languages (Riga, UNGEGEN conference 2018).
- SAHCA Annual Conference, 14th November 2009: "Skeleton Arguments" (paper delivered by him to which he spoke by invitation of the Law Society).
- Contributor to the private international law treatise on comparative principles of US-UK private international law.
- Principal drafter of the IChem. E., Green and Yellow books, and parts of the Red Book (1990).

## Miscellaneous

- UN expert as part of the group of experts constituting the United Nations Group of Experts on Geographical Names (UNGEGN), with particular reference to endangered languages and the endangerment of language itself.
- Trustee and Legal Adviser to the Sudan Archaeological Research Society, Department of Ancient Egypt and Sudan, British Museum.
- University College, Oxford University: Hockey Blue and England Hockey International.
- Trinity Hall, Cambridge University. Captain of Eton and Rugby Fives.
- Head of a consortium which made an unsuccessful bid to buy Aston Villa Football Club, the bid being withdrawn as a result of the questionable conduct of the Club's financial advisers.
- Freeman of the City of London. Freeman and Liveryman of the Worshipful Company of Scriveners.

## Clubs

The Garrick, MCC, Vincent's Club, the Frewen Club, Oxford, the City and Westminster Club and the Nevis Jockey Club.