

UK & EU Public Law and Policy Administrative and Public Law

Administrative and public law is at the core of the work of the UK & EU Public Law and Policy team, which involves acting for and advising a broad range of clients in relation to both contentious and non-contentious matters.

JUDICIAL REVIEW AND OTHER DISPUTE RESOLUTION

We are frequently "involved in high-profile and complex actions" (Legal 500) and have extensive experience of acting for clients in the private and public sectors, from foreign governments and government departments to international businesses, on a broad range of contentious and non-contentious issues, achieving landmark victories in the UK and European courts.

Our team can assist by advising on and acting for claimants, defendants and interested parties in:

- judicial review challenges to legislative, policy and regulatory decisions by government departments, regulators and other public bodies in sectors as diverse as gambling and aviation
- commercial human rights challenges (in domestic proceedings and before the European and international courts)
- public procurement disputes
- other statutory appeals both to the High Court and to tribunals such as the Competition Commission, the Competition Appeal Tribunal and the Information Tribunal
- complaints to the European and UK Parliamentary Ombudsmen.

Breadth and depth of expertise

This work complements the broader work of the UK & EU Public Law and Policy Practice as we also work closely with Hogan Lovells' EU law team and are able to draw on specialist expertise and industry knowledge from across the firm. This extensive expertise means that we are uniquely well-placed to understand and advise on the legal and commercial complexities, and political sensitivities, that are likely to arise in complex public law-related cases.

Strength and experience

Judicial review is a relatively swift process, which can provide appropriate relief at an early stage but also requires a rapid deployment of resources by the claimant and an equally rapid response from the other parties. Hogan Lovells has the strength and experience to meet this challenge and regularly www.hoganlovells.com

acts in time-critical cases, including emergency applications for interim injunctions and procedurally complex cases involving parallel proceedings in different tribunals.

NON-CONTENTIOUS ADMINISTRATIVE AND PUBLIC LAW

We advise both public sector and private sector commercial clients on non contentious administrative and public law issues.

Our team can assist by advising both public and private sector clients on:

- administrative and public law issues, such as questions of vires, procedural fairness and the impact of the Human Rights Act, in a wide variety of contexts from PPP/PFI contract negotiations to bond issues
- the legal requirements of public decision-making, including the requirement for and conduct of public consultations, impact assessments and other forms of stakeholder engagement and internal governance arrangements
- UK and EU parliamentary and legislative procedure, and
- legislative drafting and interpretation.

Lovells' administrative and public law team is 'our first port of call for smart business-minded lawyers', say clients of this well-regarded commercial firm."

Chambers UK 2009

OUR EXPERIENCE

Banking and Financial Services

- acting for the Government of Iceland in relation to the UK's actions in response to the Icelandic banking crisis, including potential and actual legal challenges in the UK, European and international courts
- successfully resisting the first ever judicial review claim against the Financial Services Complaints Commissioner

Energy

- acting for Ofgem in successfully resisting the first ever Energy Code Modification Appeal to the Competition Commission
- acting for Ofgem in relation to environmental programmes – including the Feed-in Tariff, Renewables Obligation Order, Renewable Heat incentive and the Energy Company Obligation Order – for which it acts as administrator

Environment and planning

- successfully resisting a challenge by a local interest group to the grant of planning permission to our client, Argent, for the redevelopment of King's Cross, one of the most high profile urban regeneration schemes in Europe
- acting for a major supermarket challenging the grant of planning permission to a competitor for an out of town store

Food, drink and tobacco

- acting for the Dairy Trade Federation in a challenge to the replacement of the Milk Marketing Board with the new privatised regime, Milk Marque
- securing a landmark decision for a number of UK tobacco companies annulling an EU Directive on tobacco advertising, on the basis that the Community had exceeded its powers, following a reference to the ECJ and an interim injunction against implementation

PPP/PFI projects

- acting for a central government department in relation to judicial review and procurement challenges to the procurement of a major PFI project, including applications for interim relief and jurisdictional disputes

Telecoms and broadcasting

- acting for T-Mobile in parallel judicial review and Competition Appeal Tribunal proceedings in relation to the proposed auction by Ofcom of 4G radio spectrum, including an appeal to the Court of Appeal regarding the

UK's implementation of European law rights to an effective remedy, and novel judicial review proceedings in the Chancery Division

- acting in judicial review and ECHR proceedings challenging a decision of the Broadcasting Complaints Commission not to prevent the broadcast of a BBC programme that invaded our client's privacy

Tax

- acting for cross-Channel UK ferry operators in successfully resisting a challenge by Eurotunnel to the continuation of the EU duty-free regime
- challenging the imposition of retrospective liability for VAT on the supply of top-up cards for mobile telephones

Transport

- acting for Tube Lines in successfully resisting judicial review proceedings brought by the Mayor of London and Transport for London challenging the London Underground Public Private Partnership
- acting for National Air Traffic Services in successfully resisting a judicial review challenge, on environmental and human rights grounds, to a major redesign of UK airspace

Other

- successfully resisting several applications for judicial review, including for interim relief, relating to the closure of Post Office branches
- acting for the British Casino Association in its judicial review challenge to the introduction by the Department of Culture, Media and Sport of "super-casinos" under the Gambling Act 2005
- bringing a judicial review challenge to the Foreign Secretary's proposal by Order in Council to amend Bermuda's constitution to change its electoral system
- intervening on behalf of the Australian Government in judicial review proceedings concerning a challenge by British expatriate pensioners to UK pensions legislation on human rights grounds

For questions or further information on how we can assist you, please contact:

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