



Jack Castle

Contents

Commercial	2
Representative Cases	2
Public and Regulatory	3
Representative Cases	3
Financial Services and Consumer Credit	4
Representative Cases	4
Group Actions	4
Environmental	5
Representative Cases	5
European Union and International	5
Representative Cases	6
Employment	6
Representative Cases	6
Personal Injury and Health & Safety	6
Representative Cases	7
Property	7
Procurement	7
Representative Cases	7
Appointments	8
Publications	8
Memberships	8
Education	8



Jack Castle

Call 2018

Tel: 020 7583 9020

Email clerks@hendersonchambers.co.uk

Jack accepts instructions in all of Chambers' areas of expertise as sole and junior counsel. He has a focus on commercial, financial services, group actions, employment, procurement, environmental and public law.

Jack's broad experience as sole counsel includes: a contractual matter with parallel criminal proceedings and witness special measures, a prospective judicial review concerning biodiversity and climate change, a claim involving secret commission and bribery in a real property transaction, a negligence/AIPI claim against a professional regulator, acting for the successful claimant in a four-day whistleblowing and constructive discriminatory dismissal claim, and for the successful appellant in a three-day Freedom of Information Act appeal concerning export of arms to a known militant leader in the Niger Delta. He has also advised several Government departments on commercial, procurement and state aid issues relating to Covid-19, and is a contributor to *Practical Lending & Security Precedents*.

In early 2021 Jack was a Judicial Assistant in the High Court and Upper Tax Tribunal. He assisted on a range of court business including s.69 Arbitration Act appeals, freezing and anti-suit injunctions, jurisdictional issues and contractual interpretation in a variety of contexts. He is well-placed to advise how the court approaches such matters.

Prior to joining Chambers Jack was a Visiting Lecturer in European Law at City Law School. Before coming to the Bar, he received a Master's in English literature from the University of Oxford, worked as an editor at an international auction house and at a commercial gallery specialising in Modern British art. He is a trustee of Poetry London.

For more information about the way barristers at Henderson Chambers work, including our terms of engagement, fee transparency statement and our complaints process, [please click here](#). Barristers are regulated by the Bar Standards Board.

Please [click here](#) for a copy of Jack Castle's privacy policy.

Commercial

Jack has experience of complex commercial litigation arising out of banking, real property, insurance, commodities, energy and intellectual property disputes, including group actions and cases with an international element.

This includes matters involving insolvency and company law, forum and choice of law, unfair terms, penalties, the enforceability of guarantees, and insurance coverage – both unled and assisting senior counsel. He also has experience of the law of confidentiality and disclosure, including Norwich Pharmacal relief and third-party disclosure orders.

He has a particular interest in fraud and asset recovery. He has acted as sole counsel on matters involving secret commissions, bribery, breach of fiduciary duty and unjust enrichment, as well as assisting on a potential group action concerning an mis-selling of property investments to global investors, and an alleged US\$2 billion fraud on the Republic of Mozambique.

In 2021 Jack was a judicial assistant in the Commercial Court, and is a current contributor to *Practical Lending & Security Precedents*.

Representative Cases

- *Consumer claims raising EU issues*
Instructed as sole counsel on a number of claims under consumer protection legislation, raising issues of whether domestic legislation implements EU provisions and the principle in *Marleasing*
- *Advising a Government department on COVID issues*
Advised on a matter involving complex, interlinking contracts relating to a procurement designed to establish COVID vaccine efficacy.
- *Breach of contract claim with parallel criminal and family proceedings*
Instructed as sole counsel in a claim between ex-partners, with parallel criminal and family proceedings concerning alleged harassment/stalking by the defendant.
- *Group action concerning mis-selling of property investments*
Assisted in advising the claimant group following the collapse of a US property investment scheme, on issues including forum and choice of law, attribution of knowledge to a company, joint liability in tort and practical issues concerning how to arrange the claimant group.
- *Advice on shareholder remedies*
Assisted in advising a shareholder/director following the collapse of a joint venture, including allegations of diverting company assets by the second director/shareholder, on a potential unfair prejudice petition/derivative claim.

Public and Regulatory

Jack has experience of the full spectrum of public law work, encompassing judicial review, statutory tribunals, and administrative appeals processes, as well as civil claims against public authorities and the overlap between public and other areas of law. He acts both for claimants and public bodies.

This includes proceedings involving a broad range of regulators, such as the Financial Reporting Council, Information Commissioner, Independent Office of Police Conduct, Food Standards Agency, Health and Safety Executive, Law Society and Bar Standards Board. He also has particular experience of the FOIA and DPA/GDPR regimes.

Recent instructions as sole counsel include potential judicial reviews regarding protected species, biodiversity and matters relating to renewable energy subsidies (see 'Environmental'), procurement and public law issues arising out of Covid-19 (see 'Procurement'), an AIPi and Article 14 ECHR challenge to a professional regulator's rules on compulsory insurance, and representing the successful applicant in a 3-day FOIA appeal concerning export of warships to a known militant leader in the Niger Delta.

Jack has also assisted leading counsel on cases ranging from food standards judicial reviews to closure of a university archive holding the papers of a senior member of the Royal family and matters involving the application of the Human Rights Act to the activities of UK forces in Afghanistan.

Representative Cases

- *Negligence/AIPi and Article 14 claim against a professional regulator*
Claim in negligence and breach of AIPi, both independently and read with Article 14, concerning availability of professional indemnity insurance.
- *Advice on representative claim against compensation scheme*
As sole counsel, advised potential claimants in a proposed action against a compensation scheme, including the potential for costs capping.
- *R (Stillmans (Somerset) Ltd and Penny & Sons) v Food Standards Agency*
Assisted on a matter concerning withdrawal of Official Veterinarians from slaughterhouses following allegations of bullying.
- *Advice regarding approval for public appointment*
Assisted in advising a government department on issues surrounding special approval to a public appointment, including the court's approach to review of religious judgments and Article 6.
- *Gibbs v Information Commissioner and Financial Reporting Council (EA/2017/0284)*
Represented the Appellant in an appeal concerning the applicability of the Freedom of Information Act to the FRC's scheme for the regulation of statutory auditors in the immediate aftermath of the 2008 financial crisis.
- *Gibbs v Information Commissioner and FCO (EA/2017/0258 & 0275)*
Represented the Appellant in a 3-day Freedom of Information Act appeal relating to the decision to approve export of a warship to an individual in the Niger Delta with a history of militancy. Raised issues

of prejudice to international relations, ongoing criminal investigations and the Article 6 rights of potential defendants, judicial deference to Government witnesses, and the scope of the Article 10 right to receive information.

- *Complaint regarding misuse of Investigatory Powers*
Assisted in successful appeal to the Independent Office for Police Conduct following a complaint alleging misuse of RIPA and breach of Article 8 regarding a police force's arrest of an individual wrongly identified as possessing incident images of children (as a paralegal at Hickman & Rose).
- *Insolvency Service investigation into CEO*
Assisted in advising a CEO subject to an insolvency investigation following collapse of their company following serious negative publicity (as a paralegal at Hickman & Rose).

Financial Services and Consumer Credit

Jack has experience of claims and advisory work concerning, for example, the execution and enforcement of secured and unsecured loans, asset financing, guarantees, unfair relationships and fiduciary duties. This includes matters involving compliance with FCA and EU rules, FSMA, the Consumer Credit Act 1974, and the application of the FCA handbook.

He frequently handles unfair relationship claims arising out of PPI policies, including cases raising issues of jurisdiction, limitation, expert evidence and *res judicata*. He recently assisted leading counsel in a group action relating to mortgages following the collapse of Northern Rock and Bradford and Bingley, and is regularly instructed by major UK lenders.

Jack is a contributor to *Practical Lending & Security Precedents*.

Representative Cases

- *Claim against two major lenders*
Acting for a bank in a claim for breach of fiduciary duty and unjust enrichment based on commission payments made to a broker.
- *Advice on regulatory authorisation*
Advising on the process by which authorisation to purchase a bank could be objected to due to suspected money laundering.
- *Advice on FCA compensation*
Assisted in a matter concerning whether redress paid for prospective Plevin claims under the FCA scheme barred further civil claims.

Group Actions

Jack has assisted leading counsel on procedural and substantive aspects of both domestic and international group actions relating to financial mis-selling, medical devices and medications, consumer rights, environmental disasters and international tort claims, including what is reportedly the biggest group action in English legal history arising from the collapse of the Fundão dam in Brazil.

This has included issues ranging from choice of law and management of the Claimant group to novel points in the law of tort, parent company liability, and the immunity of international organisations.

Environmental

Jack has a particular interest in environmental law. He has experience of environmental cases in public, private and criminal law contexts, including habitat and species protection, climate change, nuisance, rights to water, drainage and flooding, as well as of the regime concerning access to environmental information. He recently assisted in advising on a potential public law challenge to the regime of subsidy for low-carbon electricity generation.

Jack is a pro bono member of the Environmental Law Foundation.

Representative Cases

- *Advice on challenging adoption of a local plan*
As sole counsel, advised a resident on a potential public law challenge to adoption of a local plan due to the presence of EU-protected species.
- *Advice on response to planning application*
As sole counsel, advised residents on public law grounds to oppose grant of planning permission, including incompatibility with the local plan, loss of open space and overloading of local amenities, drainage/flooding issues and inadequate consideration of impacts on protected species, habitat, and climate change objectives.
- *Advice on drainage and flooding issues*
Assisted in advising on potential easements to drain into neighbouring land and liability for flooding.

European Union and International

Jack is a former Visiting Lecturer in European Union Law at City Law School, University of London. He has experience of the European regimes governing product liability, habitat and species protection, regulated lending, consumer credit, public procurement and state aid, gained as a lecturer, in practice, and while seconded to the Government Legal Department.

He is well-equipped to advise on cases with an EU element, including the effects of retained EU law and matters arising from the EU-UK Trade and Cooperation Agreement.

Jack's experience of broader international work also includes cases raising issues of forum and choice of law, geopolitical issues relating to arms exports, parent company liability in tort, and the immunity of international organisations.

Representative Cases

- *Consumer claims raising EU issues*
Instructed as sole counsel on a number of claims under consumer protection legislation, raising issues of whether domestic legislation implements EU provisions and the principle in *Marleasing*.
- *A financial services group action*
Assisted in advising on a potential state aid and/or public law defences to the setting of interest rates on certain financial products.

Employment

Jack has appeared as sole counsel in claims for unfair dismissal, whistleblowing, discrimination, failure to make reasonable adjustments, unpaid holiday pay and unlawful deduction of wages. He also has experience of the TUPE regime, and public law issues arising from employment matters. He welcomes all employment law instructions.

Representative Cases

- *Positive discrimination advice*
Advised a company on its ability to positively discriminate on grounds of race/ethnic background in recruitment.
- *Claim against English company by employee of foreign branch*
Unlawful deduction of wages claim involving issues of "limb (b) worker" status and the applicability of foreign law.
- *Constructive dismissal claim against a government department*
Acted for the successful Claimant in a 4-day final hearing involving complex and interlinking constructive discriminatory, whistleblowing and health and safety dismissal claims, with documentary evidence running to over 1,000 pages. Also successfully required the respondent to give specific disclosure of documents the existence of which it had previously denied.

Personal Injury and Health & Safety

Jack has assisted in high-value and complex personal injury claims arising from negligence, assault, false imprisonment, malicious prosecution and product failure, as well as in cases raising issues of corporate manslaughter and breaches of the Health and Safety at Work Act 1974. He also has experience of claims against public authorities both in tort and under the Human Rights Act.

In early 2021 Jack was a judicial assistant in the High Court, assisting judges in the Queen's Bench Division.

Representative Cases

- *Health & safety dismissal claim*
Represented the successful claimant at a 4-day final hearing involving breaches of health and safety legislation relating to climbing PPE, which were admitted in cross-examination.
- *Advice on quantum*
Assisted in a complicated advice on quantum for life-long loss of earnings, pension and share capital where causation was disputed, in a claim arising out of alleged breaches of duty of care to UK armed forces in Afghanistan.
- *Advice on prisoner-on-prisoner assault*
Assisted in advising on a claim in negligence and breaches of Article 2, 3 and 8 against the Ministry of Justice following an assault on a prisoner by a gang of fellow prisoners.

Property

Jack has experience of property issues in contexts as diverse as secured lending, health & safety/fire safety and corporate manslaughter, drainage, water rights, environmental issues, nuisance, housing, and landlord and tenant.

Procurement

Jack has a particular interest in public procurement, and welcomes instructions in this area.

As a former Visiting Lecturer in European Law, Jack is comfortable advising on the domestic procurement regime, the impact of Brexit and the EU-UK Trade and Cooperation Agreement. In 2020–21 he was seconded to the Government Legal Department's 'Covid Cell', advising on a variety of important procurement and state aid matters relating to the Covid-19 pandemic, including procurement of mass testing capacity and vaccines.

Representative Cases

- *Advising Government departments on Covid-19 response*
Seconded to the Government Legal Department to advise a range of Government departments on procurement, state aid and commercial law issues associated with the UK's pandemic response.
- *A financial services group action*
Assisted in advising on a potential state aid and/or public law defences to the setting of interest rates on certain financial products.

Appointments

- Centre for Women's Justice, Legal Reference Panel
- Panel Member, Advocate
- Government Legal Department, Junior Junior (21/04/2020 to 08/08/2024)

Publications

Contributor to *Practical Lending & Security Precedents*

Memberships

- ALBA
- COMBAR
- Environmental Law Foundation
- UKELA

Education

Education

- BA English Literature, Bristol University, First Class
- MSt. English Literature Post-1900, University of Oxford, Distinction
- GDL, City Law School, University of London, Distinction (6th in year)
- BPTC, City Law School, University of London

Scholarships

- Major Scholarship (BPTC), Inner Temple (2017)
- Duke of Edinburgh Entrance Award, Inner Temple (2017)
- Postgraduate Scholarship (BPTC), City Law School (2017)
- Kalisher Trust Advocacy Training Programme (2017)
- Exhibition (GDL), Inner Temple (2016)
- Postgraduate Scholarship (GDL), City Law School (2016)