



Rhodri Williams QC

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Rhodri Williams QC

"His strength comes from experience and knowledge of case law." "Rhodri is responsive with arguments and excels both in an advisory capacity and as an advocate." "He moves cases forward and can anticipate how they're going to run."

- Legal 500 & Chambers UK 2021

Call 1987
Silk 2010

Tel: +44 (0)20 7583 9020
Email clerks@hendersonchambers.co.uk

Rhodri Williams QC specialises in European Union law and local government and administrative law. He is recommended in the areas of local government law (Chambers UK), public procurement (Chambers UK) and public and administrative law (Legal 500).

He specialises in the law of the internal market as it affects the public sector, and, in particular, the EU public procurement regime and State Aid, but also deals with a wide range of local government issues, including judicial review of post office closures, school re-organisation plans and school transport decisions. He deals with cases involving both local and regional government, including advising the Welsh Assembly Government and other Government Departments and local authorities, in England, Wales and in Northern Ireland. In 2000, he was appointed to the Attorney General's list of approved Counsel and to the list of the Counsel General to the National Assembly for Wales and has represented the United Kingdom Government on several occasions before the Court of Justice of the European Union in Luxemburg. He was called to the Bar in Northern Ireland in 2009.

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European & Public Procurement

Since working with the European Commission in Brussels in the 1990's, he has long specialised in the law of the internal market as it affects the public sector, and, in particular, the EU public procurement regime, competition and state aid. He has advised on and been involved in litigation concerning all aspects of public procurement, including application of the Teckal exemption, framework agreements, central purchasing bodies, service concessions, the competitive dialogue procedure and remedies. In relation to State aid he has recently advised on such issues as exemption from the Community Infrastructure Levy, grants for heritage and

culture projects, disposals of land and the application of block exemptions generally.

He has represented the United Kingdom Government and other public bodies on several occasions before the European Court of Justice in Luxemburg, and was involved in the leading authority on time limits for bringing public procurement challenges in case C-406/08 Uniplex (UK) Ltd v NHS Business Services Authority [2010] ECR I-817. Moreover, in 2010, he was instructed to represent the successful appellants in the first ever case concerning public procurement to be heard before the Supreme Court in Brent LBC v Risk Management Partners Ltd & London Authorities Mutual Ltd & Harrow LBC [2011] UKSC 7. More recently he was involved in the successful defence of a local authority on a claim of deceit arising out of the abandonment of a competitive dialogue tender procedure in Montpellier Estates Ltd v Leeds City Council [2013] EWHC 166 (QB).

Representative Cases

- *SRCL Ltd-v-NHS Commissioning Board [2018] EWHC 1985 (TCC)*
Claim for breach of the Public Contracts Regulations 2015 in respect of award of contract by the NHS in England under a framework agreement for the disposal of clinical waste on grounds that there was a breach of the rules governing abnormally low tenders
- *Lancashire Care NHS Foundation Trust-v-Lancashire CC [2018] EWHC 1589 (TCC)*
Claim for breach of the Public Contracts Regulations 2015 in respect of the award of a contract using the “light touch regime” for the provision of care services by a local authority
- *Damira Dental Services Ltd-v-NHS Commissioning Board [2017] EWHC (TCC)*
Claim for breach of the Public Contracts Regulations 2015 in respect of award of an NHS contract for the provision of dental services
- *Premaittha Ltd v Cardiff & Vale UHB [2016] EWHC (TCC)*
Challenge to tender procedure held by Cardiff and Vale UHB for the award of a contract for the implementation of an in-house non-invasive prenatal testing (NIPT) screening service. The execution of the contract was suspended pursuant to the Public Contracts Regulations 2015. Successful application to lift automatic suspension under regulation Gill.
- *Bristol Missing Link Ltd v Bristol City Council [2015] EWHC 876 (TCC)*
- *Blue Water Recoveries Ltd v Secretary of State for Transport [2014] EWHC 2970 (QB)*
- *Montpellier Estates Ltd v Leeds City Council [2013] EWHC 166 (QB)*
Successfully defended a local authority of claim for breach of the EU public procurement regime and for deceit.
- *Brent LBC v Risk Management Partners Ltd & London Authorities Mutual Ltd & Harrow BC [2011] UKSC 7; [2011] LGR 169*
Represented the Interested Parties on their successful appeal against the decisions of the High Court and Court of Appeal in respect of a claim for breach of the EU public procurement regime in relation to the establishment by various London authorities of an insurance mutual to provide insurance services.

- *Lancashire County Council v EWC Ltd [2010] EWCA Civ 1381; [2011] LGR 350*
Successfully prosecuted appeal against finding of breach of the Public Contracts Regulations 2006 in respect of tender for waste management services.
- *Case C-406/08 Uniplex (UK) Ltd v NHS Business Services Authority [2010] ECR I-000*
Reference to the European Court of Justice from the High Court (Leeds District Registry) for a ruling on the interpretation of the compatibility with EC law of procedural time limits under the Public Contracts Regulations 2006.

Public, Administrative & Local Government

Rhodri deals with a wide range of local government issues, including judicial review of post office closures, school reorganisation plans and school transport decisions. He deals with cases involving both local and regional government, including advising the Welsh Assembly Government and other Government Departments and local authorities, in England, Wales and in Northern Ireland. In 2000, he was appointed to the Attorney General's list of approved Counsel and to the list of the Counsel General to the Welsh. He was called to the Bar in Northern Ireland in 2009. He appeared in the leading case on local authority powers in the Court of Appeal in *Brent LBC v. Risk Management Partners Ltd & London Authorities Mutual Ltd & Harrow LBC [2011] EWCA Civ 490*. He also appeared on behalf of the National Assembly for Wales on the first ever reference to the Supreme Court under the Government of Wales Act 2006 in *Local Government Byelaws (Wales) Bill 2012 – Reference by the Attorney General for England and Wales [2012] UKSC 53*.

He has represented local authorities in a number of challenges by way of judicial review to decisions in respect of school closure, school reorganisation and school transport. He has also advised local authorities on numerous occasions on their powers in respect of such decisions in the field of education. Finally he often advises the Department of Education in relation to Government programmes and its duties, for example, to provide Institutes of Technology, the provision of Get into Teaching Service (GITIS) and the provision of education services to young offenders in custody.

Representative Cases

- *NHS Commissioning Board-v-Siddiqui [2018] EWHC (QB)*
Claim for repayment of monies paid under an NHS dental services contract to a dentist who had acted in breach of contract in the provision of Units of Dental Activity. Quantum of claim, which was strenuously disputed to be determined by means of stratified sampling. Multiple applications to strike out claim.
- *Siddiqui & Dalton Care Contracts Ltd Partnership-v-NHS Commissioning Board [2018] EWHC (QB)*
Application to strike out a claim brought against NHS Commissioning Board for breach of NHS dental services contract. Application to strike out on grounds of abuse of process and limitation. Application successful.
- *Deer v Oxford University [2017] EWCA Civ 121*
Appeal to Court of Appeal in relation to definition of “personal data” for purposes Data Protection Act 1998 and extent of Court’s discretion to order compliance with subject access request.

- *R (Tilley) v Vale of Glamorgan Council [2016] EWHC 2272 (Admin)*
Challenge to decision of local authority to close public library.
- *R (Jones) v Denbighshire CC [2016] 2074 (Admin)*
Challenge to decision of local education authority to reorganise Welsh Language education in its area. Judicial Review conducted through the medium of Welsh.
- *R (Dyer) v Welsh Ministers [2015] EWHC 3712 (Admin)*
Challenge to exercise of powers of Welsh Ministers and Local Health Board to organise medium secure mental health accommodation within Wales.
- *R (Diocese of Menevia) v Swansea City and County Council [2015] EWHC 1436 (Admin)*
Represented local education authority on challenge to its decision to remove discretionary school transport to faith schools. Case involved interesting conflict between contrasting provisions of Equality Act 2010 and the Learner Travel (Wales) Measure 2008.
- *R (Dusza) v Powys Teaching LHB [2015] EWCA Civ 15*
Represented local health board in respect of challenge to interpretation of standard NHS Dental contracts and recoupment of monies paid under the contracts.
- *R (Wiltshire Council) v Hertfordshire CC [2014] EWCA Civ 712*
Successfully defended appeal in respect of local authorities' duties towards patients detained in hospital under a restriction order and identity of responsible local authority.
- *Local Government Byelaws (Wales) Bill 2012 - Reference by the Attorney General for England and Wales [2012] UKSC 53*
First reference to Supreme Court under section 112 of the Government of Wales Act 2006 challenging the validity of the first Bill passed by the National Assembly for Wales.
- *R (Governors of Brynmawr Foundation School) v Welsh Ministers & Blaenau Gwent CBC [2011] EWHC 519 (Admin)*
Successfully defended the local education authority in claim against lawfulness of delegation by the Welsh Ministers of power to reorganise sixth form education in foundation schools and the exercise of that power by the local authority. Case involved argument on power of Welsh Government to delegate its powers under Government of Wales Act 2006.
- *Brent LBC v Risk Management Partners Ltd & London Authorities Mutual Ltd & Harrow LBC [2011] EWCA Civ 490*
Represented the interested parties on appeal to Court of Appeal in respect of a local authority's powers to enter into arrangements for mutual insurance under section 2 LGA2000 and section 111 LGA 1972.

Regulatory (including Food Safety, Health & Safety)

He practises in the areas of health and safety, safety aspects of food production and planning and environmental regulation. He has defended numerous cases brought by the Health and Safety Executive on behalf of various county councils e.g. fatal accident of a local authority contractor electrocuted on site. He was

instructed in the BSE Inquiry on behalf of the Welsh Office and, more recently, by the Welsh Assembly Government in the E-coli Inquiry. He has prosecuted and defended the enforcement of planning regulations for and against local authorities and planning inspectors appointed by ministers and has represented the Environment Agency in both criminal prosecutions and civil enforcement proceedings brought in its regulatory role under the Environmental Protection Act 1990. Furthermore, he has also prosecuted various health and safety matters on behalf of local authorities, such as the Crown Court prosecution, on behalf of Herefordshire CC, of Cadbury Ltd under the European Hygiene of Foodstuffs Regulation and the Food Hygiene (England) Regulations 2006 in respect of an outbreak of salmonella at its factory.

Representative Cases

- *E-coli Public Inquiry (2005)*
Set up by Welsh Government in respect of outbreak of e-coli.

What the directories say

"A go-to for procurement challenges, particularly when acting for a defendant authority."
Legal 500 2020

"His strength comes from experience and knowledge of case law."
Legal 500 2021

"He is my go-to for public procurement work, has a wealth of experience in the procurement field, particularly when acting for a defendant. He is user-friendly and has an encyclopaedic knowledge of the regulations."
Legal 500 2021

"Has a good courtroom manner."
Chmbers UK 2021

"Rhodri is responsive with arguments and excels both in an advisory capacity and as an advocate." "He moves cases forward and can anticipate how they're going to run."
Chambers UK 2021

"He is responsive, practical and provides robust advice." "His performance in court is strong and focused."
Chambers UK 2020

"Tactically very good, strong strategically and one of the leading names in the procurement space."
Chambers UK 2020

"Great on the law and very responsive," "he is able to react quickly and decisively when handling cases of great complexity."

Chambers UK 2019

"He is thoughtful, considered and dependable. He supports clients by ensuring that they manage risk well."

Chambers UK 2019

"A heavyweight barrister for procurement disputes."

Legal 500 2019

He offers responsive, practical and robust advice, sticking to the point without over-egging unnecessarily. He knows his subject really well, gives very good written opinions and is good in front of clients."

Chambers UK 2018

"A very tenacious and determined advocate..."

"Rhodri is responsive and practical and provides robust advice that sticks to the point without exaggerating..."

"He is hard-working and knows procurement law extremely well. He has gravitas, produces well-reasoned arguments and has always got us great results."

Appointments

- Welsh Government QC Panel (reappointed February 2021)
- Legal Member of the Welsh Language Tribunal (Oct 2019-2024)
- Civil Justice Council (CJC) (Jan 2019-2022)
- Treasurer of the Wales and Chester Circuit (2017)
- Bencher of Gray's Inn (2015)
- Queen's Counsel (2010)
- Called to the Bar of Northern Ireland (2009)

Publications

- Public Procurement Law Review (Sweet & Maxwell); member of editorial board

Memberships

- Civil Justice Council (CJC) for a period of 3 years from 1 January 2019.
- Bar European Group
- Administrative Law Bar Association

- Procurement Law Association
- Co-founder of the Public Law Wales

Education

- Inns of Court School of Law (1987)
- Dip Law PCL (1986)
- BA Exeter College Oxford (1985)

Awards & Recognitions

