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## James Strachan KC

Year of call: 1996 | Silk: 2013

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*"An outstanding lawyer, who is a pleasure to work with. If you've got a seemingly unwinnable case he's the only one that's going to win it..."* Chambers and Partners

James Strachan KC has an extensive practice in administrative and public law, planning and environment, major infrastructure and DCOs, compulsory purchase and compensation, local government, financial services and commercial regulatory law, human rights and privacy.

He is recommended in Administrative and Public Law, Civil Liberties and Human Rights, Environment and Planning by the current editions of both the UK Legal 500 and Chambers and Partners, who describe him as "a superb lawyer".

James was named as 'Environmental and Planning Silk of the Year' at the Chambers and Partners Bar Awards 2016 and shortlisted as 'Environmental and Planning Silk of the Year 2020'.



## Areas of expertise

- Public and Administrative Law
- Planning and Environment
- Financial Services and Commercial Regulation
- Human Rights and Civil Liberties
- Information and Media

## Financial Services and Commercial Regulation

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James also has specialist expertise in field of financial services and associated commercial law and regulatory work, with particular experience of the Financial Ombudsman Service, the Pensions Ombudsman, the Financial Conduct Authority / former Financial Services Authority and the Financial Services Compensation Scheme, as well as acting for regulated individuals and complainants in a wide area of financial services. He has been involved in major cases in respect of regulated activities under the Financial Services and Markets Act 2000 including *R(British Bankers Association) v FCA and FOS on PPI*, as well as under consumer credit protection including *Plevin v Paragon* in the Supreme Court.

#### Cases of note:

*R(Quilter Financial Services Ltd) v FOS* [2020] EWHC Admin – Resisted 3 challenges to decisions of Ombudsman to uphold complaints regarding agents/appointed representative

*R(Critchley) v Financial Ombudsman Service & Bank of Scotland* [2019] EWHC 3036 (Admin) – appeared for FOS on challenge to credit card PPI determination

*R(Berkeley Burke SIPP Administration Ltd) v Financial Ombudsman Service* [2018] EWHC 3351; [2019] Bus LR (Admin) – appeared for FOS defending determination to hold SIPP Administrator liable for losses for SIPP investment

*Berkeley Burke SIPP LLP v Wayne Charlton and FOS* [2017] EWHC 2396 (Comm) – appeared for FOS on question of whether Ombudsman's determination an arbitration.

*Wolverhampton City Council v EMS Ltd* (2017) High Court – acted for WCC on contractual dispute regarding waste contract.

*R(Aviva Life & Pensions (UK) Ltd) v Financial Ombudsman Service* [2017] EWHC 352 (Admin); [2017] ACD 53 – appeared for FOS on challenge to interpretation of life insurance policies

*R(Full Circle Asset Management Ltd v Financial Ombudsman Service* [2017] EWHC 323 (Admin) – appeared for FOS on challenge to complaint about operation of portfolio discretionary investment service.

*R(Chancery (UK) LLP) v Financial Ombudsman Service* [2015] EWHC 407 (Admin) – appeared for FOS in High Court on determination of FOS's jurisdiction over complaint concerning investment in tax avoidance and collective investment fund production scheme

*Plevin v Paragon Personal Finance Ltd* [2014] UKSC 61; [2014] 1 WLR 4222 and [2013] EWCA Civ 1658 – appeared for successful consumer in Supreme Court and Court of Appeal on challenge to unfair relationship under section 140A of the Consumer Credit Act in respect of the sale of PPI

*R(Bluefin Insurance Ltd) v Financial Ombudsman Service* [2014] EWHC 3413 (Admin) appeared for FOS on approach to interpretation of consumers for the purposes of the DISP Rules under the Financial Services and Markets Act 2000

*R (on the application of London Capital Group) (Claimant) v Financial Ombudsman Service Ltd (Defendant) & (1) Jeremy Shrubbs (2) Financial Conduct Authority* [2013] EWHC 2425 (Admin) - for FOS in High Court on complaint about Forex Trading Account

*Clark v In Focus Asset Management & Tax Solutions* [2014] EWCA Civ 118; [2014] 1 WLR 2502 – appeared for FOS in Court of Appeal on issues concerning finality and res judicata and ability to claim where award had been made by Ombudsman

*R(Calland) v Financial Ombudsman Service* [2013] EWHC 1327 – appeared for FOS resisting challenge to Ombudsman determination concerning personal pension

*British Telecommunications Plc , R (on the application of) v BPI (British Recorded Music Industry) Ltd &Ors* [2012] EWCA Civ 232 and [2011] EWHC 1021 (Admin) for BPI in Court of Appeal and High Court on copyright provisions in Digital Economy Act 2010

*Conlon v Black Horse* [2012] EWHC B25 (Admin) – PPI and s.140 Consumer Credit Act "unfair relationship"

*Barnes v Black Horse Ltd* [2012] EWHC 1950 (QB) – PPI and s.140 Consumer Credit Act "unfair relationship"

*R(British Bankers Association) v Financial Services Authority and Financial Ombudsman Service* [2011] EWHC 999 (Admin) – for FOS on challenge by BBA to approach to determining PPI complaints

*Heather Moor & Edgecomb Ltd v the United Kingdom* 14 June 2011

*Cook & Anor, R (on the application of) v Financial Ombudsman Service* Jan 2009, Judicial review, Financial services

*Heather Moor & Edgecomb Ltd, R (on the application of) v Financial Ombudsman Service & Anor* [2009] EWHC 2701(Admin) – challenge to jurisdiction of Ombudsman under Financial Services and Markets Act 2000

*R(Bamber) v Financial Ombudsman Service* [2009] EWCA Civ 593 – in Court of Appeal and High Court for FOS on challenge to Ombudsman jurisdiction over FIMBRA regulated firm

*R(Cook) v Financial Ombudsman Service* [2009] EWHC 426 (Admin) – challenge to Ombudsman decision on complaint about pension advice

*R(Heather Moor & Edgecomb) v Financial Ombudsman Service* [2008] EWCA Civ 642 – interpretation of s.228 of FSMA 2000 and Ombudsman's jurisdiction to determine complaint by reference to fairness and reasonableness.

*R(Bruce) v Financial Ombudsman Service* [2007] EWHC 1646 (Admin) on challenge to Ombudsman's decision on mis-selling of personal pension

*Bunney v Burns Anderson Plc & Anor* [2007] EWHC 1240 (Ch) [2007] 4 All ER 246 – limit of FOS powers to make awards under Financial Services and Markets Act 2000

*IFG Financial Services Ltd (R on the application of) v Financial Ombudsman Service* [2005] EWHC 1153(Admin) – landmark decision on jurisdiction of Ombudsman under FSMA 2000

*Habib Bank Ltd v Liverpool Freeport Electronics Ltd* [2004] EWCA Civ 1062 – Court of Appeal on interpretation of bank guarantee documentation

*R(Norwich & Peterborough Building Society) v Financial Ombudsman Service* [2002] EWHC 2379 (Admin) – challenge to approach to Banking Code by FOS

*R(Mooyer) v PIA Ombudsman Bureau* [2001] EWHC Admin 247 – question of whether PIAOB susceptible to judicial review

*R(Royal Sun Alliance Life & Pensions) v PIAOB* [2000] EWHC Admin 379 – interpretation of personal retirement policy

*R(Albatros Warehousing BV) v London Metal Exchange* [2000] EWHC 314 – challenge by Albatros to approach to LME disciplinary procedures

*Smith, R (on the application of) v Land Registry (Peterborough)* [2010] EWCA Civ 200 – in Court of Appeal and High Court on approach to adverse possession of a highway and the meaning of "highway"

*Heffernan, R (on the application of) v Rent Service* [2009] EWHC 3539 (Admin) – on approach to calculation of Housing Benefit and local reference rents for social security purposes.

*R(Heffernan) v Rent Service* [2008] UKHL 58, [2008] 1 WLR 1702; [2007] EWCA Civ 544 – in House of Lords and Court of Appeal on correct approach to determining Local Reference Rents for the purposes of housing benefit.

*Home Office v Information Commissioner* [2008] UKIT EA 2008/0027 on Information Tribunal approach to Freedom of Information and data protection.

## Recommendations

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*"He's very cerebral and his advocacy style is understated but measured, and judges really listen to him"* Chambers and Partners 2020 - Administrative and Public

*"A very methodical and meticulous advocate who has a lovely style"* Chambers and Partners 2020 - Administrative and Public

*"Top of the tree intellectually and in dealing with clients; his work product is consistently at a very high standard indeed"* Chambers and Partners 2020 - Administrative and Public

*"A real tactician who is able to steer a clear course through the most complex disputes. He is also a ruthless cross-examiner"* Chambers and Partners 2020 - Planning

*"He has an excellent style and is tenacious and easy to deal with"* Chambers and Partners 2020 - Planning

*"Amazing in the way he calmly absorbs huge amounts of evidence and information and then presents a case that is both compelling and coherent"* Chambers and Partners 2020 - Environment

*"... extremely clever. He's a really excellent advocate and comes across in an understated way is no less powerful for it"* Chambers and Partners 2020 - Human Rights / Civil Liberties

*"He has a razor-sharp mind and is a very strategic thinker, as well as a very persuasive advocate"* Chambers and Partners 2020 - Local Government

*"He's absolutely brilliant and one of the nicest people you could ever meet"* Chambers and Partners 2020 - Local Government

*"A highly experienced public lawyer. He is very intelligent, knows the area very well and is a fine advocate"* The Legal 500 2020 - Administrative and Public

*"Special note should be made of the 'text book' way that James conducted his cross examination of the objector's witnesses and the way that he extracted concession after concession leaving the objector with no alternative but to withdraw"* The Legal 500 2020 Planning

*"He has a calm and pleasant manner in court but is ruthlessly effective in cross-examination"* The Legal 500 2020

*"Super-bright, always two steps ahead of everyone else in the courtroom. ..."* The Legal 500 2020 Civil Liberties and Human Rights

*"He has a deep knowledge of Financial Services law which he deploys to great effect, and is a tenacious and technically proficient advocate."* The Legal 500 2020 Financial Services

## Appointments

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Appointed Deputy High Court Judge – September 2018

Appointed Queen's Counsel – 2013

Attorney General's Counsel to the Crown 'A' Panel – appointed March 2008

Attorney General's Counsel to the Crown 'B' Panel – appointed March 2004

Attorney General's Counsel to the Crown 'C' Panel – appointed March 2001

Welsh Assembly Government Panel from 2009 – 2012

## Memberships

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• SCMBAR

- ALBA
- PEBA

## Qualifications

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Winchester College

St Peter's College, Oxford University BA (Hons) (1st Class)

Diploma in Law College of Law (Commendation) (1994-5)

BVC Inns of Court School of Law (Outstanding) (1995-6)

### Scholarships and Prizes

1991-3 Steven Latner Scholarship, St Peter's College Oxford

1995 Harmsworth Major Entrance Exhibition to Middle Temple

1996 Baron Dr VerHeyden de Lancey Award for highest Middle Templar BVC Result

1999 Pegasus Scholar to Mallesons Stephen Jacques, Sydney, Australia

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