



Gethin Thomas

Year of call: 2017

Email: gethin.thomas@39essex.com

Phone: +44 (0)20 7832 1111

Gethin Thomas has a multidisciplinary practice, encompassing public law & human rights, environment & energy, procurement, commercial, financial services, regulatory and planning law.

Reflecting the breadth of his practice, Gethin has acted as sole or junior counsel in proceedings in the Court of Appeal, and in the High Court (in the Administrative Court, Commercial Court, Queen's Bench Division, and Technology & Construction Court).

He is ranked as a 'rising star' in environmental law by the Legal 500.

Gethin is a member of the Attorney General's C Panel of Counsel, and of the Welsh Government's B Panel of Junior Counsel.

Gethin graduated from the University of Oxford with a First Class law degree. Before joining the bar, Gethin worked as a research assistant in public law at the Law Commission for two years. Latterly, Gethin interned at the human rights charity JUSTICE. He worked in the administrative justice team.

Gethin is a contributing editor to the Environmental Law Bulletin (published by Sweet & Maxwell). He has also contributed to the latest editions of *Wilmot-Smith on Construction Contracts* (4th edition, May 2021), and *Shackleton on the Law and Practice of Meetings* (15th Edition, November 2020).

Areas of expertise

Administrative and Public

Environment and Energy

Planning

Commercial

Financial Services, Banking and Pensions

Regulatory and Disciplinary

Inquiries and Investigations

Commercial

Gethin is regularly instructed in commercial matters. Gethin has appeared as both sole and junior counsel in commercial proceedings in the High Court (in the Technology and Construction Court (TCC), Commercial, and Queen's Bench Division). He also frequently appears in commercial and construction matters in the County Court. He has extensive experience of drafting pleadings, and frequently advises on a

broad range of commercial matters, often complex and high value. Examples of recent instructions are listed below.

In addition, he has particular experience in financial services, having acted as consultant counsel to the Financial Ombudsman Service. He has advised on a wide range of matters under the Financial Services and Markets Act 2000. He also regularly advises on complex agency issues.

Gethin is currently instructed as a member of the legal team from 39 Essex Chambers offering legal advice and support to the Foskett Panel. Further information is available online here: www.foskettpanel.com.

Gethin has also been instructed in a number of contractual claims arising out of the Covid-19 pandemic, on behalf of both claimants and defendants, in which issues of frustration and force majeure are in dispute.

Gethin has experience of international arbitration. His recent instructions include acting as sole counsel in a commercial London Court of International Arbitration (LCIA) arbitration, and as junior counsel in an ad hoc arbitration in the energy sector. Gethin also has experience of arbitration enforcement action in the High Court. During pupillage, Gethin assisted on a major ICC arbitration concerning payment disputes, delay and variation claims (while supervised by Rachael O'Hagan). He was involved in the matter in the lead-up to and throughout the trial.

Gethin's recent instructions include:

- ***Avsar v Wilson James Ltd* [2020] EWHC 3412 (QB)**: As sole counsel, successfully resisting an application for an interim injunction, both at first instance, and on appeal in the High Court.
- ***School Facility Management Ltd v Governing Body of Christ the King College* [2021] EWHC 3066 (Comm)**: As sole counsel, acting in enforcement proceedings in respect of a judgment debt, arising from a commercial restitution claim, in the High Court.
- ***Chigwell (London) Limited v Gateway Housing Association* [2022] EWHC 3391 (TCC)**: As sole counsel, successfully obtaining summary judgment on behalf of a contracting authority, in respect of a High Court claim arising from the abandonment of a procurement exercise after the successful tenderer was notified.
- **UNCITRAL arbitration (energy sector)**: As junior counsel, in an ad hoc arbitration in the energy sector, led by Gordon Nardell KC.
- **LCIA arbitration (pharmaceutical sector)**: As sole counsel, acting in a commercial LCIA arbitration in the pharmaceutical sector.
- **Enforcement of SIAC interim award (TCC)**: Acting in High Court enforcement of a SIAC emergency award granted during the course of a commercial arbitration.
- ***R. (on the application of Shawbrook Bank Ltd) v Financial Ombudsman Service Ltd; R. (on the application of Clydesdale Financial Services Ltd (t/a Barclays Partner Finance)) v Financial Ombudsman Service* [2023] EWHC 1069 (Admin)**: As junior counsel, led by James Strachan KC, appeared on behalf of the successful Defendant in two joined cases challenged decisions of the Financial Ombudsman Service concerning "fractional ownership" timeshare schemes.
- **Breach of contract**: As junior counsel, acting in relation to a claim in the High Court for a breach of contract, involving allegations of fraud, on behalf of a multinational company.
- **Breach of contract claim**: As junior counsel, successfully defending a breach of contract claim in the High Court and Court of Appeal, in which £4.5m had been claimed against an NHS trust.
- **Adjudication enforcement**: As sole counsel, successfully resisting an application to enforce an adjudicator's decision in the High Court.
- **Procurement challenge**: Assisted Parishil Patel KC in respect of a procurement challenge.
- **Agency**: As sole counsel, acting on behalf of the defendant in an alleged breach of agency claim.

- **Private nuisance:** As sole counsel, advising and drafting particulars of claim in respect to a private nuisance claim.
- Breach of contract and misrepresentation: Acting on behalf of a university, in defending a claim brought against it alleging breach of contract and misrepresentation.

Gethin is a contributing editor to Wilmot-Smith on Construction Contracts. He co-edited the chapter on loss and expense with Adrian Hughes KC. Before commencing practice, Gethin interned with the Chief Justice of Hong Kong at the Court of Final Appeal.

Gethin is a member of COMBAR

Memberships

- Administrative Law Bar Association
- UK Environmental Law Association
- Environmental Law Foundation
- Commercial Bar Association
- Association of London Welsh Lawyers

Qualifications

- 2014, BA Jurisprudence, Harris Manchester College, University of Oxford – First Class
- 2017, BPTC, BPP University – Very Competent

Additional Information

Scholarships and Awards

- 2016, Lord Edmund-Davies Award, Gray's Inn
- 2016, Residential Scholarship, Gray's Inn
- 2016, Excellence Award, BPP University
- 2017, ALBA Conference Scholarship

Pro Bono and Other Voluntary Work

- Gethin is committed to pro bono work.
- Gethin is a Trustee of the Lord Edmund-Davies Trust, which is an independent charity established in 2013 to serve young people living in Wales or having a connection with Wales who are interested in entering the legal profession.
- Gethin is a member of the Environmental Law Foundation, through which he provides pro bono advice.
- Gethin has volunteered with Free Representation Unit, acting for claimants in social security appeals. Further examples of Gethin's pro bono experience include volunteering as an adviser at Bethnal Green Legal Advice Centre and as a researcher with Citizens Advice Bureau.
- He was a human rights education trainer with Amnesty International.
- Gethin has been a mentor on the Vocalise programme, where he taught debating in prisons.
- Gethin has also volunteered with Big Voice, a social mobility and youth empowerment charity

London

81 Chancery Lane,
London
WC2A 1DD
Tel: +44 (0)20 7832 1111
DX: London/Chancery Lane 298
Fax: +44 (0)20 7353 3978

MANCHESTER

82 King Street,
Manchester
M2 4WQ
Tel: +44 (0)16 1870 0333
Fax: +44 (0)20 7353 3978

SINGAPORE

Maxwell Chambers,
28 Maxwell Road,
WC2A 1DD
04-03 & 04-04, Maxwell Chamber
Suites
Singapore 069120
Tel: +65 6320 9272

KUALA LUMPUR

#02-9, Bangunan Sulaiman
Jalan Sultan Hishamuddin,
50000 Kuala Lumpur,
Malaysia
Tel: +60 32 271 1085

BARRISTERS • ARBITRATORS • MEDIATORS

clerks@39essex.com • DX: 298 London/Chancery Lane • 39essex.com