

Year called 1996

Silk 2018

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“An excellent advocate and an extremely adept cross-examiner. His knowledge of the law and relevant developments is always up to date, and he has first-rate intellectual and analytical skills.”

### Chambers & Partners

Parishil Patel has a wide ranging public law practice which encompasses health, community care, local government (including regulation, audit and standards), telecommunications, data protection and confidentiality, prisons, immigration, public international law, incapacity and best interests.

He has extensive experience of advising and acting for and against public bodies in judicial review claims (in the High Court), including claims brought challenging local and central government policy and involving statutory construction and in proceedings in various Tribunals. He also has extensive experience of arguing ECHR issues in domestic courts and advising on human rights in the policy context.

Over the last 8 years, Parishil has been regularly advising and acting in claims arising from the award of public and utilities contracts.

He also has a broad regulatory and disciplinary law practice acting for and against, amongst others, the SRA, GDC and NHS England.

Parishil is a CEDR accredited mediator.

Parishil is recommended by Chambers & Partners and The Legal 500 for Administrative & Public Law and also by Chambers & Partners for Court of Protection.

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## PRACTICE AREAS

- Administrative & Public

- Commercial
  - Regulatory & Disciplinary
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## PRACTICE AREAS

### ADMINISTRATIVE & PUBLIC

#### ADMINISTRATIVE AND PUBLIC LAW (INCLUDES HUMAN RIGHTS):

*"He will quite often drop everything at very short notice to help. Really responsive and really good at handling clients, he always gives great advice."* Chambers & Partners

Includes health, community care, local government (including regulation, audit and standards), telecommunications, data protection and confidentiality, prisons, immigration, public international law, incapacity and best interests

Extensive experience of advising and acting for and against public bodies in judicial review claims (in the High Court, Court of Appeal and House of Lords), including claims brought challenging local and central government policy and involving statutory construction and in proceedings in various Tribunals (Parole Board, MHRT, Care Standards). Extensive experience of arguing ECHR issues in domestic courts and advising on human rights in the policy context

Recent work includes:

- Representing a NHS Trust in proceedings concerning the proper construction of NHS regulations relating to the remuneration of doctors for travelling time
- Advising a local authority as to the meaning of "residence" in section 117 of the Mental Health Act 1983
- Acting for Hackney Carriage drivers in a judicial review challenge to the local authority's decision to de-regulate the market
- Acting for an auditor in a statutory appeal against the decision not to apply to court
- Advising a commercial company as to the merits of a judicial review challenge to a decision by the Vehicle Registration Agency
- Acting for the National History Museum in a judicial review challenge brought by an Aboriginal group for the repatriation of human bones
- Advising a telecommunications company in Trinidad & Tobago (with Nigel Pleming QC) in a judicial review challenge to the decision of the regulatory body fixing the pricing structure of market
- Acting for the Ministry of Justice in judicial review challenges concerning the proper statutory construction of transitional provisions challenging the early release provisions of the Criminal Justice Act 2003
- Representing a NHS trust in "right to die" proceedings
- Advising a local authority on *vires* issues in respect of the provision of continuing healthcare
- Acting for the Secretary of State in a judicial review challenge in which an Iraqi citizen claims

jurisdiction under the ECHR (Article 1) for acts done by British armed forces in Iraq

- Representing NHS Trusts and prison governors defending Article 2 claims arising out of patient's deaths and deaths in custody;

## PUBLIC PROCUREMENT LAW

Recent work includes:

- Acting for a firm of solicitors in a claim against the LSC arising out of the tender for the 2010 Civil Contracts
- Advising a large consultancy firm in respect of the procurement exercise for the provision of consultancy services to government departments through framework agreements
- Advising a UK company in proceedings under the 2006 Regulations against a local authority
- Representing a UK company in proceedings under the 2006 Regulations against the Royal Shakespeare Company
- Advising a major UK company in respect of a contract award made by the British Library for facilities management under the 2006 Regulations

Advising the Civil Engineering and Development Department of Hong Kong as to whether a process contract was formed during the tender process of a multi million pound construction project

## COMMERCIAL COMMERCIAL AND CONSTRUCTION LITIGATION

Includes policy disputes on insurance claims, product liability claims, VAT related disputes, employment related disputes, commercial agency agreements, building contracts, defective design and workmanship and claims for delay & disruption. Professional negligence claims involving solicitors, architects, engineers and surveyors

Recent work includes:

- Representing a large waste company in a commercial dispute relating to the recycling of WEEE. Claim worth £2.5 million; counterclaim worth £10 million
- Representing the Highways Agency in a claim against a major UK contractor for defective design and construction of the M60 motorway in a claim worth £45 million
- Advising a pharmaceutical company as to the effect of a Exclusive Distribution and Sale and Purchase Agreement relating to the introduction of products into the UK market
- Acting for a major UK engineering company on a claim for delay and disruption arising out of shutdown works in relation to a petrochemical plant worth £10 million
- Representing a claimant in a claim arising out of the wrongful repudiation of life insurance policies

## REGULATORY & DISCIPLINARY REGULATORY AND DISCIPLINARY LAW

Broad regulatory and disciplinary law practice acting for and against, amongst others, the SRA, GDC and the

GSCC.

Recent work includes:

- Obtaining orders for seizure of files and documents following the SRA's intervention into Wolstenholmes LLP
- Advising a solicitor's firm on the viability of setting up non-lawyer companies
- Representing GDC at Fitness to Practise hearings and at Interim Order Committees

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## CASES

### ***Mental Health & Community Care***

**DH NHS Foundation Trust v PS (By Her Litigation Friend the Official Solicitor)** [2010] EWHC 1217 (Fam)

### ***Administrative and Public Law (includes Human Rights)***

**R (on the application of Rebecca Noone) v (1) Governor of Drake Hall Prison (2) Secretary of State for Justice** 17 October 2008 [2008] EWCA Civ 1097

A judge was wrong to grant judicial review of the calculation of a prisoner's earliest release date under home detention curfew.

**RS (Zimbabwe) v Secretary of State for the Home Department (CA)** 18 July 2008 [2008] EWCA Civ 839

Whether breach of Article 3 to return a woman diagnosed with HIV to Zimbabwe in circumstances where she would be unable to access proper medical treatment.

**EB (Kosovo) v Secretary of State for the Home Department (HL)** 25 June 2008 [2008] UKHL 41

The impact of administrative delay on claims under Article 8 of the ECHR.

**R (Wayne Black) v Secretary of State for Justice (CA)** 15 April 2008 [2008] EWCA Civ 359

Applicability of Article 5(4) of the ECHR to the power to release determinate sentence prisoners.

**R ((1) Kelly (2) Bailey (3) Gibson) v Secretary of State for Justice** 12 March 2008 [2008] EWCA Civ 177

The omission from the Criminal Justice Act 2003 of any reference to the Criminal Justice Act 1991 s.33(3) relating to the duration of licence conditions for long-term prisoners was a drafting error and the court was entitled to correct it.

**R (Graham) v Secretary of State for Justice; R (Allen) v Secretary of State for Justice (QBD)** 23 November 2007 [2007] EWHC 2940 (Admin)

Whether handcuffing of a prisoner whilst attending for medical treatment is contrary to Article 3.

**R (Stellato) v Secretary of State for the Home Department (HL)** 14 March 2007 [2007] UKHL 5

A long-term prisoner entitled to the benefit of the release provisions contained in the Criminal Justice Act 1991 continued to be so entitled.

**R (Clift) v Secretary of State for the Home Department; Secretary of State for the Home Department v (1) Hindawi (2) Headley (HL)** 13 December 2006 [2006] UKHL 54

The meaning of "other status" in Article 14.

**WM (Democratic Republic of Congo) v Secretary of State for the Home Department; Secretary of State for the Home Department v AR (Afghanistan) (CA)** 9 November 2006 [2006] EWCA Civ 1495

**R (Pat Morris (on behalf of Health in Trafford)) v Trafford Healthcare NHS Trust (QBD)** 22 September 2006 [2006] EWHC 2334 (Admin)

Judicial review of a hospital closure.

**Szoma v Secretary of State for Work and Pensions (HL)** 27 October 2005 [2005] UKHL 64; [2006] 1 AC 564

The meaning of "lawfully present" in social security regulations.

**R (Smith) v Parole Board; R (West) v Parole Board (HL)** 27 January 2005 [2005] UKHL 1; [2005] 1 WLR 350; The Times 28 January 2005

The applicability of Articles 5 and 6 to the recall of prisoners on parole

**R (CD) v Isle of Anglesey County Council (QBD)** 16 July 2004 [2004] EWHC 1635 (Admin); [2005] 1 FLR 59

Acting for Claimant in judicial review of community care services to a disabled child.

**E v Secretary of State for the Home Department; R v Secretary of State for the Home Department (CA)** 2 February 2004 [2004] EWCA Civ 49

Leading judgment which sets out in general terms when an error of fact amounts to an error of law.

**R (Smith) v Parole Board (CA)** 31 July 2003 [2003] 1 WLR 2548

The circumstances in which a claimant can raise a ground at the substantive hearing for judicial review which has been refused permission.

### ***Commercial and Construction Litigation***

**Elens Klusova v Hounslow LBC (CA)** 7 November 2007 [2007] EWCA Civ 1127

Dismissal on the basis of employment being in contravention of the law.

**Advantage Business Systems Ltd v James Hopley (QBD)** 25 July 2007 [2007] EWHC 1783 (QB)

4 day restrictive covenant trial.

**Amec Process & Energy Ltd v Stork Engineers & Contractors BV (No.4) (QBD (TCC))** 15 March 2002 (2002) CILL 1883

The principles upon which compound interest can be claimed.

## **Regulatory and Disciplinary Law**

**Council for the Regulation of Healthcare Professionals v (1) Health Professions Council (2) Harrison (QBD) 30**  
March 2006 [2006] EWHC 890 Admin

Approach to costs in regulatory appeal.

## **Public**

**Hirst v Secretary of State for the Home Department & Parole Board (CA) 6 July 2006 [2006] EWCA Civ 945;**  
[2006] 1 WLR 3083

Whether the scheme for early release of life sentence was incompatible with Article 5 of the ECHR.

## **Immigration**

**R (On The Application Of Ef & Ors) V Secretary Of State For The Home Department 11 March 2010 [2010] EWCA**  
Civ 203

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## RECOMMENDATIONS

Parishil is recommended by Chambers & Partners for Court of Protection law and Administrative and Public Law.

He is recommended by the Legal 500 for his work in Administrative and Public Law, and Immigration and Nationality law.

## **Quotes**

*"He's extremely approachable, dependable and thorough in his work." "He's excellent on his feet and good at picking up complex matters at short notice."* Chambers & Partners 2017

*"Excellent with clients, giving them clear and practical advice." "A very succinct advocate. A very good cross-examiner." "Pragmatic and sensible."* Chambers & Partners 2017

*"Very bright, capable and good with clients"* Legal 500 2016

*"He brings a holistic and analytical approach to complex welfare cases and has excellent advocacy and client skills. Thorough in his approach and with an excellent understanding of the law, he always swiftly grasps the key issues. He is able to deal with matters practically and efficiently."* Chambers & Partners 2016

*"He's very approachable and practical and extremely good with clients." "His advocacy is to the point, concise and well articulated."* Chambers & Partners 2016

*"Particular expertise advising on judicial review"* Legal 500 2015

*"He will quite often drop everything at very short notice to help. Really responsive and really good at handling clients, he always gives great advice."* Chambers & Partners 2014

*"He's very good on his feet."* Chambers & Partners 2014

*"An excellent advocate and an extremely adept cross-examiner. His knowledge of the law and relevant developments is always completely up to date, and he has first-rate intellectual and analytical skills."* Chambers & Partners 2014

*"Unflappable, very in command and very calm."* Chambers & Partners 2014

*'First-rate intellectual and analytical skills.'* Legal 500 2014

*"When you see his name on a matter, you know you'll have an efficient trial."* Chambers & Partners 2014

*"He can get to grips with lots of information at very short notice, and keeps calm in tense situations. As an advocate, he is clear and straightforward – he's entirely in control."* Chambers & Partners 2014

*"He is excellent in court, even when picking something up with very little time to prepare."* Chambers & Partners 2014

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## MEMBERSHIPS

- Liberty
- Amnesty
- The Administrative Law Bar Association
- The Technology & Construction Bar Association
- The London Common Law & Commercial Bar Association

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## QUALIFICATIONS

Accredited CEDR Mediator

Harmsworth Exhibitioner

Middle Temple Benefactors' Scholarship

MA (Hons) in Law (Upper Second Class): 1993, LLM (First Class): 1996

St John's College, Cambridge

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