

## Adam Riley

Call Date: 2018

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Adam's practice covers Chambers core areas of work, focusing on commercial disputes, company and insolvency, travel, and public & constitutional law. He is also building his experience in international arbitration and is an associate member of the Chartered Institute of Arbitrators (ACIarb).

Adam enjoys working as part of a broader counsel team and has been led as junior counsel in the Supreme Court, and in numerous appeals before the Judicial Committee of the Privy Council representing clients from Jamaica, Trinidad and Tobago, Antigua and Barbuda, and The Bahamas.

He is also an experienced trial advocate, frequently handling trials, appeals, interim applications, preliminary hearings, and costs and case management conferences as sole counsel.

Adam is a member of the Attorney General's Junior Junior panel of counsel.

He also has a strong commitment to pro bono work, having worked on capital murder appeals in New Orleans and asylum claims with an international NGO in Greece before commencing practice.

Adam is ranked as a Rising Star (Tier 1) in Administrative law and Human Rights in the Legal 500.

## Legal Services

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### Appeals to the Privy Council

Adam regularly appears as junior counsel in appeals originating in the Commonwealth Caribbean. In particular, he has appeared in appeals from Jamaica, Trinidad and Tobago, and The Bahamas.

His interests and experience in this area of practice includes constitutional law, human rights, judicial review, election law, commercial law, general common law and criminal appeals.

Recent cases in which Adam has been instructed and appeared as junior counsel include:

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- **Matadai Roopnarine v Attorney General of Trinidad and Tobago [2023] UKPC 30**: The appellant sued in the tort of malicious prosecution. The Judge at first instance dismissed this appeal after hearing a no case to answer submission, which decision was upheld by a majority in the Court of Appeal. This decision restates the principles applicable to no case to answer submissions in a civil law context.
- **Caryn Moss v The King [2023] UKPC 28**: The appellant was tried and convicted on the charge of conspiracy to murder. The issues before the Board included whether the defence of duress arose on the evidence (assuming it was available at law) and whether the Court of Appeal had erred when substituting a lengthier sentence. Adam was led by [Rowan Pennington-Benton](#).
- **Ravi Balgobin Maharj v The Cabinet of the Republic of Trinidad and Tobago [2023] 1 W.L.R. 2870**: The question before the Board in this appeal concerned whether a law amending the fixed term of councillors and aldermen in local government applied to prospective office-holders as well as incumbents. Adam was led by Anand Ramlogan S.C.
- **Tafari Morrison v The King [2023] UKPC 14**: The appellant pleaded guilty to a range of offences including wounding with intent. The issue in the appeal was whether the sentence imposed was unconstitutional because it was determined in accordance with a statutory minimum and, it was argued by the Appellant, contrary to international human rights standards. Adam was led by [Peter Knox K.C.](#) on behalf of the Crown.
- **Attorney General of Trinidad and Tobago v JM (A minor by his kin and Next Friend NM) [2022] UKPC 54**: Led in a successful constitutional challenge on behalf of the appellant who, aged nine, was removed into the custody of the State. The appellant was the victim of abuse in several state institutions. The Board held that the appellant's rights to the security of the person, protection of the law, and his right not to be subjected to the imposition of cruel and unusual treatment or punishment had been violated. The judgment clarifies the approach that should be taken when awarding vindictory and compensatory damages for breaches of constitutional rights. Adam was led by [Rob Strang](#) and Anand Ramlogan S.C.
- **Attorney General of Trinidad and Tobago v Akili Charles [2023] 1 W.L.R. 177**: The appellant was accused of murder and imprisoned on remand. The preliminary inquiry into the charge was required to be restarted after the elevation of the supervising magistrate to the High Court bench. Led in a successful constitutional challenge asserting that the appellant's right to protection of the law was breached as a result. Adam was led by [Rowan Pennington-Benton](#) and Anand Ramlogan S.C.
- **Attorney General of Trinidad and Tobago (Appellant) v Akili Charles (Respondent) No 2 (Trinidad and Tobago) [2022] UKPC 31**: Led in the successful challenge, on behalf of the appellant, concerning the constitutionality of the Bail Act which had provided for the automatic denial of bail to persons charged with murder. Adam was led by Anand Ramlogan S.C. from Trinidad and Tobago.
- **Suraj and others v Attorney General of Trinidad and Tobago [2023] A.C. 337**: Led in this appeal concerning the constitutionality of the Coronavirus Regulations 2020, confirming the correct approach to interpretation of the fundamental rights and freedoms guaranteed in the Trinidad and Tobago Constitution, and the scope of the legislative savings provisions contained in the Constitution. Adam was led by [Peter Knox K.C.](#) and Anand Ramlogan S.C.
- **Satyanand Maharaj v Attorney General of Trinidad and Tobago [2022] UKPC 26**: Led in a constitutional challenge to guidelines issued pursuant to local Covid-19 regulations purporting to institute criminal offences regulating the functioning of religious establishments. Adam was led by Anand Ramlogan S.C.

Adam's regular appearances as junior counsel before the Board builds upon his experience acquired during pupillage, in the course of which he assisted [Tom Poole K.C.](#) on the following appeals:

- **Betaudier (Appellant) v Attorney General of Trinidad and Tobago (Respondent) (Trinidad and Tobago) [2021] UKPC 7**: assisting in this appeal concerning the lawfulness of the appellant's arrest and

detention.

- **Duncan and Jokhan (Appellants) v Attorney General of Trinidad and Tobago (Respondent) (Trinidad and Tobago) [2021] UKPC 17**: assisting in this appeal concerning whether there was a violation of the appellants' rights under section 4(a) of the Constitution not to be deprived of liberty and security of the person except by due process of law.

Adam has a particular interest in legal developments in the Commonwealth Caribbean and has written articles for both the Jamaican Bar Association Journal as well as for the Commonwealth Lawyers Association Journal. He is also a member of the Commonwealth Lawyers' Association Public and Administrative Law Committee, as well as the Association's Human Rights and Rule of Law Committee.

## Commercial, Chancery and Arbitration

Adam is developing a broad practice encompassing all aspects of commercial and chancery dispute resolution and arbitration. He regularly appears in and advises on a range of general commercial matters and is an associate member of the Chartered Institute of Arbitrators (ACIarb).

Highlights include:

- Advising pension trustees on the procurement of *Beddoe* relief.
- Appearing in the High Court led by [Daniel Feetham K.C.](#) and [Rowan Pennington-Benton](#) opposing interim injunctive relief and seeking reverse summary judgment and/or strike out on a claim valued at just under £3,000,000.
- Assisting [Richard Samuel](#) in a range of international arbitration matters.
- Devilling in high value international arbitration matters originating in the Commonwealth Caribbean.
- Assisting [Jeffrey Golden K.C. \(Hon\)](#) in preparing an advice on the English law of contract vis. frustration and *force majeure* in connection with matters arising out of the 2021 Texas power crisis.
- Advising on remedies available in breach of confidence matters and unlawful means conspiracy actions.

## Company and Insolvency

Adam accepts instructions across the full spectrum of company and insolvency litigation and advisory work and is regularly instructed to appear in winding up and bankruptcy petitions.

He was recently led as junior counsel in the Supreme Court by [Peter Knox K.C.](#) in the landmark appeal *Lifestyle Equities C.V. and anor v Ahmed and anor* 2021/0147, in respect of which judgment is outstanding. The case revisits various first principles in company law. It addresses questions crucial for all directors such as the nature and extent of the liability of a director, or senior employee, who causes a company to commit a civil wrong in addition to querying whether such a person, if legally responsible for a tort, can be made to pay profits made as a result of the tort even if the relevant profits were not personally received by them.

Further highlights include:

- Assisting [Richard Samuel](#) in an unfair prejudice petition concerning the scope of directors' duties under the Companies Act 2006 in the context of historic allegations of racism and discrimination in *Re Prospect Place (Wimbledon) Management Co Ltd* [2022] EWHC 76 (Ch).

- Assisting **Tom Poole K.C.** in a complex unfair prejudice petition involving allegations of conflicts of interest and breaches of statutory, fiduciary and common law director's duties (as a pupil).

## Public Law and Inquiries

Adam's expertise in public law matters is informed by his experience being led as junior counsel in numerous appeals before the Judicial Committee of the Privy Council. He is able to draw additionally on his background working in civil liberties, social security and immigration matters across a range of contexts, in addition to his experience working in social policy before coming to the bar.

He is a member of the Attorney General's junior panel of counsel. In that capacity he has accepted instructions to advise government departments on various technical issues concerned with the passage of the new Economic Crime and Corporate Transparency Bill in the House of Lords.

Recent public and constitutional law cases in which Adam has been instructed and appeared as junior counsel include:

- **Ravi Balgobin Maharj v The Cabinet of the Republic of Trinidad and Tobago [2023] 1 W.L.R. 2870:** The question before the Board in this appeal concerned whether a law amending the fixed term of councillors and aldermen in local government applied to prospective office-holders as well as incumbents. Adam was led by Anand Ramlogan S.C.
- **Tafari Morrison v The King [2023] UKPC 14:** The appellant pleaded guilty to a range of offences including wounding with intent. The issue in the appeal was whether the sentence imposed was unconstitutional because it was determined in accordance with a statutory minimum and, it was argued by the Appellant, contrary to international human rights standards. Adam was led by **Peter Knox K.C.** on behalf of the Crown.
- **Attorney General of Trinidad and Tobago v JM (A minor by his kin and Next Friend NM) [2022] UKPC 54:** led in a successful constitutional challenge on behalf of the appellant who, aged nine, was removed into the custody of the State. The appellant was the victim of abuse in several state institutions. The Board held that the appellant's rights to the security of the person, protection of the law, and his right not to be subjected to the imposition of cruel and unusual treatment or punishment had been violated. The judgment additionally clarifies the approach that should be taken when awarding vindictory and compensatory damages for breaches of constitutional rights.
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- **Satyanand Maharaj v Attorney General of Trinidad and Tobago [2022] UKPC 26:** Led in a constitutional challenge to guidelines issued pursuant to local Covid-19 regulations purporting to

institute criminal offences regulating the functioning of religious establishments.

Adam was formerly instructed as junior counsel to the Undercover Policing Inquiry.

Adam is also a member of the Commonwealth Lawyers Association Public and Administrative Law Committee, as well as the Association's Human Rights and Rule of Law Committee.

## Professional Negligence

Adam is instructed in a range of professional negligence claims. He is particularly well placed to advise on claims involving underlying commercial, company or public law considerations. Recently he advised a Claimant in a claim against former legal advisors where the Claimant had intended to appeal a planning decision, only for their legal team to miss the statutory deadline for doing so. As a pupil he additionally assisted in a claim for damages due to misconduct of litigation and settlement at an undervalue in a case involving a high-value equal pay claim.

## Travel and Personal Injury

Adam is instructed in matters involving the Package Travel Regulations (both the 1992 and 2018 iterations) as well as in claims for compensation pursuant to the Montreal Convention, the Athens Convention and under EC Regulation 261/2004. He regularly appears in trials and drafts advices and pleadings in disputes involving jurisdictional and conflict of laws issues.

Adam also maintains a busy personal injury practice. He accepts instructions to advise on matters relating to liability, causation, quantum, evidence, costs and related procedural issues. He is developing particular expertise in defending matters which involve exaggerated, dishonest and fraudulent claims which raise issues of fundamental dishonesty.

## Employment

Adam accepts instructions across the full spectrum of employment law matters. He has appeared in the County Court and Employment Tribunal, and as sole counsel before the Employment Appeal Tribunal.

During pupillage he assisted [Tom Poole K.C.](#) in a complex 10-day Employment Tribunal hearing which involved allegations of sexual harassment, unfair dismissal, wrongful dismissal, constructive dismissal, discrimination, harassment, victimisation, and issues relating to contributory fault: *A v (1) The Department for Environment, Food and Rural Affairs (2) B* Case Number: 2200417/2019. He also assisted [Tom Poole K.C.](#) in an Employment Tribunal hearing involving unlawful deduction from wages.

## Accreditations

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## Memberships

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- Commonwealth Lawyers Association
- ALBA
- R3

## Education

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- Intensive Course in Human Rights, The Norwegian Centre for Human Rights, University of Oslo
- BPTC, University of Law (Very Competent)
- GDL, University of Law (Distinction)
- MA Medieval History, University of Sheffield (Distinction)
- BA History, University of Sheffield (First Class) (Graduated 1/156)

## Appointments

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- Attorney General's panel of junior junior counsel
- Associate, Chartered Institute of Arbitrators (ACIarb)

## Awards

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- Matrix Amicus Bursary
- BPTC Civil Advocacy Award, University of Law
- Keating Chambers Commercial Moot, 1st place, University of Law
- Inner Temple Exhibition Award

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- Law First Scholarship, University of Law
- David Luscombe Prize for Medieval History, University of Sheffield