

Daniel Black

Call Date: 2015



Daniel has a commercial (including property), employment, and travel litigation practice.

He regularly appears as sole counsel in the County Court and High Court and was led in the UK Supreme Court in *Pakistan International Airline Corporation v Times Travel (UK) Ltd*, the first case in which the UK's highest court recognised and articulated the existence of lawful act economic duress in England & Wales.

Called to the Bar with Middle Temple's highest scholarship, Daniel read for the Bachelor of Civil Law (BCL) at St Hilda's College, Oxford before lecturing in contract and public law in London. He took tenancy in 2019.

Legal Services

Commercial

Daniel's practice covers all areas of chambers' commercial and insolvency work. He regularly appears in the County Court, High Court, and before Insolvency and Company Court judges. Daniel also holds an advisory practice in each of these fields and has particular expertise in jurisdictional and choice of law matters.

Daniel has worked on variety of commercial disputes both domestically and overseas, including:

- Junior counsel on behalf of the All Party Parliamentary Group on Fair Business Banking in their intervention in [Pakistan International Airline Corporation v Times Travel \(UK\) Ltd \[2021\] UKSC 40](#).
- Junior counsel to Aidan Casey QC in a high value breach of contract dispute concerning cryptocurrency trading.
- Assisting Richard Samuel in number of pieces of significant commercial litigation, including a misrepresentation dispute concerning private equity.
- Daniel has recently advised on a number of contractual indemnity clauses involving a world-wide motor manufacturer.
- Daniel has a particular interest in cross border commercial disputes having previously worked on matters in Caribbean jurisdictions and is comfortable with the applicable procedural laws and practical issues.

Employment

Daniel advises on a wide range of Employment matters including where they intersect with questions of commercial and public law. He has recent experience in advising and acting on matters involving the employment status of workers following the Supreme Court decision of [Uber BV v Aslam \[2021\] UKSC 5](#), sex and race discrimination claims as well as matters of unfair dismissal and associated contractual rights.

Daniel has worked on variety of employment cases, including:

- Advising and litigating on the employment status arising from [Uber BV v Aslam](#).
- Acting for the Claimant in a case brought against a public authority for sexual and racial discrimination.
- Acting at all stages in various unfair dismissal claims in the private sector.
- Advising and litigating on health and safety at work claims (including those raised as a result of COVID-19).
- Advising on a dispute arising under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE).
- Acting for Claimants in appealing disciplinary sanctions.
- Legal research and contributing towards drafting in employment cases as part of HM Government's 'Junior Junior' Scheme.

Daniel has a particular interest in cross border employment disputes having previously worked on matters in Caribbean jurisdictions and is comfortable with the applicable procedural laws and practical issues.

International Travel (including Aviation) and Personal Injury

Daniel has quickly developed considerable experience in Fast and Multi-Track personal injury cases acting for both Defendants and Claimants in respect of injuries and illness. He is regularly instructed against considerably more experienced counsel in this field.

Daniel has considerable experience in claims under the Package Travel Regulations including as to the applicability of the Regulations (1992 and 2018) and in drafting statements of case and witness statements in these disputes. His work extends beyond these Regulations, in particular he is instructed to advise, draft, and appear in disputes involving jurisdictional and other conflict of laws issues.

Daniel represents various airlines in passenger claims for compensation under Montreal Convention, the EU Denied Boarding Regulations (EC Regulation 261/2004), and advises on the Athens Convention in respect of accidents at sea.

His article '[Griffiths v TUI UK Limited \[2020\] EWHC 2268\(QB\): Can You Still See the Wood for the Trees](#)' was published by the Travel Law Quarterly [2020] TLQ 77 and considered how expert evidence is controverted.

Property Litigation

Daniel practises across a wide range of property law, primarily focussing on commercial landlord and tenant disputes. In addition, he acts and advises on forfeiture and possession disputes and has experience of injunctive relief.

He is often instructed on mortgage and charges disputes and has considerable recent experience in

redemption actions. Daniel also regularly advises on limitation.

In real property, Daniel's particular experience lies in nuisance and trespass.

Daniel has worked on variety of employment cases, including:

- Daniel was recently instructed in the High Court to act in a contempt of court action and related possession claim.
- Injunctive relief in the context of disputed possession matters.
- Drafting particulars and defences across a wide range of property law matters.
- Acting and advising in disputes concerned alleged breaches of leases, covenants and easements.
- Acting and advising on many aspects of the operations of commercial property management companies.
- Advising on Limitation Act 1980 concerns.
- Advising on estoppel, including waiver.
- Mortgages including statements of account, redemption and forfeiture.

GDPR and Data Protection

Before the Upper Tribunal (Administrative Appeals Chamber) Daniel appeared as sole counsel for the Appellant in Coghlan v The Information Commissioner GIA/1619/2020, in Summer 2020.

- Coghlan (a conjoined appeal) is the first case at appellate level to consider whether s166 of the Data Protection Act 2018 provides a substantive remedy where the Information Commissioner's Office 'fails to take appropriate steps to respond to [a data] complaint' and also required consideration of article 57 GDPR (judgment is awaited).

In his developing practice, Daniel advises on a wide range of data protection concerns. His practice is certified by Briefed with their GDPR Certification & Quality Mark for Barristers.

Daniel's brings his experience from lecturing in Public & Administrative law to his work in this field.

Public Law

Daniel brings significant knowledge from his time lecturing to his work in this area and has recently been instructed as junior counsel to Thomas Roe QC on a law challenge to discriminatory laws on sexuality and sexual relations in two Commonwealth jurisdictions.

Daniel has worked on variety of Public & Administrative law cases, including:

- Before the Upper Tribunal (Administrative Appeals Chamber) Daniel appeared as sole counsel for the Appellant in Coghlan v The Information Commissioner GIA/1619/2020, in Summer 2020. The case is the first at appellate level to consider whether s166 of the Data Protection Act 2018 provides a substantive remedy where the Information Commissioner's Office 'fails to take appropriate steps to respond to [a data] complaint' which also required consideration of article 57 GDPR (judgment is awaited).
- Second junior counsel to Thomas Roe QC in seeking permission for a judicial review into the BBC's compliance with its impartiality obligations under the BBC Charter as relates to the Corporation's Brexit coverage (Keighley v BBC, Claim no: CO/3063/2019).

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Daniel accepts instructions in all judicial review matters and engages in pro bono work in the field.

Inquires and Inquests

Inquires

Daniel is instructed by the Designated Lawyers officer core participant group in the Undercover Policing Inquiry, the remit of which is to investigate and report upon undercover police operations conducted by English and Welsh police forces since 1968. He has particular responsibility in the gathering of witness evidence.

Inquiries

Daniel's developing practice includes advising on all matters relating to the substance and procedure of the quasi-judicial inquiry process and his public law background brings expertise in the human rights matters arising. He accepts instructions on behalf of interested individuals and families, as well as organisations.

- Daniel acted in the Inquiry concerning the Death of Mr Ian Powell at the Coroner's Court at Pontypridd in December 2020

Publications

- ['Griffiths v TUI UK Limited \[2020\] EWHC 2268\(QB\): Can You Still See the Wood for the Trees'](#). Travel Law Quarterly [2020] TLQ 77
- ['Turbulent Times? Lipton v BA City Flyer: a misstep by the Court of Appeal on 'extraordinary circumstances' and flight compensation claims?'](#). New Law Journal N.L.J. 2021, 171(7935), 12-14.

Memberships

- Commercial Bar Association (COMBAR)
- Employment Lawyers Association (ELA)
- Personal Injury Bar Association (PIBA)
- Commonwealth Law Association (CLA)
- London Common Law & Commercial Bar Association (LCLCBA)

Qualifications

- University of Glasgow (2008-2012) LL.B. First Class Honours
- St Hilda's College, University of Oxford (2013-2014) BCL

University Lecturing (pre-tenancy)

- Visiting Lecturer in Constitutional, Administrative and EU Law at City University London (2015-2016).
- Lecturer in Contract Law and Constitutional and EU Law at BPP University, London (2017-2018)

Awards

- Colombos International Law Essay Prize, Middle Temple (2015)
- Oxford Legal Assistance Moot, second place, University of Oxford (2014)
- Jules Thorn Scholarship, Middle Temple (2013)
- GDL Mooting Competition, second place, City University London (2012)
- Queen Mother Scholarship, Middle Temple (2012)
- Only candidate to achieve First Class Honours in each of the Constitutional Law Honours assessment elements, University of Glasgow (2012)
- National Security Law Prize, University of North Carolina at Chapel Hill (2011)
- GPA 3.9/4.0, University of North Carolina at Chapel Hill, (2011)