

Thomas Roe QC

Call Date: 1995 | Silk Date: 2014



Thomas Roe QC's main areas of practice are commercial and chancery litigation and arbitration, and constitutional and administrative law.

He undertakes a great deal of appellate work, including before the Court of Appeal, the Judicial Committee of the Privy Council and the Supreme Court of the United Kingdom. He has been specially admitted to the Bars of the Bahamas and of Antigua & Barbuda.

Until taking silk he was a member of the Attorney General's panel of junior counsel to the Crown.

He is a Fellow of the Chartered Institute of Arbitrators.

Legal Services

Commercial

Thomas has a broad practice covering litigation and arbitration, as well as advisory work, in all areas of commercial and business law and commercial chancery, including civil fraud, contractual disputes and insolvency. Much of his work has an international or offshore element, with clients from and disputes in jurisdictions including Germany, France, Russia/CIS, Cyprus, Italy, the United States, Gibraltar and the Commonwealth Caribbean.

Other recent work in this area has included defending and successfully settling a £45m bribery claim against company directors; advice to a leading Italian fashion brand about its English-law contracts with a Korean franchisee; advice to Premier League football clubs about disputes with their kit sponsors and suppliers; advice to an overseas government about remedies for corruption; advice to an overseas government about the enforceability of an alleged agreement to remit \$400m in taxes; advice to an Italian bank about the terms of its UK contracts; and advice to matrimonial counsel and solicitors about trust, contract and conflict-of-laws aspects of an ultra-high-net-worth Russian divorce case.

He is ranked in Chambers and Partners 2021 as a Leading Silk in Chancery Commercial.

Notable Commercial cases

3 HARE COURT

Representing a state-owned oil company in a multi-million-dollar ICC arbitration about expropriation of shares.

Representing a government in a multi-million-dollar LCIA arbitration arising from its citizenship-by-investment programme.

A claim in the Supreme Court of the Eastern Caribbean to enforce a judgment arising from a large property-development transaction.

A long trial in the Business and Property Courts of England & Wales against company directors in respect of multiple breaches of fiduciary duty.

[Re Paramount Powers \(UK\) Ltd \[2020\] B.C.C. 152 \(Court of Appeal\)](#)

The relationship between a breakdown of trust and confidence and the power to wind a company up on the 'just and equitable' ground.

[Badyal v Badyal \[2019\] EWHC 467 \(Ch\)](#)

The effect of the order of an Indian court on the English court's enforcement of English trusts of Indian assets.

[Bannerman Town, Millars and John Millars Eleuthera Association v Eleuthera Properties Ltd \[2018\] UKPC 27, noted \[2018\] 4 Conv. 379](#)

A dispute before the Privy Council over title to 2,000 acres of development land in the Bahamas.

[Aidiniantz v Sherlock Holmes International Society Ltd \[2018\] B.C.L.C. 188 \(Court of Appeal\)](#)

Implied variation of articles of association; directors' authority; doctrine of laches.

[Ramsook v Crossley \[2018\] Lloyd's Rep. I.R. 471](#)

Amicus curiae before the Judicial Committee of the Privy Council in a dispute concerning the scope of an insurer's authority to defend litigation in the name of an insured.

[Lederer v Allsop LLP \[2018\] EWHC 1425 \(Ch\)](#)

Successful application against a leading fintech 'peer-to-peer' loan arranger for disclosure of the names of its unidentified principals.

[Shah v Shah \[2018\] EWCH 2075 \(Ch\)](#)

Appeal based on fresh evidence in dispute concerning title to land in India.

[Dawson-Damer v Grampian Trust Company Ltd \(2017\) 20 I.T.E.L.R. 722 \(Supreme Court of the Bahamas\)](#)

Counsel for the Attorney-General of the Bahamas in a dispute over the compatibility of the Bahamas' rules on trust confidentiality with fundamental rights.

[Cassell v Queen \[2017\] 1 W.L.R. 2738 \(Privy Council\)](#)

Counsel for the successful appellant in this challenge to a conviction for corporate fraud.

[Arawak Homes Ltd v Attorney General of the Bahamas \[2016\] 1 W.L.R. 5214 \(Privy Council\)](#)

Acting for leading Bahamas house-builders in dispute with government over valuation of compulsorily acquired land.

[Hniazdzilau v Vajgel \[2016\] EWHC 15 \(Ch\)](#)

Trial of disputes concerning fraudulent claims to ownership of property in Belarus.

[Re Georgy Trefilov \(Ch D\)](#)

Acting for a Russian businessman in dispute about alleged entitlement under multi-million dollar settlement concerning realisation of interests in Russian commercial property.

Constitutional and Administrative Law

Thomas has a broad public law practice encompassing both human rights and commercial judicial review and a specialism in constitutional law.

Recent advisory work has included advising an offshore government about a dispute with an expatriate about the alleged evasion of laws designed to preserve local property for belongers to the territory; and an NGO as to the constitutionality of certain Commonwealth laws on sexuality.

He is ranked in Chambers and Partners 2021 as a Leading Silk in Civil Liberties & Human Rights.

Notable Constitutional and Administrative Law cases

[Patel v Secretary of State for the Home Department \[2020\] 1 W.L.R. 228 \(Supreme Court\)](#)

The applicability of the EU-law Zambrano principle to adults.

[R \(Bashir\) v Secretary of State for the Home Department \[2019\] A.C. 484 \(Supreme Court\)](#)

Counsel for the Home Secretary in this dispute about the applicability of the Refugee Convention to the UK Sovereign Base Areas in Cyprus and the effect in international law of accession to the Convention on behalf of an overseas territory.

[Maharaj v Petroleum Co of Trinidad and Tobago Ltd \[2019\] UKPC 21 \(Judicial Committee of the Privy Council\)](#)

Counsel for the former state petroleum company in this dispute about the relationship between the Freedom of Information Act and the state's right to preserve confidentiality in an international commercial arbitration to which it was a party.

[R \(Keighley\) v British Broadcasting Corporation \[2019\] EWHC 3331 \(Admin\)](#)

A challenge to the BBC's procedures under its Charter for assessing its performance in delivering duly impartial content.

[R \(Miller\) v Secretary of State for Exiting the European Union \[2018\] A.C. 61 \(Supreme Court\)](#)

Counsel for an intervener in this well-known case concerning whether Parliamentary approval was needed to trigger the UK's departure from the EU.

3 HARE COURT

[R \(Hussein\) v Secretary of State for the Home Department \[2018\] EWHC 213 \(Admin\), \[2018\] A.C.D. 32](#)

Counsel for the Home Secretary, defending claims that UK immigration detainees' rights to religious freedom are infringed by their conditions of detention.

[Fishermen and Friends of the Sea v Minister of Environment \[2018\] 1 LRC 696 \(Judicial Committee of the Privy Council\)](#)

Counsel for the Minister of the Environment in a challenge to an environmental pollution permit scheme.

[R \(Scunthorpe United Football Club Ltd\) v Greater Lincolnshire LEP Ltd \[2018\] EWHC 3351 \(Admin\)](#)

Acting for a football club in a challenge to the allocation of public subsidy.

[Attorney General of Trinidad and Tobago v Dumas \[2017\] 1 W.L.R. 1978 \(Judicial Committee of the Privy Council\)](#)

Counsel for the Attorney General of Trinidad and Tobago in this dispute concerning locus standi to bring claims for constitutional relief.

[R \(Idira\) v Secretary of State for the Home Department \[2016\] 1 W.L.R. 1694 \(Court of Appeal\)](#)

Counsel for the Home Secretary in this case concerning whether UK policy on the use of prisons for immigration detention violates the ECHR.

[Brantley v Constituency Boundaries Commission \[2015\] 1 W.L.R. 2753 \(Privy Council\)](#)

Counsel for the Opposition party in St Kitts and Nevis in this dispute about the lawfulness of the Government's proposed boundary alterations.

[Hunte v Trinidad and Tobago \(2015\) 40 B.H.R.C. 633](#)

Persuading a 7-judge panel of the Judicial Committee of the Privy Council that its earlier jurisprudence on its own powers in constitutional cases was wrong.

Public Access

Thomas is able to accept instructions directly from members of the public, companies and other entities through the public access scheme (also known as direct access). Thomas has acted, advised and drafted pleadings and documents for a number of individuals and small and medium sized businesses on a direct access basis. He is happy to accept instructions on a direct basis in appropriate cases. If you wish to instruct Thomas on a direct basis, please speak to the clerks.

For more information on public access, please see the Bar Council [website](#).

Publications

- Miller: Lessons in Constitutionalism': lecture at the 21st Commonwealth Law Conference, Livingstone, Zambia, 2019.
- 'Security for costs': lecture at Bar Council English Law Day, Nicosia, 2018.
- 'Establishing jurisdiction in the English Courts': discussion at English Law Week, Moscow, 2017.
- 'Bias': lecture at Bar Council English Law Day, Limassol, 2017.
- 'Illegality and Jurisdiction in Investment Arbitration': [2016] 2 Turkish Commercial Law Review 17.
- '[Retention of Title and other forms of security](#)': paper given to British-German Jurists' Association/Deutsch-Britische Juristenvereinigung conference, Berlin, 2015.
- '[Dissenting Judgments](#)': paper given to the Trinidad and Tobago Legal Network Conference, Port of Spain, Trinidad, 2015 (later published in the New Law Journal).
- '[Precedent in international investment arbitration](#)': paper given to the 18th Commonwealth Law Conference in Cape Town, South Africa, 2013.
- Co-author of '[Settlement of Investment Disputes under the Energy Charter Treaty](#)' (Cambridge, 2011)
- ('this trail-blazing work....an enterprising, scholarly and useful volume' – Lord Mustill; 'a well-articulated and thorough analysis....convincingly succeeds in the task of providing a coherent overview of access to arbitration and the arbitration process under the ECT' – Cambridge Law Journal).
- Co-author of 'The Energy Charter Treaty' in [International Investment Law, The Sources of Rights and Obligations](#) (Martinus Nijhoff, 2012))
- ('...a seminal work...' containing ' a reasoned and analytical study ...that enables the reader to grasp the essence of the ECT without losing track of both its values and limits': Transnational Dispute Management).
- He has also written for the New Law Journal, the Modern Law Review and the Cambridge Law Journal.

Memberships

- Commonwealth in England Bar Association (Chairman)
- British-German Jurists' Association
- Register of Advocates of the Sovereign Base Areas of Akrotiri and Dhekelia
- London Common Law and Commercial Bar Association

Qualifications

- MA (Cantab) (English Literature and Law, Downing College, Cambridge)
- Fellow of the Chartered Institute of Arbitrators (International Arbitration)

Languages

- Reasonable French and German, some Italian and Spanish