

## Rory Phillips QC

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Year Of Call: **1984**

Year Of Silk: **2002**



Rory Phillips has an exceptionally wide-ranging practice in the fields of commercial and public law. He has considerable experience of conducting very substantial, high-profile litigation and is often instructed in cases of the highest sensitivity.

The breadth of his work can be illustrated by listing three major cases on which he worked during 2021: (1) the Cranston Review Appeals Process, in which he has decided appeals made by customers in relation to Lloyd's Bank's handling of claims arising from the Reading IAR fraud; (2) the Independent Inquiry into Child Sexual Abuse; and (3) the compensation scheme for post masters established by Post Office in relation to the failures of its Horizon computer system.

## Directory Quotes

"A stellar individual with an incredible array of talents, Rory has a huge intellect which, when combined with his quick wit, makes him a formidable presence in any court or tribunal. He is particularly good at handling sensitive matters."

Legal 500 UK Bar 2022

"An excellent tactical litigator who can handle a really serious, high-stakes case."

Chambers and Partners UK Bar 2022

## Expertise

### Financial Services

He has very considerable experience of financial services and regulatory work. This is a field in which he is able to draw on his expertise in both commercial and public law.

He has advised the UK Regulators in a wide range of cases over many years.

He has considerable experience of Part VII FSMA transfers, in the insurance and banking fields and

has advised and appeared for the UK Regulators in both types of transfer.

He advised and represented both Regulators in relation to the hugely significant regulatory change to the UK banking industry which is Ring Fencing. 4 qualifying banks were required by statute to comply with the Ring Fencing regime by 1 January 2019 and did so by means of very substantial Part VII transfers: see *In the Matter of Barclays Bank plc and others* (No 1) [2017] EWHC 1482 (Ch); (No3) [2017] EWHC 2894 (Ch) and (No. 5) [2018] EWHC 472 (Ch); *In the Matter of Lloyds Bank plc and others* [2018] EWHC 1034 (Ch); *In the Matter of HSBC Bank plc* [2018] EWHC 1339 (Ch) and *In the Matter of Santander UK plc* [2019] EWHC 111 (Ch).

In 2020, he established an appeals process for customers of Lloyds Banking Group. This followed the recommendations of the Cranston Review into the Bank's own Customer Review, which had been set up to compensate customers for losses arising as a result of the fraud at the HBOS Impaired Assets Office in Reading. During 2021, he has determined a substantial number of these appeals, with the assistance of a team juniors from 3VB.

Rory also frequently advises insurers, pension companies, private businesses and others, on (often high value) new and existing business models, and their legal and regulatory compliance and implications.

He has regularly advised on perimeter guidance issues in the insurance field. He has extensive experience of acting for brokers and other regulated finance professionals on a range of regulatory issues and in relation to JR challenges to the Regulators. He has advised and represented firms on judicial review challenges to decisions of the FOS.

## **Public Law**

Rory was on the Attorney General's B Panel from 1997 - 1999 and on the A Panel from 1999 - 2002. Between 2009 - 2011, he led a substantial Counsel team instructed by the Government Defendants in the Guantanamo Bay litigation, in which it was alleged that there had been complicity in torture: *Al Rawi v Security Service and others* [2010] 3 WLR 1069 (CA); [2012] 1 AC 531 (SC).

His work for Government departments and agencies has included a range of significant, sensitive and high-profile cases, with a particular focus on national security.

### **Recent cases include:**

*Belhaj v Straw and others* [2017] UKSC 3 [2017] 2 WLR 456 - The Supreme Court's judgment on preliminary issues arising in claims for damages against Government and individual Defendants, in which allegations of involvement in extra-judicial rendition and torture are made against officials of foreign sovereign states (Malaysia, Thailand, the USA and Libya). In its landmark ruling, the Court conducted a detailed review of the case law (both domestic and foreign) relating to the doctrines of state immunity and foreign act of state. The case was settled following a mediation in May 2018.

*Amin v Director General of the Security Service and others* [2015] EWCA Civ 653 (CofA) and [2013] EWHC 1579 (QB) - Allegations of complicity in torture against UK Government Defendants made by convicted terrorist struck out as an abuse of the process. The Claimant's application for permission to appeal to the Supreme Court was dismissed.

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*Ahmed v Director General of the Security Service and others* [2020] EWHC 3458 (QB). Allegations of complicity in torture against UK Government Defendants made by convicted terrorist struck out as an abuse of the process. The Court followed the decision in *Amin*. The Claimant's application for permission to appeal to the Court of Appeal was dismissed.

## **Inquiries and investigations**

From 2005 - 2009, he was principally engaged as Counsel to the Rosemary Nelson Inquiry which examined claims of State involvement in the murder of a high-profile lawyer in Northern Ireland. He led a team of seven Counsel and conducted the Inquiry's hearings in Belfast in 2008 - 2009.

He represented the Mayor's Office for Policing and Crime in the Leveson Inquiry and advised the Mid-Staffs inquiry on procedural issues.

In 2012, he was appointed a specialist adviser to the Parliamentary Commission on Banking Standards. In that role, he conducted the first questioning on behalf of the Commission - a Parliamentary and constitutional first.

He has been instructed by the specialist public inquiries team at Eversheds LLP to represent the Ecclesiastical Insurance Office (EIO), a Core Participant in the Anglican Church investigation being conducted by the Independent Inquiry into Child Sexual Abuse. The EIO is the liability insurer of the vast majority of Anglican churches. He has also represented EIO as a Core Participant in the Inquiry's Residential Schools and Accountability and Reparations investigations. The Inquiry's final report is awaited.

In 2019, he led the Counsel team which acted for and advised Sir Ross Cranston in his Review of the Customer Review established by Lloyds Bank to compensate customers for losses arising as a result of fraud at the HBOS Impaired Assets office in Reading.

## **Insurance & Reinsurance**

For over 25 years, he has been involved in a series of cases arising out of disputes and problems in the insurance and reinsurance market.

Insurance issues are also a regular feature of his work in other specialist areas, for example his financial services and regulatory work, his work for the EIO in the Independent Inquiry into Child Sexual Abuse and his professional negligence work.

## **Professional Negligence**

He has acted for Claimants and Defendants in many types of professional negligence cases, ranging from actuaries to auctioneers. He has developed a particular expertise in brokers' cases, which is a logical extension of his insurance and reinsurance work.

## **Commercial**

Rory is regularly asked to draw on his huge experience of managing very substantial litigation in providing strategic advice to private clients, whether high net worth individuals or corporations, in

high value and high-profile litigation, often with a multi-jurisdictional dimension.