

Richard Clayton KC

General Information

Richard Clayton KC is a commercial litigator/arbitrator and undertakes a wide range of advisory and litigation work (both for and against public bodies) covering tax, community care, data protection, discrimination, environmental, healthcare, human rights, local government (e.g. vires and powers, constitutional issues and governance, elections, finance), public procurement, Privy Council, international work (particularly constitutional work), police actions, tax, and regulatory/disciplinary work.

He has extensive experience in conducting Supreme Court and Privy Council appeals. Lord Wilson in *Mohammed v Public Service Commission of Trinidad* [2017] UKPC 31 said, “Mr Clayton QC with the charm and skill which is characteristic of him.”

Areas of law

- Commercial Law
- Public Law and Regulatory Work
- Offshore and International Law
- Supreme Court, House of Lords and Privy Council Appeals

Commercial Law

Richard has experience of all types of complex commercial disputes. He has particular expertise in contractual issues which arise in the public sector including public procurement. Richard undertakes emergency injunction work such as freezing and seizure orders as well as arbitrations. He acts in cases concerning commercial contracts, civil fraud, breaches of directors' duties, insolvency, restitution, shareholders' rights, issues of statutory or contractual construction and public international law.

Current cases include representing a claimant in a \$US 150 m arbitration arising from Qatar, defending damages claim for conspiracy where a strike out/summary judgment claim is pending, acting as an arbitrator in a commercial dispute between a local authority and a private sector care provider, advising in relation to a £7m claim against two banks alleged to be jointly liable with financial advisors for fraud, advising various local authorities in relation to procurement issues, representing a former Minister, allegedly unlawful cartel arrangements concerning several construction contracts in Trinidad and acting for defendants in a conspiracy claim.

Public Law and Regulatory Work

Richard undertakes a wide range of advisory and litigation work (both for and against public bodies) covering community care, data protection, discrimination, environmental, healthcare, human rights, local government (e.g. vires and powers, constitutional issues and governance, elections, finance), public procurement, international work (particularly constitutional work) and regulatory/disciplinary work.

Offshore and International Law

Richard undertakes public and constitutional law, both in the Privy Council and internationally. Sitting as a Deputy High Court judge and as an international arbitrator, he undertakes work in the Caribbean (Anguilla, Bahamas, Belize, Cayman, St Vincent, Trinidad, Turks & Caicos), Canada, US, Channel Islands, Gibraltar, Hong Kong and the Isle of Man.

Instructed in many high-profile cases in Trinidad, Richard is currently instructed to defend a senator defamation proceeding brought by the Prime Minister and in an allegedly unlawful cartel arrangement concerning several construction contracts on behalf of a former Minister.

Richard was the United Kingdom representative to the Venice Commission (Council of Europe's advisory body on constitutional law) from 2011 to 2019. The Commission comprises independent experts in the field of constitutional law. Richard was a member of its Executive and Chairman of its Sub-Commission on Working Methods. He worked as a Rapporteur in Opinions concerning conscription and freedom of thought (Armenia), freedom of assembly (Russia), freedom of expression and defamation (Azerbaijan, Italy) and judicial independence and mediation (Tajikistan), freedom of association and NGOs (Azerbaijan, Hungary and Romania) and the rule of law crisis in Poland, Malta and Slovakia.

Supreme Court, House of Lords and Privy Council Appeals

Richard is frequently instructed in a wide range of Supreme Court, House of Lords and Privy Council appeals including public law, human rights, offshore and international matters.

Website

Richard has a website to be found at claytoncomments.com which has links to his articles.

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