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## Rhodri Williams KC

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### Practice Overview

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Rhodri Williams practises in European law and local government and administrative law. He is recommended in the areas of public procurement and public and administrative law in both Chambers & Partners and Legal 500.

He specialises in the law of the internal market as it affects the public sector, and, in particular, the public procurement regime, especially for NHS bodies, but also deals with a wide range of local government issues, including judicial review of post office closures, school reorganisation plans and school transport decisions. He deals with cases involving both local and regional government, including advising the Welsh Government and other Government Departments and local authorities, in England, Wales and in Northern Ireland. In 2000, he was appointed to the Attorney General's list of approved Counsel and to the list of the Counsel General to the National Assembly for Wales (subsequently Senedd Cymru/the Welsh Parliament) and has represented the United Kingdom Government before the Court of Justice of the European Union in Luxemburg and the National Assembly for Wales in the Supreme Court. He was called to the Bar in Northern Ireland in 2009.

Rhodri is currently advising a local health board in a case concerning continuing health care and has extensive experience of acting for individuals and healthboards in relation to judicial reviews for healthcare issues.

#### Notable and Reported cases

- Thames Ambulance Service Ltd-v-NHS Lincolnshire CCG [2022] EWHC (TCC);

Ongoing claims for breaches of the Public Contracts Regulations 2015 and for apparent bias, in respect of the award of a contract for the provision of patient non-emergency transport services, brought by way of Part 7 claims in the TCC and parallel claims for judicial review in the Administrative Court

- R (on the application of Lewis)-v-Welsh Ministers [2021] EWHC (Admin)

Application for judicial review of the decision of the Welsh Ministers to approve the Outline Business Case of Cardiff and Vale University Health Board to develop the new Velindre Cancer Hospital on the site of the Northern Meadows in Whitchurch, Cardiff

- IDH Group Ltd-v-NHS Commissioning Board [2021] EWHC TCC



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Claim for breach of the Public Contracts Regulations 2015 in respect of the procurement of a contract for the provision of orthodontic services challenging the decision to proceed to award contracts under various lots following a previous decision to pause the tender process during the Covid-19 pandemic

- R(MDU)-v-Welsh Ministers & Another [2021] EWHC (Admin);

Claim for judicial review of the decision of the Welsh Ministers to implement a state indemnity scheme for the clinical negligence liabilities of GPs working in NHS general practice in Wales. A parallel claim was heard together against a similar scheme implemented by the Secretary of State for Health and Social Care in England

- Rodericks Dental Limited-v-NHS Commissioning Board [2021] EWHC (QBD);

Claim on behalf of a dental services provider for a declaration that the NHS wrongly deducts the full amount of patient dental charges from the sums owing to dentists under their General Dental Services contracts.

- Diagnostics ai Ltd-v-MDC Ltd [2020] EWHC (TCC)

Claim for breach of the Public Contracts Regulations 2015 in relation to the award of the contract for the provision of automated testing services at the UK Lighthouse Laboratories network, the national network of screening laboratories for the COVID-19 virus

- Portman Healthcare Ltd & Others-v-NHS Commissioning Board [2019] EWHC (TCC)

Multiple claims for breach of the Public Contracts Regulations 2015; parallel Part 7 claims brought in the TCC and claims for judicial review brought in Administrative Court

- NHS Commissioning Board-v-Vasant [2019] EWCA Civ 1245

Appeal to Court of Appeal against decision of High Court granting a declaration in respect of the interpretation of a General Dental Services contract between the NHS and various dental services providers

- SRCL Ltd-v-National Health Service Commissioning Board [2018] EWHC 1985 (TCC)

Claim against the NHS in respect of the award of a contract for waste disposal services, under the Public Contracts Regulations 2015. Leading case on application of time limits under public sector procurement regime.

- Lancashire Care NHS Foundation Trust-v-Lancashire CC [2018] EWHC 1589 (TCC)

Claim against a local authority in respect of the award of a contract for the provision of care services, under the Public Contracts Regulations 2015

## EU law, public procurement and local government law

Since working with the European Commission in Brussels in the 1990's, he has long specialised in the law of the internal market as it affects the public sector, and, in particular, the (EU) public procurement regime. He has represented the United Kingdom Government on several occasions before the European Court of Justice in Luxemburg, e.g. case C-406/08 Uniplex (UK) Ltd v. NHS Business Services Authority [2010] ECR I-817.



Moreover, he was instructed to represent the successful appellants in the first ever public procurement case to be heard before the Supreme Court in *Brent LBC v. Risk Management Partners Ltd & London Authorities Mutual Ltd & Harrow LBC* [2011] UKSC 7. He also advises the Welsh Government and local authorities on State aid/subsidy issues. He appeared on behalf of the National Assembly for Wales on the first ever reference to the Supreme Court under the Government of Wales Act 2006 in *Local Government Byelaws (Wales) Bill 2012* – Reference by the Attorney General for England and Wales [2012] UKSC 53

## Regulatory including Public Inquiries & Food Safety and Health and Safety

He also practises in the areas of health and safety, safety aspects of food production and planning and environmental regulation. He has defended numerous cases brought by the Health and Safety Executive on behalf of various county councils e.g. fatal accident of a local authority contractor electrocuted on site. He was instructed in the BSE Inquiry on behalf of the Welsh Office and by the Welsh Assembly Government in the E-coli Inquiry. He has prosecuted and defended the enforcement of planning regulations for and against local authorities and planning inspectors appointed by ministers and has represented the Environment Agency in both criminal prosecutions and civil enforcement proceedings brought in its regulatory role under the Environmental Protection Act 1990.

Furthermore, he has also prosecuted various health and safety matters on behalf of local authorities, such as the Crown Court prosecution, on behalf of Herefordshire CC, of Cadbury Ltd under the European Hygiene of Foodstuffs Regulation and the Food Hygiene (England) Regulations 2006 in respect of an outbreak of salmonella at its factory and appeals against Improvement Notices served under section 21 of the Health and Safety at Work Act 1974, on behalf of the Hertfordshire Fire Authority, following an investigation into a fire at a residential tower block.

Most recently he was instructed by a national building organisation involved in Phase 2 of the ongoing Grenfell Public Inquiry and has advised on complying with requests for the disclosure of documents, the preparation of witness statements and an application for Core Participant Status.

## Administrative & Public Law

Rhodri deals with a wide range of local government issues, including judicial review of post office closures, school reorganisation plans, school transport decisions. He deals with cases involving both local and regional government, including advising the Welsh Assembly Government and other Government Departments and local authorities, in England, Wales and in Northern Ireland. He has represented local authorities in a number of challenges by way of judicial review to decisions in respect of school closure, school reorganisation and school transport.

He regularly advises healthboards and individuals in relation to many healthcare issues, including continuing health care funding and community care issues.

## Public Access

- Rhodri Williams accepts instructions by way of direct public access.

## Recommendations

- "A very shrewd tactician with vast public law experience. An advocate with strong powers of persuasion and a calm, authoritative manner." (Legal 500, 2023)
- "He's very insightful and certainly very able." "He's very good on really difficult complex cases and very strong on his feet." (Chambers UK, 2022)





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- "Very knowledgeable and experienced in a range of areas. Rhodri provided clear, practical advice in conference and prepared comprehensive and robust pleadings which resulted in a very positive outcome for our client." (Chambers UK, 2021)
  - 'An excellent advocate and very user-friendly' (Legal 500, 2021)
  - 'His experience speaks for itself and he is very user-friendly and accessible. His paperwork is first-class.' 'One of the leading KCs in Wales.' 'He's accessible, his advocacy is good and he's commercial in his outlook' (Chambers UK, 2020)
  - He has fantastic knowledge of Welsh law matters. (Legal 500, 2020)
  - 'Extremely approachable and goes above and beyond what is required.' (Chambers UK, 2019)
  - 'Highly experienced across the spectrum of public law matters.' (Legal 500, 2018)
  - 'He is client-friendly and offers pragmatic advice. Very good and very easy to work with. He understood what we were trying to achieve and gave us a quick turnaround on the advice.' (Chambers UK, 2018)
  - 'A very efficient silk, who is great to work with.' (Legal 500, 2017).
  - 'Acts for applicants and respondents in administrative and public law proceedings including judicial reviews. He has particular experience of handling challenges against cuts to public services. His additional areas of expertise include EU and public procurement law. Strengths: "Always very well prepared and a thorough researcher." Recent work: Successfully represented the defendant, Neath Port Talbot CBC, in a judicial review concerning its decision to close two primary schools.' (Chambers UK, 2017)
  - 'Vastly experienced in challenges to local authorities' (Legal 500, 2016)
  - 'Specialises in the interface between domestic public law and EU public procurement principles. He is also a noted expert on constitutional issues in the context of Welsh devolution. "He is a very bright and effective advocate. He has a national reputation as a leading exponent of public procurement law." (Chambers UK, 2015)
  - 'A specialist in European Community law, local government and administrative law.' (Legal 500, 2014)
  - 'He is one of those who has the detail of the law at his fingertips. He really knows his stuff. He's very measured in his advice and it is difficult to beat him.' (Chambers UK, 2014)
  - "Rhodri Williams KC of 30 Park Place is a highly regarded public law, procurement and EU law specialist, who operates on a national scale and is also a tenant at London set Henderson Chambers." (Chambers UK, 2013)
  - "Instructing solicitors welcomed Rhodri Williams KC's "richly deserved appointment to silk." A lawyer who offers "balanced and measured" advice, Williams is known for his lack of shilly-shallying. Solicitors say that rather than just giving clients a range of options he gets to the point by speaking in favour of a certain course of action." (Chambers UK, 2013)
  - 'Rhodri Williams KC, who is sought out for his extensive knowledge of EU procurement rules. Sources say: "He has the authority of a top silk, and knows public law backwards"'. (Chambers UK, 2013)
  - 'Rhodri Williams KC of Thirty Park Place also operates out of Henderson Chambers in London. A relatively new silk, he is "extremely knowledgeable in public law disputes." He advises local authorities and other public bodies on procurement, competition and state aid matters, and on planning, environment, housing and contract issues.' (Chambers UK, 2012)
  - "Rhodri Williams KC....is also a procurement specialist". (Legal 500, 2012)
  - 'Rhodri Williams...represents local authorities throughout Wales and England. He is a master of procurement matters and has carved out a reputation for as of the go-to juniors in this area...his practice also covers planning, housing and employment law'. (Chambers UK, 2010)



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## Appointments

- The Law Commission's Wales Advisory Committee
- Bencher Gray's Inn (2015)
- Panel Counsel to the National Assembly for Wales/Welsh Assembly Government - Public law (since 2000)
- National Assembly for Wales Commission Panel – European, Commercial law (since 2007)
- Attorney General's list of Approved Council (since 2000)
- Member Administrative Law Bar Association
- Member Bar European Group
- Member Procurement Lawyers Association
- Co-founder of the Wales Public Law and Human Rights Association (now Public Law Wales)

## Career

- Called 1987
- 1992-1997 Sabbatical working for European Commission in Brussels
- Called to the Bar of Northern Ireland (2009)
- King's Counsel (2010)

## Education & Qualification

- BA Modern Languages (Oxon) 1985 (MA 2002)
- Dip Law (PCL) 1986
- Bar Finals (ICSL) 1987

## Related Publications

- Member of Editorial Board of Public Procurement Law Review (Sweet & Maxwell)