

# Thomas Jones

Call: 2015



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Thomas is a popular common law practitioner who appears in court on a daily basis across the full range of Chambers' practice areas.

The breadth of his practice has made him an adaptable and comfortable advocate. Thomas is ranked as a 'Rising Star: Tier 1' in the Legal 500.

He graduated first place on the Law and French programme at Cardiff University, was awarded the top first in the year for his undergraduate dissertation and won the university mooting competition. He studied for the BPTC at City Law School, for which he was awarded four awards. Prior to joining Chambers, he worked as a stagiaire at the European Court of Justice and as a research assistant at the Law Commission of England and Wales.

He has an entirely paperless practice and has experience of conducting court hearings and conferences remotely.

Outside of work, Thomas is learning Welsh and is a Trustee of the Lord Edmund Davies Legal Education Trust, a social mobility charity which encourages students from disadvantaged backgrounds to aspire to legal careers.

## Areas of Expertise

### Civil

Thomas represents claimants and defendants in road traffic, employer's liability, public liability and product liability claims. He has a particular interest in international personal injury claims including claims brought under the Montreal Convention, the Athens Convention and the Package Travel Regulations. He is regularly instructed to advise on liability, evidence and quantum in fast track and multi-track cases.

Thomas also acts in clinical negligence cases. In pupillage, Tom spent two months with the head of the clinical negligence team in Chambers, with whom he drafted advices and pleadings in complex clinical negligence matters including failure to diagnose and cosmetic surgery. Prior to joining 9 Gough Square, Tom taught tort law to undergraduates at Queen Mary, University of London.

### Notable Civil cases

B v. QB [2020]

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Thomas acted for the Claimant in an application brought by the Defendant to bar the Claimant from relying on his own medical evidence, due to a series of delays in putting Part 35 questions to the medical expert. The application was dismissed and costs awarded to the Claimant.

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TY and FY v. T [2019]

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Thomas successfully represented the Claimants in this fast track trial, despite low velocity evidence, and recovered two sets of fixed costs pursuant to section IIIA of CPR 45.

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A v. SR [2018]

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Thomas acted for the Defendant in this successful strike out application. The court accepted Thomas' submissions that the claim was an abuse of the court's process as the Claimant was seeking to re-litigate a previously litigated claim contrary to the principle of res judicata. This entitled the Defendant to full costs in circumstances where fixed costs would ordinarily have applied.

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## Court of Protection

Thomas is ranked as a 'Rising Star: Tier 1' in the Legal 500 for Court of Protection and Community Care. He was recently shortlisted for the Young Family Barrister of the Year Award for his expertise in dealing with cases which overlap the jurisdictions of the Family Court and the Court of Protection. His nomination describes him as a 'formidable force in cases where there is an interplay between the two jurisdictions'.

He accepts instructions from local authorities, health boards and NHS trusts, protected persons, the Office of the Public Guardian, deputies, attorneys and private individuals. He has appeared in disputes relating to residence, care, contact and medical treatment.

Thomas has a busy paper practice alongside his court work, advising and drafting on matters related to the Court of Protection. Most recently, he has advised on the following:

- Whether a deprivation of liberty order made by the High Court of England and Wales was valid in a separate jurisdiction.
- Whether restrictions on an inpatient at the Bethlem Adolescent Psychiatric Intensive Care Unit amounted to a deprivation of liberty.
- Whether a maternal aunt, who was the main carer of the subject child, could consent to circumstances which amounted to a deprivation of his liberty.

Prior to joining Chambers, Thomas worked for the Law Commission on its review into the Deprivation of Liberty Safeguards. The UK Government responded to the Law Commission's review by agreeing that the DOLS system should be replaced as a matter of urgency. The Mental Capacity (Amendment) Act 2019, replacing the DOLS with the LPS, received Royal Assent in May 2019.

In 2019, Thomas was seconded to the Welsh Government where he advised on the implementation of Mental Capacity (Amendment) Act 2019 in Wales. Tom principally advised on the legal accuracy of the new LPS Code of Practice. \_\_\_\_\_

## Notable Court of Protection cases

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Re J (Inherent Jurisdiction)

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Deprivation of Liberty) [2020] EWHC 2395: Darren Howe QC, sitting as a Deputy High Court Judge: Thomas successfully represented the local authority in a deprivation of liberty application in respect of a young adult involved in gang-related violence. The judgment comments upon Thomas' 'detailed skeleton argument', which 'properly and fully' addresses the applicable law and the steps to be taken when proposed placements are unregistered.

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LBL v. N [2020]

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Thomas represented P through the Official Solicitor in s. 16 MCA 2005 proceedings in which P had a diagnosis of hydrocephalus and epilepsy.

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BCC v. CP [2020]

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Thomas represented P through the Official Solicitor in s. 21A MCA 2005 proceedings relating to whether it was in the best interests of a woman with chronic schizophrenia to receive care at her existing placement, a new placement or at home.

## Family Law

Thomas acts for local authorities, parents and children's guardians in all aspects of care, adoption and other public law family proceedings. He has appeared in cases of neglect, substance misuse, non-accidental injury and child abuse.

In his first year in Chambers, he was nominated for the ALC outstanding newcomer award for 'the commitment he has shown to developing the law relating to children and the vulnerable, specifically in the field of the Deprivation of Liberty Safeguards'.

Thomas is frequently instructed in cases which overlap with his Court of Protection practice. He is particularly sought after in cases involving medical treatment decisions in respect of children or in cases with a care package which amounts to a deprivation of liberty.

## Notable Family Law cases

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Re MR [2021], Poole J

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Thomas represented a young person, separately from the children's guardian, who was contesting the need for a deprivation of liberty order at a residential unit in the north of England. The case concluded with Thomas' client moving out of the residential unit and into his own semi-independent accommodation in London, with no deprivation of liberty order.

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LBL v. K [2019], Judd J

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Thomas successfully acted for the local authority in this deprivation of liberty application in respect of a young adult with severe learning difficulties and autism.

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## Public Law

Thomas is regularly instructed in a wide range of public law matters. His public law experience is predominantly linked to community care, education, mental capacity, mental health, healthcare, inquests and public inquiries.

He is a member of the Attorney General's Junior Junior Panel and the Welsh Government's Junior Barrister Public Law Panel. Prior to pupillage, Thomas was a stagiaire at the European Court of Justice to the UK Advocate General and later became a legal advisor within the European law department at an international law firm in Brussels.

Thomas has experience of representing police forces in applications for account freezing orders, cash forfeiture and forced marriage prevention orders. He also prosecutes for the CPS, is a member of the CPS Extradition Panel (Level 1) and the Regulatory Panel of Prosecuting Advocates (C Panel).

## Notable Public Law cases

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Re A [2021]

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Thomas advised on whether a local authority had responsibility to provide eligible care needs under the Care Act 2004.

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Re M [2020]

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Thomas represented the health board in a dispute as to the appropriateness of a section 3 Mental Health Act 1983 detention and whether the circumstances of the patient's care amounted to a deprivation of liberty at home in the community.

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RA [2020]

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Thomas prepared grounds for the Secretary of State (as a Junior Junior) in a permission to appeal application which considered whether it was procedurally unfair for the appellant's entry clearance to be refused on the basis that he had submitted fraudulent documents as part of his application.

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Eurotunnel v. Secretary of State for Transport [2019]

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Thomas acted for the Secretary of State (as a Junior Junior) in this challenge to the award by the UK Government of contracts to Seaborne Freight for the provision of additional freight capacity between the UK and continental Europe.

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Transport for London v. JMJ [2018]

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Thomas represented Transport for London in prosecuting a taxi driver who refused to accept a booking from a disabled person accompanied by his assistance dog contrary to section 170 of the Equality Act 2010.

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S v. S [2018]

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Thomas represented the Metropolitan Police in a public interest immunity application in respect of a sensitive crime report on the basis that its disclosure would have a damaging effect upon the health of a third party.

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## Education

- LLB Law and French, Cardiff University
- LLM European Law, College of Europe
- BPTC, City Law School

## Memberships

- Court of Protection Bar Association