

Christopher Coyle

Call: 2007 (NI) / 2010 (RoI) / 2016 (E&W)



Christopher is a highly experienced and versatile senior junior, who specialises primarily in education law, administrative / public law, commercial and property work. Christopher's work is often technical, high value and complex. His breadth of experience allows him to understand and navigate the interplay of multiple areas of law within a case. He often appears unled against silks in the higher courts, including the Court of Appeal, and he has appeared in the UK Supreme Court.

Expertise

Education

Christopher has a deep and broad knowledge of law relating to higher education providers ('HEPs') and has become a go-to junior in this area, having special expertise in claims against HEPs, the Secretary of State / Department for Education, regulatory and assessment bodies, and ombudsmen. He frequently acts on behalf of students and professionals seeking to progress in their qualifications across a wide array of issues. This includes academic appeals and complaints, fitness to practice / study proceedings, disciplinary / misconduct proceedings, complaints to the ombudsman, matters involving discrimination and/or a failure to provide reasonable adjustments, and breach of contract / consumer rights issues. Christopher is frequently instructed in litigation relating to these issues, encompassing both administrative proceedings and claims seeking damages and/or some form of declaratory and/or injunctive remedies.

Christopher also regularly advises and acts in litigation matters concerning funding disputes by training organisations, which often involve complicated issues of contractual construction. Having previously worked as a Director for a HEP professional qualification course, Christopher has a particular insight into the operation of HEPs, as well as the concerns and motivations of training bodies generally. This places him in a unique position to engage with client needs and ascertain the best strategies to achieve them, whether it is a student / professional seeking to challenge an academic or other determination, or a body dealing with such issues or contractual disputes. Christopher's practice in this field further encompasses: (a) engagement on a consultancy basis for litigation in Scotland; (b) assisting with

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HEP internal proceedings in educational institutions based internationally, such as Hong Kong, the USA, and Australia; and (c) litigation in the Republic of Ireland.

Notable Cases

R (Girgis) v Joint Committee on Intercollegiate Examinations [2021] EWHC 2256 (Admin)

Jurisdictional challenge concerning the determination of a professional examination body as its formal seat was in Scotland, but its ambit ranging throughout the United Kingdom and the Republic of Ireland, with the claimant being based in England. The Court agreed with the claimant's position, bringing clarity to the question of where judicial review proceedings can be heard.

CD v University of XY

Christopher achieved a record damages settlement as well as a degree uplift on the cusp of proceedings being issued in this case involving long-term failings under both contract and the Equality Act 2010, where the student had a complicated disability profile and undertook two degrees simultaneously, with said failings resulting in a two-year delay in their entry into their chosen career.

Shaffer-Roggeveen v Edinburgh University [2023] CSOH 44

Challenge to the termination of studies by an international doctorate student based upon procedural failings. Christopher acted in respect of the internal proceedings before being instructed as a consultant for the administrative proceedings. The Scottish High Court agreed with the claimant, endorsing the approach taken by the Court of Appeal in England and Wales in R(Rafique) v St George's University of London regarding judicial review time limits in HEP cases.

Moeen v MRCP(UK)

Christopher successfully appealed and defended allegations that a doctor had attempted to obtain advance knowledge of a specialty examination via Facebook and chat-groups. This exam is a prerequisite to obtain membership of the Royal College of Physicians to begin subspecialty training, and the finding of misconduct at first instance had also resulted in a report to the GMC. This challenge drew upon public law principles in framing the grounds of appeal, based on numerous failings in the investigation and consideration of the allegations as well as evidential difficulties presented against the doctor.

ABIS Resources Ltd v Department of Education, & Education & Skills Funding Agency

Christopher achieved a notable settlement following the issuance of proceedings in a case concerning the Department's purported termination of contracts with a training organisation and failure to pay funding further to said agreements. The central issue in the case was one subsequently endorsed by the Courts, namely whether a party to a contract, which contained multiple clauses permitting termination in discrete circumstances, must cite the correct basis for termination for it to be effective and not a breach of contract in itself.

In the matter of an application by JR54 for Judicial Review [2011] NIQB 77

Challenge to the disclosure of criminal record information relating to a youth caution as well as to the termination of dental nursing studies by college following its receipt of that criminal record information.

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Public Law

Christopher is a highly experienced senior junior who has a wealth of experience in administrative / public law. Christopher's work is often technical, high value and complex. His breadth of experience allows him to understand and navigate the interplay of multiple areas of law within a case. He often appears unled against silks in the higher courts, including the Court of Appeal, and he has been led in the Supreme Court. He has earned a growing reputation for acting in complex novel cases with the potential to set or shape precedent, whether for individuals or governmental bodies.

Christopher's practice involves providing advice, drafting of pleadings and legal argument in litigation, advocacy, and drafting submissions and legal representation as part of internal and regulatory proceedings. He is a fierce advocate in administrative proceedings, having a formidable ability to draw from a wide array of legal areas to formulate the best strategy for realising a client's aims, whether by way of success at trial or achieving a settlement. Christopher's strength in advocacy is aided by his acute research skills developed during his time in academia, allowing him to get up to speed quickly in cases that are complicated in both fact / evidence and law. This allows Christopher to offer clients a counsel who can speak to a wide range of legal issues that may arise in their case.

Christopher's practice has involved a myriad of issues over his long career, such as: the disclosure and use of criminal record information; compliance by higher education providers ('HEPs') and the ombudsman with relevant regulatory regimes and statute; interpretation of the correct jurisdiction in the UK for issuing judicial review claims; compliance of local councils with statute as part of their internal processes; deportation of prisoners; grant to prisoners of compassionate temporary release; planning disputes, particularly where issues of noise and shadow flicker arise; repatriation of various ancient manuscripts; and rights to burial plots.

Christopher is currently instructed in a number of public law challenges relating to HEPs and the ombudsman, and regulatory bodies, relating to various internal procedures, such as academic appeals, complaints, and disciplinary / non-academic misconduct proceedings. In this setting Christopher has acted for students, staff against the institution concerned, and various bodies.

Christopher also currently acts on behalf of the Motor Insurers' Bureau in respect of a number of challenges to its schemes for compensation, many of which involve complicated considerations of 'retained' and 'assimilated' EU law.

Notable Cases

R (Gallagher) v Department of Justice [2019] UKSC 3

Lead case in a challenge to the legislative regime governing the disclosure of criminal record information in education and employment settings, namely nursing. Christopher was initially instructed as sole counsel, succeeding before the High Court, with the Department appealing the matter to the Supreme Court. The Supreme Court affirmed the claimant's position and that of the other cases which joined this challenge, which resulted in two changes to the legislative regime and the adoption of statutory guidance for disclosure, as well as being utilised for numerous other subsequent cases.

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Lavery v Police Appeals Tribunal [2015] NICA 75

Challenge to the unlawful disclosure of information from the police force of an EU Member State to a police force in the UK, and to reliance on that unlawful information within the UK, which resulted in a termination of employment. This case raised novel questions for the Court of Appeal concerning the harmonisation of data protection law across the EU and Article 8 ECHR considerations, and what use can be made of information unlawfully disclosed.

O'Dochartaigh v Home Secretary

Lead case challenging to the transposition of the Private Security Industry Act 2001 to Northern Ireland, and its interplay with the Good Friday / Belfast Agreement, which resolved following the grant of permission, resulting in legislative change in the claimant's favour.

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Nicholl (Fuel Oils) Ltd v Crown Commercial Services

Challenge to a procurement exercise concerning issues arising for tenders as part of an electronic auction, which resolved following pre-action correspondence and ADR.

Doherty (Edmund) v Secretary of State for the Home Department [2016] NIQB 62

Challenge to the refusal to deport to the Republic of Ireland a dual national prisoner who had renounced his British citizenship and was about to commence the licence element of his sentence Irish national to the Republic of Ireland, which resolved immediately prior to the substantive hearing in the Court of Appeal.

Craig v Derry City & Strabane DC

Challenge by a land owner to the service of a notice requiring him to remedy water contamination and waste at a cost of £2.3m, following illegal dumping by a third party and an investigation by the Environmental Agency, which resolved following the grant of permission.

Real Estate

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Christopher is a keen litigator, possessing a wealth of experience, and frequently dealing with chancery / BPC matters in the High Court. He has a formidable ability to draw from a wide array of legal areas to formulate the best strategy for realising a client's aims, whether by way of success at trial or achieving a settlement. Property work forms a regular feature of Christopher's practice, which is assisted by his broad understanding of property, commercial and injunctive law, in tandem with his knowledge of contract law. This allows Christopher to offer clients a counsel who can speak to a wide range of legal issues that may arise in their case.

Christopher is a strong advocate in a variety of settings. His instruction in the case of *Hardy & Anor v Heppenstall & Anor* completely changed the fortunes of his clients from the unsuccessful outcome of a prior early neutral evaluation in this claim concerning a long-running dispute between two neighbouring properties that operated commercial livery and equestrian training businesses respectively. This was across a wide array of causes of action including: trespass by soil, people and animals; placement of a property boundary; nuisance caused by flooding attributed to construction works; nuisance and covenants relating to services; nuisance relating to commercial premises noise; interpretation of covenants, and the extent of rights; compensation under the Animals Act; and harassment.

Christopher's strength in advocacy is aided by his acute research skills developed during his time in academia, allowing him to get up to speed quickly in cases that are complicated in both fact / evidence and law.

Christopher is currently instructed as sole counsel in a complicated High Court dispute encompassing: unincorporated associations, trusts and contract; adverse possession and de-registration for mistake; covenants; and data rights.

Christopher also currently acts in a High Court dispute on behalf of all the residents of a residential estate, which has a private storm and foul network, against a water company which has been discharging into, and regularly overloading, the estate's network; raising issues of nuisance, the creation of easements, and breach of statutory duty.

Memberships

- Fellow of the Higher Education Academy

Qualifications

- Called to the Bar of Northern Ireland (2007)
- Called to the Bar of the Republic of Ireland (2010)
- Called to Inner Temple (2016)
- Postgraduate Certificate in Higher Education Practice
- Masters in Human Rights Law from the Transitional Justice Institute

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