Thomas Yarrow

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Thomas Yarrow's practice has three core areas of focus:

1. Public Sector and Human Rights litigation (both public and private law);
2. Travel and Cross-border litigation (both personal injury and regulatory/commercial);
3. Clinical Negligence.

Areas of Expertise

Public Sector & Human Rights

Thomas's public sector practice covers the full spectrum of public policy, decision-making and exercise of public powers, with specialism at the central government level in sanctions and anti-money laundering, justice and security, and immigration; and at the local level in healthcare, data protection, children and adult social care, policing, and highways.

Thomas is a member of the Attorney General's London C Panel (Civil).

Thomas is a contributor to the Chapter in ***Kemp & Kemp*** on damages in Human Rights claims (co-authored by Edward Bishop KC and Edward Lamb KC).

Sanctions and Anti-Money Laundering

Thomas advises regularly on the operation and effect of the UK Sanctions regime, which has had heightened focus and undergone cutting-edge developments in recent years following Russia's annexation of Crimea and invasion of Ukraine. With Thomas's broad-based platform, he is well-placed to handle matters arising out of evolving – and in some cases untested – domestic and foreign policy with a criminal, human rights, commercial, and banking law nexus.

Justice, Defence and Security

Although instructed by departments across Whitehall, Thomas has a particular specialism in the field of justice and security,

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assisting the Home and Foreign Secretaries, the Secretary of State for Defence, and the Lord Chancellor in a number of significant judicial reviews in recent years, including cases testing national policy for biometrics and automated facial recognition; considering the extra-territorial scope of the UK's obligations under the ECHR; challenging remuneration packages for police and prison officers; and addressing rules for retention of records and sensitive personal data on the Police National Computer.

He was junior counsel for the Home Secretary in the Court of Appeal in ***R (Bridges) v Chief Constable South Wales Police*** [2020] EWCA Civ 1058 on the use of automated facial recognition technology on members of the public by South Wales Police. More recently, Thomas was junior counsel again for the Home Secretary in the judicial review on police pay ***R (Police Superintendents' Association) v Police Remuneration Review Body and the Secretary of State for the Home Department*** [2023] EWHC 1838 (Admin). Mr Justice Fordham's reported judgment at the permission stage is now a leading authority on the scope of the Secretary of State's duty of candour in judicial review proceedings.

Thomas has a parallel private law expertise in the esoteric issues that arise in claims for damages in negligence against the Crown, or for just satisfaction under the Human Rights Act 1998 alleging breaches/violations against courts, prisons, the military, detention centres, detention centres and other public authorities.

Immigration

Thomas regularly acts and advises on immigration matters, both for the Home Office and for applicants/claimants. He handles private law claims in the County Courts and High Court, as well as judicial reviews and statutory appeals in the Upper Tribunal, Administrative Court, and Court of Appeal. Notable recent cases include:

- ***(Baparee) v Secretary of State for the Home Department*** [2025] EWCA Civ 1464 – Appeal in judicial review proceedings considering the principles of judicial notice.
- ***(Prestige Social Care Services Ltd) v Secretary of State for the Home Department*** [2025] EWHC 2860 (Admin) – Significant case concerning the meaning of the word 'genuine' in the Sponsorship Guidance, and the application of section 31(2A) of the Senior Courts Act 1981. Currently under appeal to the Court of Appeal
- ***Ahmad v Secretary of State for the Home Department*** [2025] EWCA Civ 829 | [2025] 1 W.L.R. 4368 – Case concerning the post-Brexit interpretation of the saved aspects of the EEA Regulations 2016 governing status for so-called ***Zambrano***

Data Protection

Thomas is regularly instructed in matters of data protection and information law in claims against public bodies for alleged misuse of private information, breaches of the GDPR and/or Data Protection Acts, and violation of Article 8 Convention rights. The claims which Thomas handles frequently involve complicated questions of vicarious liability, for instance in so-called 'rogue employee' cases.

Social Services

Thomas regularly acts for both claimants and local government in cases testing the powers and duties of local authorities in children and adult social services. He has extensive experience in cases with an overlapping private and public law nexus, such as so-called 'failure to remove' litigation sitting at the interface of common law negligence and section 6 of the Human Rights Act 1998. He recently acted as Junior to Paul Stagg KC in a large-scale High Court action alleging violation of Article 8 over a number of years in the context of a residential placement of a child with complex educational and behavioural needs.

He also handles debt claims and ancillary litigation which arise out of a local authority's power to charge adults for meeting their

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care needs.

Thomas regularly assists the Department of Health and Social Care in resolving disputes between local authorities where there are questions over a persons "ordinary residence" for the purposes of social care funding.

Policing

Thomas's expertise and experience in policing is set out in a separate section below.

Highways

Thomas has a well-trodden day-to-day practice in the County Courts and High Court, for both claimants and defendants in highways litigation. Because of his more general public law background, he is particularly sought after in more complex cases with 'non-feasance' and 'failure to confer a benefit' issues, such as where a highway authority might be liable for creation of a danger by negligent design and/or under common nuisance.

Travel & Cross Border Claims

Cross-border litigation forms a core area of Thomas's practice. Before coming to the Bar, Thomas worked as a Civil Servant, including as a policy advisor at the Brexit Department. His former experience gives him an encyclopaedic knowledge of legislation, treaties and international conventions in the field of Private International Law, which he has applied to his cross-border practice, building a reputation as a go-to barrister for complex questions of jurisdiction and applicable law. He wrote the relevant chapter on such in the latest edition of the leading practitioner textbook, Saggerson on Travel Law and Litigation. He also co-authors (with Dominique Smith) the Chapter in ***Kemp and Kemp*** on damages in cross-border injury claims. His practice spans cross-border personal injury, commercial disputes and consumer protection.

Cross-border Personal Injury

Thomas has a strong day-to-day practice assisting claimants and defendants in personal injury cases with a foreign nexus, with extensive experience of cases brought under the Package Travel Regulations both 1992 and 2018; cases requiring proof of local standards as distinct from foreign law; cases under the Athens or Montreal Conventions; cases with uneasy tensions between the ***lex causi*** and the ***lex fori*** (for instance – Spanish penalty interest); cases with conflicts of law falling outside the Rome I and Rome II Conventions (for instance where the allegations concern ***acta iure imperii***); and cases involving allegations of clinical negligence abroad.

Recent cases include:

- The case of a Gibraltar Service Police officer injured in the course of working for the Ministry of Defence in Gibraltar.
- Acting as junior to Sarah Prager KC in a case involving an English pilot injured in China while in transit to an airport under contract with a Chinese airline.
- The case of a woman injured on holiday in Spain, with a key issue being a dispute between experts on either side concerning interpretation of the Spanish Technical Building Code.

Cross-border Consumer Protection

Thomas's cross-border practice includes consumer contract disputes, particularly and more recently claims arising out of the

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Covid-19 pandemic raising issues under the Denied Boarding Regulation and/or the Package Travel Regulations. He is well-versed in handling claims under section 75 of the Consumer Credit Act 1974

Recent matters have included:

- Our Lady & St John Catholic College v Acorn Travel Group Ltd (County Court (Burnley)) [2025] EWCC 6, a leading case at the County Court level on the interpretation of regulation 12(7) of the 2018 Package Travel Regulations, in the context of a claim by a school for a refund of a school holiday cancelled owing to the Covid pandemic.
- Providing advice to a market watchdog as junior to Sarah Prager KC on the effect on consumers of the standard Terms and Conditions and operating practices of a number of commercial airlines, examining whether such might constitute unfair terms on practices under consumer protection legislation.
- Acting as junior to Sarah Prager KC in ***Sherman v Reader Offers Ltd*** [2024] EWCA Civ 412, a case involving alterations to a packaged cruise. Central issues were: the effect of the requirements of the Package Travel Regulations (in this case 1992) on a classical analysis of formation of contract; the meaning of 'constrained to alter' in regulation 12 and the so-called 'flicker of hope' test; and the interpretation of 'unforeseeable consequences' in regulation 15 in the context of highly unpredictable phenomena such as formation and location of sea ice.
- Successfully acting for a travel agent in a holiday refund claim where the agent had quoted a mistaken (lower) price to the consumer; only realising the error after the purported booking had been completed. Issues concerned the doctrine of unilateral mistake, and the current uneasy position in the law as to whether actual knowledge of the mistake on the part of the offeree is needed or whether knowledge can be imputed; and whether the agent's standard Terms and Conditions which allowed for unilateral post-booking alterations for mistakes was unfair under the Consumer Protection Act 2015.

Cross-border Commercial

Thomas also acts and advises in matters involving of dispute (or potential dispute) between businesses operating in the travel sector, for instance arising out of the indemnity terms between suppliers of holiday services and agents/organisers. He recently acted as junior to Sarah Prager KC in a multimillion claim in unjust enrichment, including allegations of breach of competition law, between an online travel agent and an airline concerning refunds paid to customers arising out of cancelled flights during the Covid-19 pandemic.

Clinical Negligence & Healthcare

Thomas has a very busy clinical negligence practice in the High Court and County Courts, taking instructions typically from NHS bodies, although with some work on the claimant side. He has the ability to absorb new information quickly, and interpret and advise confidently on esoteric expert evidence. He is regularly instructed to draft detailed Schedules and Counter-Schedules, and has a strong command of the mathematical processes involved in quantification of damages, which make him a safe pair of hands at a joint settlement meeting.

Thomas assisted Laura Johnson KC with case preparation for the Supreme Court hearing in ***Paul & Anr. v Royal Wolverhampton NHS Trust (Case No 2022/38)***, a seminal case on the duty of care owed to secondary victims in the clinical context.

Because of his human rights specialism, Thomas is particularly sought after for human rights claims against healthcare providers.

Police Law

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Thomas acts for various police forces in cases involving allegations of assault, wrongful arrest and false imprisonment, misfeasance in a public office and common law negligence. He frequently advises on police powers under PACE and the various Codes of Practice. With the spotlight on policing following both the Covid-19 pandemic and the significant increase in protest disruption, Thomas takes frequent instructions on the exercise of police power in novel and developing contexts.

Thomas has worked on two significant judicial review claims for the Home Office on policing policies and practices in the field of data protection: Thomas appeared as junior counsel for the Home Secretary in the Court of Appeal in ***R (Bridges) v Chief Constable South Wales Police*** [2020] EWCA Civ 1058 on the use of automated facial recognition technology by South Wales Police, and assisted the Home Secretary again in preparing evidence and Detailed Grounds of Defence in ***R (QSA & Ors.) v NPCC and SSHD*** [2021] EWHC 272 (Admin), a challenge to NPCC's policy that all conviction records on the Police National Computer are retained until the subject reaches 100 years of age (known as the '100 year rule').

Personal Injury

Thomas takes instructions from both claimants and defendants across the spectrum of personal injury litigation, and writes and delivers regular briefings, webinars and training sessions on esoteric topics, from dog bites to highway design, e-scooters to defective premises.

He has a strong day-to-day practice in cases involving employers' and occupiers' liability, with a concomitant expertise in procedural matters of fixed costs, QOCS, fundamental dishonesty and Part 36. His focus is very often at the grey areas of liability – for instance, where employers might be liable for their employees' intentional torts or where public authorities might be liable in negligence outside of the relevant statutory schemes.

Commercial & Chancery

Thomas has a growing business, property and commercial element to his practice, with experience of insolvency, landlord and tenant, real property, and company & partnership disputes, including those involving allegations of fraud.

As set out in other sections above, Thomas advises regularly on the operation and effect of the UK Sanctions regime and has a strong command of banking law and practice; and Thomas is frequently instructed in matters of private international law in the commercial context, particularly but not limited to instructions from businesses operating in the travel industry.

Appointments

- Appointed to Attorney General's London C Panel (Civil)

Education

- BA (Hons) Classics, University of Cambridge
- GDL, University of Hertfordshire – Distinction
- BPTC, BPP Law School – Outstanding

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Notable Cases

- R (Bridges) v Chief Constable South Wales Police [2020] EWCA Civ 1058

Awards

- Lord Denning Scholarship, Lincoln's Inn
- Undergraduate Scholarship, King's College Cambridge

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