

Gavin Dingley FCIArb

Called: 2015
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"Skilled on witnesses' cross-examination and assessment of evidence." Legal 500 London Bar 2023, Tier 4 Sports Law



PROFILE

Gavin's commercial practice has a focus on international commercial arbitration, cross border litigation and related court applications. He advises UNHWI and international corporations and often acts as part of large multi-jurisdictional legal teams as led or sole counsel in complex commercial disputes involving parties from Africa, Asia and the Middle East. He represents clients in disputes administered by the DIFC, CAS or under the LCIA, DIAC, SCC, ICC, SIAC and UNCITRAL Rules, and also has experience handling a range of court applications related to arbitration, including anti-suit injunctions, freezing orders or interim relief in support of arbitration and enforcement of arbitral awards.

As part of his regulatory practice Gavin represents institutions and individuals before various disciplinary tribunals and regulators with a particular focus on sports and is ranked as a leading junior by the Legal 500. He is often instructed by international clients requiring specialist advocacy skills before domestic and international arbitral tribunals such as the Court of Arbitration for Sport, Fédération Equestre Internationale and the Basketball Arbitral Tribunal. To date, Gavin has advised on contractual disputes, immigration, compensation, selection, doping, eligibility, safeguarding, integrity and disciplinary issues affecting athletes, management, clubs and leagues from a range of different sports and jurisdictions.

EXPERTISE

Sports Law

Gavin represents athletes, sports governing bodies, agents and clubs before a range of domestic and international tribunals and courts, including the Court of Arbitration for Sport, Fédération Equestre Internationale, Sports Resolutions, the Premier League, EFL and the FA. He advises on all sports-related matters, including contract disputes, anti-doping rule violations, match-fixing charges, selection disputes,

disciplinary matters, governance and corruption. He also takes instructions in non-contentious matters, such as drafting, advising on regulations as well as governance issues and has a particular interest in commercial disputes and claims arising from sport and involving complex factual issues.

Football

- Representing the Respondent in **CAS 2022/A/8771**. The case concerns the validity/enforceability of a bonus clause in a loan agreement where the football season was extended by FIFA due to the COVID 19 Pandemic, before a sole arbitrator at the Court of Arbitration for Sport (instructed by Schweele Law Office, Lisbon).
- Representing the Respondent in **CAS 2022/A/8689**. The case concerns whether solidarity payment is due where a football player was transferred from an African football club to a premier European football club, before a sole arbitrator at the Court of Arbitration for Sport (instructed by Schweele Law Office, Lisbon).
- Representing the Respondent **CAS 2022/A/8616**. The case concerns whether solidarity payment is due where a football player was transferred from an African football club to a premier European football club, before a sole arbitrator at the Court of Arbitration for Sport (instructed by Schweele Law Office, Lisbon).
- Representing the Respondent **CAS 2021/A/8020**. The case concerns whether solidarity payment is due where a football player was transferred from an African football club to a premier European football club, before a sole arbitrator at the Court of Arbitration for Sport (instructed by Schweele Law Office, Lisbon).
- Representing the Respondent in **CAS 2020/A/7442**. The case concerns the validity of a transfer agreement and validity of contract on account of allegations of bad faith and fraud, before a sole arbitrator at the Court of Arbitration for Sport (instructed by Schweele Law Office, Lisbon).
- Rule K FA Arbitration between two clubs in the EFL involving a 'Sell-on Fee' in a transfer agreement
- Advised on a Rule K FA Arbitration between a Premier League club and an EFL in relation to a 'Sell-on Fee' in a transfer agreement and subsequent training compensation (instructed by Schweele Law Office, Berlin).

Betting and Integrity

- ***Tripti Shah v The English Bridge Union*** – Represented a Bridge Player in an appeal against a 4-year ban following allegations of unfair and dishonest play.
- ***XD v Sports Governing Body*** (CL-2022-000196) – Represented an international athlete who applied to set aside an Arbitration Award under s.68 and 69 of the Arbitration Act 1996 in the Commercial Court (instructed by Dentons LLP).
- ***Alex Hydes v English Bridge Union (No.2)*** – Represented a well-known international Bridge player in disciplinary hearing where the charges allege allegations of deception and dishonesty. An Interim Playing Suspension was successfully challenged.
- ***Alex Hydes v English Bridge Union (No.1)*** – Represented a well-known international Bridge player in an appeal against a 4-year ban following allegations of cheating. The appeal was allowed and a *de novo* hearing was ordered.

Olympic/Paralympic Sport

- Advising Callum Downie on merits of a selection appeal in respect of non-selection for the 2022 Commonwealth Games in Birmingham.
- ***David Wetherill v UK Sport*** – Represented an international paralympic table tennis player in disciplinary proceedings brought by UK Sport. The athlete was acquitted of all charges following a lengthy hearing.
- ***David Wetherill v British Para Table Tennis*** – Represented an international paralympic table tennis player in disciplinary proceedings. All allegations were discharged following representations prior to any

hearing.

- Advised an Olympic athlete on Rule 41 of the Olympic Charter and their proposed eligibility to compete for a different nation at 2026 Winter Games.
- Representing a Winter Team GB athlete in a selection appeal for continuation on the World Class Performance Programme as a funded athlete, before Sports Resolutions **(SR/090/2020)**
- Representing a Winter Team GB athlete in a selection appeal for continuation on the World Class Performance Programme as a funded athlete, before Sports Resolutions **(SR/147/2020)**
- Advising a GB Olympic athlete on merits of a selection appeal
- Representing a Team GB athlete in a selection appeal for international competition, before Sports Resolutions.
- Representing a Team GB Gymnastics athlete in a selection appeal for the 2020 Olympic Games
- Advising Ola Abidogun on merits of a selection appeal in respect of non-selection for the 2020 Olympic Games
- Representing a Paralympic Team GB athlete in a selection appeal against non-selection for the 2020 Paralympic Games, before Sports Resolutions **(SR/239/2021)**
- Representing a Paralympic Team GB athlete in a selection appeal against non-selection for the 2020 Paralympic Games, before Sports Resolutions **(SR/245/2021)**

Doping

- **CAS 2021/A/8247 Pardeep Singh v. Indian Weightlifting Federation & National Anti-Doping Agency of India** – Represented Mr Singh in a challenge against an Anti-Doping Rule Violation (ADRV).
- Advising Commonwealth Games silver medallist on a provisional suspension and anti-doping violation.
- Drafting representations to the UKAD (UK Anti-Doping) concerning a Rugby Union player's anti-doping violation which was successfully reduced to a 24-month suspension.

Safeguarding

- **Andrew Turns v Teachers Regulation Agency [2021]** – Representing a PE teacher who was alleged to have had a relationship with an underage pupil. Following a 5-day hearing, the Panel did not find the matter proved. This case also attracted national media attention and was reported here: <https://www.chroniclive.co.uk/news/north-east-news/sunderland-teacher-sacked-over-claims-2062488>
- Advising on safeguarding policy breaches and possible sanctions for an international coach.
- Representing a winter sports coach before internal disciplinary proceedings and on appeal in respect of sexual misconduct and safeguarding policy breaches.
- Representing a skiing coach before Sports Resolutions in a safeguarding matter **(SR/068/2020)**
- Representing a cricket coach before the ECB regarding safeguarding concerns. The allegations were withdrawn and the interim suspension was removed following written representations.

Rugby

- Advising a Super League Player over deducted/unpaid wages from his club following an anti-doping violation.
- Drafting representations to the UKAD (UK Anti-Doping) concerning a Rugby Union player's anti-doping violation.

Golf

- Representing a member of the Senior PGA Championship in disciplinary proceedings.
- Representing a member of a well-known Championship Golf Course in internal disciplinary proceedings.

E-Sports

- Advising 4CAST on an international acquisition of an E-Sports franchise.
- Advising 4CAST on a sponsorship and merchandising contract with international parties.

Motor Sport

- Advising an investor on his investment into a F1 Team and the interplay with UK immigration law under the Points Based System.

In addition, Gavin sits as an arbitrator in sports disputes and holds panel memberships where he is regularly appointed as the chair of the following NGBs:

International

- Fédération Internationale de Volleyball, Appeals Panel Member
- International Mixed Martial Arts Federation, Arbitrator
- Qatar Sports Arbitration Foundation, Arbitrator

Domestic

- England Boxing, Disciplinary Panel Chair
- Scottish Gymnastics, Conduct in Sport Panel
- Rugby Football League Community Game, Disciplinary Panel
- England Hockey, Disrepute Panel
- British Canoeing Selection Appeal Panel
- British Canoeing Disciplinary Panel
- England Badminton, Disciplinary Panel
- Scottish Athletics, Disciplinary Panel

International Arbitration

Gavin has experience in both sports and international commercial arbitrations. He has advised on cases under the LCIA, SIAC, ICC and UNCITRAL rules. In addition, Gavin advises clients on all facets of the arbitral process (including pre- and post-arbitral steps), such as drafting arbitration agreements, securing pre-arbitration injunctions, and acting as counsel during the arbitration proceedings.

Much of Gavin's arbitration practice involves arbitration-related applications to the Commercial Court under the 1996 Act. This includes applications for interim relief in support of arbitrations (e.g. anti-suit injunctions); seeking or resisting enforcement of domestic or foreign awards under the New York Convention; and challenging or defending awards under sections 67, 68 and 69 of the 1996 Act. Recent examples of this type of work include:

Gavin's experience includes:

- ***XD v Sports Governing Body*** (CL-2022-000196) – Represented an international athlete who applied to set aside an Arbitration Award under s.68 and 69 of the Arbitration Act 1996 in the Commercial Court (instructed by Dentons LLP).
- Advised on a substantial section 67 Arbitration Act 1996 appeal regarding whether or not the tribunal had jurisdiction to hear the case.
- Advised on jurisdiction in a UNCITRAL arbitration concerning breach of a guarantor agreement for sums loaned to state-owned entities in the Middle East.
- Advised on a tiered LCIA arbitration agreement between a Turkish company and an Iraqi company.
- Advised a Turkish company on a potential bilateral investment treaty claim.

Gavin is also an accredited CEDR civil and commercial mediator and accepts appointments in civil and commercial disputes. In acting as mediator Gavin draws on his experiences from private practice, which has provided him with a particularly good understanding of the commercial realities in which parties operate and which is often crucial to facilitating settlement.

Gavin became a Fellow of the Chartered Institute of Arbitrators at the age of 28 and to date is one of the youngest to ever achieve this distinction. He is keen to utilise his experience from acting as counsel to the role of arbitrator and accepts appointments as sole or co-arbitrator. At present, he is listed as panel arbitrator at the following institutions:

- Asian International Arbitration Centre (**AIAC**), Panel of Arbitrators and Mediators
- World Intellectual Property Organization (**WIPO**), Panel of Arbitrators and Mediators
- International Centre for Arbitration and Mediation in Kampala (**ICAMEK**)
- Qatar Sports Arbitration Foundation, Arbitrator (**QSAF**)
- Saudi Centre for Commercial Arbitration (**SCCA**), Panel of Arbitrators and Mediators
- The Court of Arbitration for Art (**CAfA**), Panel of Arbitrators
- The Chartered Institute of Arbitrators, BAS Panel of Arbitrators
- Philippine Arbitration Centre in the Visayas, Panel of Arbitrators
- Mauritius International Arbitration Centre (**MIAC**), Panel of Arbitrators
- The General Council of the Bar, Panel of Arbitrators

Immigration

Business Immigration

Gavin acts as an advocate and advises in all aspects of immigration, asylum, nationality and EU law. He has particular experience in securing interim relief in complex sponsor licence applications, drafting representations to the Home Office to avoid litigation and dealing with substantive proceedings in the High Court involving the revocation or suspension of a licence. He brings a unique perspective to his immigration practice as he is regularly instructed by the Government Legal Service and Home Office to act on their behalf. He also provides ad-hoc advice as an Adviser with the Institute of Directors (IOD) and regularly gives bespoke training to other immigration lawyers through specialised Business Immigration Seminars with MBL.

Recent highlights include:

Reported cases

- Operation Holdings Ltd v The Secretary of State for the Home Department [2019] EWHC 3884 (Admin) – concerning the use of deception or fraud in attributing a CoS and the ‘Genuine Vacancy Test’.

Recent Advisory Work

- Advising a large international IT company on their immigration compliance (instructed by Walker Morris LLP)
- Advising a European Accountancy firm on visa options for their staff following entry into the UK market (instructed by Walker Morris LLP)
- Advising an UHNW Belarusian family on the renewal of an investor visa where there were significant gaps in residence.
- Advising an HNW Nigerian family on relocation to the UK utilising the ‘Sole Representative’ Route.
- Advising a Vietnamese restaurant on a substantial illegal working breach.
- Advising a MedTech Start-up on Sponsor Licence compliance.
- Successfully represented an Appellant in the Manchester County Court who faced a £120,000 civil penalty for allegedly employing illegal workers.

Personal Immigration

Gavin has expertise handling complex immigration applications, appeals, pre-action correspondence and judicial review challenges involving the deprivation of nationality, revocation of indefinite leave to remain, the right of abode, deportation orders and applications under the Turkish Ankara Agreement. He also regularly advises and acts in urgent applications and injunctions, civil penalties for immigration offences and civil claims for damages for unlawful detention.

Gavin also has extensive experience handling cases under Appendix FM, Adult Dependent Relative, Spouse Entry Clearance, TOEIC appeals and those involving paragraph 322(5) where individuals are alleged to have cheated on an English Language test or falsified their tax returns to secure an extension on their Tier 1 Entrepreneur visa and therefore fail on suitability grounds.

Recent selected highlights include:

Appeals

- ***Charles Hahn v Secretary of State for the Home Department [2022]***; Successful First-tier Tribunal appeal following a Deportation Order of a high-profile offender. Appeal was allowed under Exception 2 of the Immigration Rules.
- ***Rakia Ibrahim Abduali v Entry Clearance Officer [2022]***; Successful appeal for entry clearance following a refusal on the basis that the Appellant and Sponsor were not properly married and there were no ‘exceptional’ circumstances.
- ***Mattis Simon v Secretary of State for the Home Department [2022]***; Upper Tribunal appeal considering whether an Immigration Judge could go behind a concession made by the Home Office during an appeal as well as the meaning of paragraph EX.1 of the Immigration Rules.
- ***Ikram Ul Haq v Secretary of State for the Home Department [2022]***; Upper Tribunal appeal following a remitted appeal from the Court of Appeal. The appeal concerned whether the appellant satisfied Exception 2 of the Immigration Rules for Deportation.
- ***Kevin Joel Rivera Andrade v Secretary of State for the Home Department [2022]***; Successful First-tier Tribunal appeal under Appendix EU where the relationship post-dated exit day.
- ***Abayomi Adeguyi-Jackson v Secretary of State for the Home Department [2022]***; First-tier Tribunal appeal following a Deportation Order of a ‘serious offender’. Appeal was concerned Exceptions 1 and 2 of the Immigration Rules.
- ***Ohammed Waziri Adetola Owodunni v Secretary of State for the Home Department [2022]***; First-tier Tribunal appeal following a Deportation Order of a ‘serious offender’. Appeal was concerned

Exceptions 1 and 2 of the Immigration Rules as well as outside of the Immigration Rules under Article 8 ECHR.

Judicial Review

- **Abdo Kaday v Secretary of State for the Home Department [2022]**; High Court challenge to the unlawful detention of the Claimant from Algeria who had been detained for over 3 months following lengthily prison sentence.
- **Monu v Secretary of State for the Home Department [2022]**; Upper Tribunal Judicial Review challenging the home Office decision to refuse an application for further leave to remain. The issue in the case was whether there was continuity of leave and whether an immigration decision was properly served.
- **Mst Shafta Begum v Entry Clearance Officer [2022]**; Upper Tribunal Judicial Review challenging the Entry Clearance Officer's lack of procedural fairness and rationality.
- **Hapy Begun v Entry Clearance Officer [2022]**; Upper Tribunal Judicial Review challenging the Entry Clearance Officer's lack of procedural fairness and rationality.
- **Didem Yenigun v Secretary of State for the Home Department [2021]**; Upper Tribunal Judicial Review under the ECAA regime challenging allegations of illegal working and admissions made in interview.
- **Rusna Begum & Others v Entry Clearance Officer [2021]**; Upper Tribunal Judicial Review challenging the Entry Clearance Officer's lack of procedural fairness and rationality.
- **Gulzar Hussain & Others v Entry Clearance Officer [2021]**; Upper Tribunal Judicial Review challenging the Entry Clearance Officer's lack of procedural fairness and rationality.
- **NH v SSHD [2021]**; High Court Judicial review claim challenging Home Office provision of accommodation under s.95 for an asylum seeker.
- **Munhir Kiiza v Entry Clearance Officer [2021]**; Upper Tribunal Judicial Review challenging the Entry Clearance Officer's lack of procedural fairness before reconsidering and amending a decision and use of discretion.
- **MB v SSHD [2021]**; Upper Tribunal Judicial Review challenging the Home Office's consideration of 'exceptional circumstances' under Article 8 of an adopted child pursuant to Paragraph 353 of the Immigration Rules.
- **Meer Wais Islam v SSHD [2020]**; Upper Tribunal Judicial Review challenging the Home Office's contention of service of a decision under the Tier 1 Entrepreneur Route at residential address rather than nominated address for correspondence. Matter was conceded by Home Office and claim was withdrawn by Consent.
- **Kamal Hasan v SSHD [2020]**; High Court Judicial Review challenging the Home Office's report of an 'expert document examiner' and what constitutes as 'expert evidence'. This matter is currently on Appeal at the Court of Appeal.
- **Kashif Saleem v SSHD [2020]**; High Court Judicial Review which SSHD settled by way of consent order following claimant's grounds challenging finding of deception in a 'Life in the UK Test'.
- **Alina Lavrukhina v SSHD [2020]**; Permission for Judicial Review granted following oral permission hearing by UTJ Keith. Case concerned whether Article 8 ECHR had been considered in an application for Entry Clearance.
- **Mert Koyuncu v SSHD [2020]**; SSHD settled by way of consent order following applicant's grounds challenging SSHD's failure to consider s.55 duties and discretion in *ECAA guidance*.
- **Saiful Islam v SSHD [2019]**; Represented Mr Islam in a case that received national attention concerning historic injustice an unlawful exercise of discretion. See: <https://www.bbc.co.uk/news/uk-wales-51034041>

Regulatory

Regulatory

Gavin has a strong regulatory practice encompassing health & safety, inquests, public inquiries investigations, sanctions and professional regulation. He has represented numerous individuals and corporate Defendants Crown and Magistrates' Court in prosecutions brought by the Health and Safety Executive, Environmental Agency and Trading Standards. As recognition of his experience in this area he was appointed to the Specialist Regulatory Advocates in Health and Safety and Environmental Law (C-List). Gavin is also experienced in handling inquests and is often instructed to represent corporate bodies and local authorities where there are overlapping potential criminal liability or negligence claims.

In addition, Gavin has extensive experience in the field of professional regulation and has defended high profile athletes and professionals facing serious allegations or where there are overlapping criminal proceedings. He has advised and represented clients before the Teaching Regulation Agency, the Association of Chartered Certified Accountants, Solicitors Regulation Authority, Nursing and Midwifery Council, General Medical Council and is adept at handling cases involving the Disclosure and Barring Service.

Gavin's recent experience includes:

Health & Safety

- Representing a Local Authority in an Inquest into the death of a local resident who died while in Local Authority Accommodation.
- Representing a defendant in Magistrates' proceedings arising from poor hygiene in a restaurant in Luton. On mitigation, the penalty was reduced from £45,000 to £7,000.
- Representing a corporate defendant both in the Magistrates' court and subsequent Crown Court proceedings arising an injury arising from a manufacturing incident.
- Advice on merits for an appeal following an improvement notice of a factory.

Professional Regulation

- **Andrew Turns v Teachers Regulation Agency [2021]** – Representing a PE teacher who was alleged to have had a relationship with an underage pupil. Following a 5-day hearing, the Panel did not find the matter proved. This case also attracted national media attention and was reported here: <https://www.chroniclive.co.uk/news/north-east-news/sunderland-teacher-sacked-over-claims-20624885>
- **AS v OSIC [2021]** – Representing an individual who is alleged to have provided immigration advice without being appropriately qualified under Section 94 of the Immigration and Asylum Act 1999.
- **NN v NMC [2020]** – Representing a nurse who is alleged to have assaulted a patient and provided sub-standard care resulting in a negligence claim and summary dismissal.
- **VB v DBS [2020]** – ongoing. Representing a teacher is an appeal against the decision of the Disclosure and Barring Service to place them on the 'Children's Barred List'.

Public Inquiries

- The Infected Blood Inquiry, Junior Counsel for the Government Legal Department (2021-2022)
- The Under Cover Police Inquiry, Junior Counsel for the Inquiry (2018 – 2019)

Appointments

- Sports Resolutions Pro Bono Panel
- ANZSLA Advocates Panel (Australian and New Zealand Sports Tribunal)
- Panel Member of the Specialist Regulatory Advocates in Health and Safety and Environmental Law (C-List)
- Attorney General 'Junior Junior' Civil Panel Scheme
- Treasury Solicitors' Immigration List
- Junior Counsel, Infected Blood Inquiry (2021 – 2022)
- Junior Counsel, Under Cover Police Inquiry (2018 – 2019)
- Serious Fraud Office Disclosure Counsel Panel
- SC Security Clearance

Qualifications

- CEDR – Accredited Mediator
- Certificate in Sports Arbitration, Asian International Arbitration Centre
- FCI Arb – Fellow of the Chartered Institute of Arbitration
- LLM (International Law) – SOAS, University of London
- ISISC Diploma – International Institute of Higher Studies Criminal Science, Italy
- Graduate Entry LLB (Hons) – City, University of London
- BA (Hons), Politics – University of Exeter
- Durham School

Scholarships and Prizes

- Honourable Society of Inner Temple Rachel Lawrence Pupillage Scholarship
- Sir Joseph Priestly Scholarship
- ICLR Pupillage Scholarship – Shortlisted
- International Marcianum MootCourt Competition – Winner, representing Inner Temple
- The International Bar Association Scholarship (International Criminal Law)
- Sir Geoffrey Nice Bursary
- The Times/One Essex Court Law Awards – Winner (2nd Place)
- SOAS Academic Postgraduate Scholarship Award for LLM
- The International Bar Association Scholarship, Vienna Annual Conference

- The International Bar Association Magna Carta Essay Competition -Winner
- Human Rights Lawyers' Association Bursary
- Clifford Chance Intelligent Aid Essay Competition – Finalist
- Holman Fenwick & Willan LLP – Global Lawyer Essay Competition – Finalist
- Dean's Award Scholarship
- Honourable Society of Inner Temple BPTC Major Exhibition Scholarship
- Honourable Society of Inner Temple CPE Major Exhibition Scholarship

Memberships

- Rising Arbitrators Initiative (RAI)
- International Sports Lawyers Association
- LawInSport
- African Arbitration Association.
- Fellow of the Chartered Institute of Arbitrators
- Health & Safety lawyers Association
- Association of Regulatory and Disciplinary Lawyers.
- Australian and New Zealand Sports Law Association (ANZSLA)
- International Bar Association
- The Honourable Society of Inner Temple

Publications

Estoppel in International Arbitration – Jus Mundi, June 2021
<https://jusmundi.com/en/document/wiki/en-estoppel>

SOAS Law Journal, December 2017
'Playing musical chairs with international justice: evaluating the appointment of judges ad hoc in proceedings before the International Court of Justice'

Keep Calm Talk Law Blog, February 2016
'Raising the Dead – Lord Janner'

Lawyers for Palestinian Human Rights, Blog 19th April 2016
'Scrutiny on apparent extrajudicial killings following the shooting of 'Abd al-Fatah al- Sharif'

The Times, November 2015
'Does Europe need a new legal framework to tackle mass migration?'

Human Rights Lawyers' Association Journal 2015
'Case Comment: Karsten Kaltoft'

The International Bar Association Human Rights Committee Newsletter, 2015
'Selecting a clause from the Magna Carta, discuss how it is still relevant today'

Additional Information

Prior to joining Chambers Gavin worked as a Legal Assistant in Australia for one of the country's leading Silks, Julian Burnside OA Q.C. During his time in Australia Gavin helped draft submissions in several applications before the Federal Court and assisted with legal research in a High Court challenge of Australia's immigration rules. Moreover, Gavin was also involved in helping drafting representations to the International Criminal Court concerning Australia's treatment of Refugees.

Gavin also worked with the Zambian Law Development Commission where he conducted research and held focus groups for a review of the Penal Code and Criminal Procedure Code. In addition, he helped investigate alleged human rights abuses by the Zambian Prison Service and assisted with drafting memorandum.