



## Owain Rhys James

Call: 2011

enthusiastic, hard-working and bright.

Chambers and Partners, 2025

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"He prides himself on achieving the best possible results for clients." Legal 500

Owain is a versatile and sought-after advocate. He also has a busy advisory practice and is appointed as an investigator, misconduct decision maker, mediator, and arbitrator.

His core practice areas are public law, employment, and chancery. He also has a broad property and construction practice covering the ownership, occupation, and construction of buildings upon land in residential, commercial, and agricultural contexts. He also acts in professional negligence matters arising from his practice areas.

He has been ranked across all of his core practice areas and brings a practical, pragmatic, and commercial approach to his advice. Owain has particular expertise in devolved Welsh matters, especially within public and housing law work.

He has appeared at all levels up to and including the Court of Appeal.

Owain has broad experience, often acting beyond the "traditional" roles of an advocate, having been instructed to draft statutory guidance (bilingually), draft policies for RSLs and local government, undertake pre-publication due-diligence reviews for public and private bodies, and provide in-house training to lawyers and lay clients.

He has been appointed as an investigation- and decision-making officer in a number of complex misconduct matters, including recent allegations of antisemitism against students and staff at a university.

Having read law at St Catharine's College, Cambridge, Owain returned to Cardiff to study the Bar course. He previously worked in the Litigation Department at Hugh James Solicitors and brings that experience together with a strong academic background to his practice.

Owain has particular experience of dealing with urgent and without-notice injunctions in commercial, housing, and public law contexts. He is often instructed at the last minute and is experienced at making out-of-hours applications.

He was named The Times' "Lawyer of the Week" in March 2025.

Owain has particular experience acting in cases where there is overlap between his practice areas, often involving novel issues of fact or law, for example:

- Counsel General for Wales & Ors v Allen (Re: Baglan Operations Limited) [2022] EWHC 647 (Ch) – Insolvency/Environmental/Public law; court considered the relevance of environmental and other public interest factors in the exercise of a liquidator's powers under s 167 of the Insolvency Act 1986 and ECHR arguments.
- Re Z (Unlawful Foreign Surrogacy: Adoption) [2025] EWHC 339 (Fam) – Family/Immigration; represented government departments in guidance on unlawful foreign surrogacy claims.
- R (Driver) v Rhondda Cynon Taf CBC [2020] EWCA Civ 1759 – acted for the Welsh Language Commissioner in interpreting bi-lingual legislation.
- X Senior Coroner v The Registrar General for England and Wales (ongoing) – Coronial/Public/Language Rights; challenge to refusal to register a death in Welsh.
- R (Y) v Denbighshire County Council – Housing and public law; enforcement of homelessness duties and application of Croydon LBC v R (Imam).
- Cyngor Gwynedd v Barrat [2021] EWCA Civ 1322 – Education, Employment, Local Government; unfair dismissal claims from school reorganisation in North Wales.
- In Re Councillor X – Employment and Local Government; novel misconduct issues spanning public and employment law.
- Welsh Ministers v PFS; R(PFS) v Welsh Ministers – recovery of Covid Grants and parallel judicial review claims.
- Re A Local Authority – Public law/Elections; advising on post-election cabinet appointment issues.
- SWTRA claims – road traffic collisions and infrastructure damage; claims up to £250,000+
- JS v Cardiff County Council [2022] EWHC 707 (Admin) – finding of contempt against a local authority for breach of mandatory order.
- McGaw v Welsh Ministers [2021] EWCA Civ 976 – appeal on interpretation of permitted development regulations.
- Review of the Local Authorities (Standing Orders) (Wales) Regulations 2006 – misconduct investigations by Senior Officials.
- Willott v Clarke (QBD) – interpretation of restrictive covenants.
- Ceviz v Frawley & Ors [2021] EWHC 8 (Ch) – misrepresentation in sale of business; claim allowed, counterclaim dismissed, indemnity costs awarded.
- Gorman v Court Enforcement Services (QBD) – injunction against High Court Enforcement Officers.
- Vale of Glamorgan v Skelton (Admin Divisional Court) – interpretation of Council Tax regulations.
- Downs v HM Ltd – recovery of deposit and counterclaim due to Covid-19 cancellation of wedding.
- Burrows v Davies (Cardiff CC) – judgment for constructive trust of two properties; equitable damages awarded.
- Gylphion v Djadi (Ch D) – without notice injunction; undue influence claim ongoing.
- Parry v Parry (Ch D) – undue influence and rectification of register for multiple properties.
- Burden v Burden – trust/estoppel dispute relating to agricultural property and linked professional negligence issues.

Owain has appeared in some of the most significant Welsh (both geographical and language-related) cases, including:

- R (Driver) v Rhondda Cynon Taf CBC [2020] EWCA Civ 1759 – proper approach to interpreting bi-lingual legislation.
- Coastal Housing Group v Mitchell [2024] EWHC 2831 (Ch) – instructed by claimant RSL in landmark interpretation of Renting Homes (Wales) Act 2016.
- Cyngor Dinas a Sir Abertawe / The City and County of Swansea Council v Comisynydd y Gymraeg / Welsh Language Commissioner TyG/21/01 – appeal on the meaning of “policy decision.”
- Gweinidogion Cymru / Welsh Ministers v Comisynydd y Gymraeg / Welsh Language Commissioner TyG/2020/02 – argued Welsh Language Standards did not apply to Transport for Wales (rail franchise operated by Keolis Amey).

## Expertise

### Alternative Dispute Resolution (ADR)

Given Owain's commercial, construction and property practice he has experience of all forms of ADR.

He has specific experience of advising in relation to tiered ADR clauses and has detailed knowledge of the relationship between Arbitration/Adjudication and the courts both during proceedings and when dealing with appeals under the Arbitration Act.

An ADR Group accredited mediator, Owain accepts instructions to act as a mediator in a wide range of commercial, property, housing, neighbourhood, Anti-Social Behaviour.

Owain holds an MSc in Construction Law and Arbitration.

He accepts nominations to act as an Arbitrator and Adjudication, together with regularly acting as a mediator in a wide range of disputes

### Public Law and Social Housing

Owain has a busy and varied public and administrative law practice – he enjoys novel issues and has particular experience of devolved Welsh matters.

He has appeared and advised in cases across the whole spectrum of Tribunal Chambers including the Immigration and Asylum Chamber; Social Security and Child Maintenance Chamber; Criminal Injuries Compensation Chamber; Special Educational Needs and Disability Chamber. He has appeared in both the First-tier and Upper Tribunal.

Owain has recently been involved in a number of Judicial Review matters (on behalf of Applicants and Respondents) and is happy to advise on a pro bono basis ahead of funding being granted.

Owain has experience of advising on Data Protection and Freedom of Information Act claims. Most recently he was instructed on behalf of a police force to defend a claim under the DPA and to resist applications for disclosure of documents.

Owain has an understanding of public procurement and regularly advises in respect of the same.

He also has a niche tax and rates practice, appearing before the Tribunal and on appeal in the High Court.

## Cases

- **S v SSHD** Successfully obtained a stay of removal in an out of hours application relating to a student visa before Simon Brown J.
- Instructed in a number of 'Cart' challenges of decisions of the tribunal including refusals of permission to appeal and adjournment requests.
- Advising local authority on issues arising from withdrawal of school transport services after award of contract following tender including sanctions under the Procurement policy and Public Contract Regulations
- Currently advising on public law claims arising from planning permission being granted and subsequently amended in

respect of a wind turbine;

- **AA v SSHD** Instructed on behalf of SSHD in relation to a high profile and sensitive case involving unlawful detention.
- **I v SSHD** Judicial Review of Home Office decision finding passport to have been the subject of forgery and rejecting DNA evidence of identity. Decision withdrawn and re-considered. Costs recovered.
- **A v SSHD** Instructed on behalf of the Secretary of State to resist an application for interim relief by way of removal of electronic monitoring equipment.
- Advising and settling pleadings, in the medium of Welsh, for a breach of the Public Contract Regualtions.
- Advising applicants in relation to interim injunctive relief requiring local authority to take enforcement action when large car manufacturer was removing trees in breach of planning permission.
- **K v SSHD** 'Out of Hours' application for injunctive relief made to Hickinbottom J preventing removal of asylum seeker to Kenya in light of Home Office's inadvertent failure to disclose Rule 35 report.
- **N v A County Council** Successfully resisted an application for permission to bring JR proceedings. Instructed on behalf of a Local Authority who refused to provide accommodation pursuant to Section 21 of the National Assistance Act 1948.
- Representing appellant in 4 day trial in the Social Entitlement Chamber in a claim involving allegations of fraud and where recovery of a substantial amount of overpayments is sought.
- Successfully resisted an application for disclosure under Section 7 (9) of the Data Protection Act and together with a claim for damages on behalf of a local police force.
- Advising applicants in relation to Judicial Review of Local authority's decision to close Further Education college and move to new location.

## Employment

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A significant amount of Owain's trial work is in the Employment Tribunal. His practice principally involves advising in relation to unfair dismissal, whistleblowing and discrimination claims.

He appears for both Claimants (30%) and Respondents (70%).

He has particular experience of the overlap between employment law issues and commercial disputes such as pension disputes, restrictive covenants and restraint of trade and issues arising from injunctive proceedings.

## Cases

- Successfully defending a local authority in a 5 day disability discrimination case;
- Advising a senior Executive of a housing association in respect of an unfair dismissal claim/breach of contract claim relating to redundancy. Claim settled for a 6 figure sum.
- Appearing for the Respondent before Kerr J in UKEAT/0079/16/RN
- Defending a claim brought by former manager of a hotel alleging a 6 month notice period had been agreed. Claim

dismissed.

- Represented teacher in unfair dismissal proceedings. Matter settled favourably ahead of remedy hearing.
- Successfully resisted strike out application and obtained findings that Dyslexic/Dyspraxic Claimant was disabled under the Equality
- Act at day long preliminary hearing.
- Represented applicant's in an application for urgent interim relief preventing a hairdresser from working in breach of post-termination restrictions
- Representing applicant's in an application for injunctive relief enforcing post-termination restrictive covenants

Owain prides himself on his attention to detail, ability to grasp the issues and effective advocacy. The Chambers UK Bar Guide 2017 notes that: ***"He is unflappable, which is really nice because he can keep a calm head when everyone else is losing theirs. His drafting is nice and clear." "Has the ability to take a lot of documents and extract the most important issues."***

## Chancery

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Owain has a busy traditional chancery practice; together with a strong property based practice.

He also has a busy housing practice dealing with a broad range of matters. He regularly appears on ASB matters. He has experience of claims involving unlawful eviction and Equality Act issues.

Owain has been involved in construction disputes conducted both in the Courts and by way of adjudication. He has advised on standard term JCT contracts, claims in negligence against builders and architects, advised in relation to building insurance policies.

Owain is developing a broad practice in commercial matters to which he brings detailed preparation and a practical, commercially aware approach. He has a busy advisory practice and appears in both the County and High Court. Owain has particular experience in advising and representing clients in applications for interim injunctive relief often appearing on an urgent or without notice basis. He has been instructed in applications for 'springboard' relief, enforcing restrictive covenants, delivery up of commercial property and freezing orders. He also acts in defamation claims.

## Cases

- Currently representing Claimants in a possession claim where defendants claim proprietary estoppel and constructive trust.
- Advised high profile defendant in a property claim involving breach of contract, promissory estoppel and debt claim. Matter settled favourably at mediation
- Successfully appealed (before Patterson J) postponed possession order/injunction made against trespassers.
- Representing occupier under an equitable lease in an application for relief from forfeiture relating to a £3million Biomass Gasification Plant
- Acted for defendant in claim for constructive/resulting trust, unjust enrichment, and restitution by former husband and former parents-in-law. Successfully defended trusts/equity claims and judgment limited to repayment of admitted loan.
- Successfully defending a claim for constructive trust and obtained significant damages for mesne profits and unjust enrichment.
- Currently advising construction claims company in relation to a dispute over fees.
- Representing local community group in a claim for negligence against architect and construction company.
- Successfully obtaining orders under the Access to Neighbouring Land Act in relation to redevelopment of historic.
- Acting for Claimant in substantial claim for damage to property caused by works to neighbouring petrol station.

- Advising Defendant local authority in a £500,000 breach of contract claim.
- Advising an After-the-Event insurer on potential professional negligence claims arising from a high profile defamation case involving local politicians
- Advising care provider in relation to obtaining injunctive relief preventing a former director setting up a competing business
- Instructed on behalf of a nationwide transport operator to obtain an urgent stay of enforcement proceedings where the underlying debt was disputed.
- Instructed to obtain injunctive relief preventing the presentation of a winding-up petition relating to a debt in excess of £750,000
- Successful obtaining urgent injunctive relief removing a from office, freezing company and personal bank accounts and preventing use of client leads in breach of duty
- Advising in relation to a claim for consequential losses against a bank arising from the mis-selling of an interest rate hedging product for a £1.1m fund.

## Appointments

- Deputy District Judge – Civil (Wales Circuit)
- Legally Qualified Person for Police Misconduct Hearings
- IPC Ad Hoc Appeal Tribunal
- IPC Board of Appeal for Classification, Judicial Member
- IPC Anti-Doping Committee, Judicial Member
- Lawn Tennis Association, Judicial Member
- Independent Appeal Panel Chair, Football Association of Wales
- Judicial Officer for World Rugby, 6Nations, EPCR, Pro 14 and the WRU

## Memberships

- RICS Student Member
- CIArb Member (Former Fellow)