



Vivienne Sedgley

Year of call: 2011

"She responds very well to pressure and tight deadlines."

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Practice Summary

Vivienne has a public law and commercial law practice, with particular focus on local authority powers and professional regulation. She is frequently instructed as sole counsel in the High Court, County Court and disciplinary tribunals, and as part of multi-counsel teams in large-scale disputes. She acts both at first instance and on appeal.

Vivienne has significant experience of conducting trials and dealing with expert evidence. She has acted in sensitive cases requiring anonymity orders and/or reporting restrictions, and for high profile clients such as politicians and entrepreneurs. Prior to coming to the Bar, she worked for Speaker's Counsel at the House of Commons and advised MPs, committees and the House itself on a variety of public and commercial law issues. She also has advised local authorities and central government departments on large and long-running matters.

Vivienne prides herself on being approachable, responsive and easy to work with. She is experienced in acting as sole counsel but also excels when working as part of a team.

Public & Administrative

Vivienne has a busy public law practice, including judicial review, coroner's inquests and elections. She acts for both public authorities and individuals.

Judicial review: Vivienne is happy both to appear in the High Court and to advise at an early stage, with a view to avoiding proceedings. She is particularly interested in the overlap between public and commercial considerations, and has dealt with diverse range of matters from local authority powers and consultations, to legitimate expectation in a commercial setting, council tax and educational provision. She acted (as led junior) in the first reported case regarding combined authorities: *R (on the application of Derbyshire CC) v Barnsley, Doncaster, Rotherham and*

Sheffield Combined Authority [2016] EWHC 3355 (Admin). She is a contributor to one of the leading legal commentaries: Supperstone, Goudie and Walker: Judicial Review (published by LexisNexis). She has significant experience of working in-house with a wide range of public authorities, including local authorities, various central government departments and the House of Commons.

Coroner's inquests: Vivienne has acted in complex and contentious inquests, involving multiple experts and large numbers of witnesses. Previous instructions include representing an NHS Trust in a 4-day inquest involving multiple medical professionals, expert evidence and a close examination of the relationship between primary and secondary care. She has experience of inquests involving prisons, the armed forces, road traffic accidents, mental health treatment, hospitals and care homes.

Elections: Vivienne advises on election law and acts in election proceedings. She advises on procedure, tactics and evidence, and provides representation at hearings. Since 2017, she has been Assistant Editor to Richard Price OBE QC for one of the leading election law commentaries: Parker's Law and Conduct of Elections. Recent instructions include acting in cases regarding electoral registration, election expenses and potential criminal offences.

Freedom of Information and Data Protection: Vivienne has expertise in dealing with initial disclosure, the application of exemptions, complaints to the Information Commissioner and appeals to a tribunal. Previous instructions include advising on disclosure in a complex case involving the overlap between subject access requests, proceedings held in private and disclosure in criminal proceedings. She has also acted for a public authority in a civil claim in the High Court regarding record keeping and data protection.

Anti-social behaviour: Vivienne acts in injunctive proceedings and in subsequent applications for committal.

Mental capacity and mental health: Vivienne has broad experience of acting in proceedings under the Mental Health Act 1983 and Mental Capacity Act 2005, in the County Court, Court of Protection and First-tier Tribunal. She has advised and acted in sensitive and high profile cases requiring anonymity orders and reporting restrictions. Previous instructions include acting for the Local Authority in a case involving multiple experts, difficult issues regarding the capacity to conduct relationships and a 4-day final hearing.

Regulatory & Disciplinary

Vivienne is happy to advise and act at all stages of professional disciplinary and regulatory proceedings, from initial advice and dealing with interim orders, to acting at substantive/final hearings and on applications for judicial review. She accepts instructions to act for both regulators and registrants, with a focus on medical and legal professionals.

She has considerable experience of tribunal proceedings at first instance, including hearings lasting several weeks, voluminous documentation and the cross-examination of multiple experts. She has dealt with high profile and sensitive cases, involving vulnerable witnesses, relationships between professionals and clients, and the deaths of nursing patients.

She also has significant experience of advising and acting in professional negligence proceedings before the County Court and High Court, involving both medical professionals and solicitors.

Previous instructions include acting in case regarding a solicitor's advice to an elderly client, and acting in a case involving more than one hundred charges against the manager of a care home following a safeguarding investigation.

In 2017, Vivienne was appointed as clerk to the Bar Tribunals and Arbitration Service (which deals with the regulation of barristers).

Commercial & Chancery

Vivienne has broad expertise, with a particular interest in cases involving agency disputes, allegations of fraud and issues regarding mental capacity.

Previous instructions include acting in an application for a freezing order in a complex commercial and property dispute, and acting for an appellant in an application to the Court of Appeal in a long-running dispute regarding breach of contract and agency.

Contract: She has significant experience of contractual disputes, including multiple companies, misrepresentation, suspicions of fraud and third parties such as agents. She has also drafted and advised on the drafting of contracts, including £multi-million contracts for utilities, leases and settlements.

Insurers: She has advised and acted for insurers seeking to avoid liability, including cases of civil fraud, setting aside settlement agreements and 'ghost brokers'.

Agency: She has advised and acted in disputes regarding the agency of estate agents, family members and employees.

Leases: Vivienne has advised various public authorities on their obligations and entitlements under high value leases. She also has considerable experience of acting for both landlords and tenants in contentious possession proceedings.

Statutory wills: Vivienne has significant experience of the Court of Protection and has advised on property and affairs matters, such as beneficiaries' likely entitlement under a statutory will.

Planning & Environment

Vivienne has experience of a variety of appeals under the Town and Country Planning Act 1990, associated consultations and freedom of information requests. She also has experience of Examinations in Public.

Previous instructions include advising on varied matters such as traffic regulation orders and the validity of enforcement notices.

She has written about the changes in the new NPPF and the presumption in favour of sustainable development.

Property & Housing

Vivienne advises and acts in cases involving housing and property issues, particular where there is a public authority involved.

She has considerable experience of advising on the interpretation of leases, particularly when related to occupiers' liability claims.

Previous instructions include advising on the exercise of an option to purchase the freehold, and acting for the landlord in complex possession proceedings involving disputes about agency.

International Arbitration

Vivienne is happy to advise and act in arbitral disputes. She has experience of £multi-million cases involving complex technical, legal and procedural issues. Previous instructions include acting in cross-jurisdictional case involving multiple interim applications and security for costs in a high value claim.

Publications

- Contributor to 'Supperstone, Goudie and Walker: Judicial Review' (6th Ed, 2017) (LexisNexis)
 - Assistant Editor, 'Parker's Law and Conduct of Elections' (2017 to 2019) (LexisNexis)
 - 'Pilot Schemes in the Court of Protection' (Local Government Lawyer, 2016)
 - Court of Appeal decision on jurisdictional challenges: Apex Global Management Ltd v. Global Torch Ltd [2017] EWCA Civ 315
 - Costs budgeting: SARPD Oil International Ltd v. Addax Energy SA [2016] EWCA Civ 120 is overruled by the CPR
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Professional memberships

- Administrative Law Bar Association
 - Commercial Bar Association
 - Property Bar Association
 - South Eastern Circuit
 - Public Access Bar Association
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Education

- The Honourable Society of Middle Temple, Certificate of Honour (awarded for outstanding achievement on the Bar Professional Training Course)
 - The University of Cambridge, MA (Hons) Philosophy
 - The College of Law, LL.B.
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Professional posts

- Appointed to the National Procurement Service for Wales' panel of approved counsel (2017)
 - Appointed as clerk to the Bar Tribunal and Adjudication Service (2017)
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