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**KEATING**  
CHAMBERS



## RHODRI WILLIAMS KC

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### Areas of Practice

- Public Procurement
- European and Competition Law
- Public, Administrative & Local Government

### Clerks' Details

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### Practice Overview

Rhodri is recommended in the legal directories for public procurement, local government, and public and administrative law where he is described as a “*very shrewd tactician*” and an “*advocate with strong powers of persuasion*”. He was called to the UK Bar in 1987 and to the Bar of Northern Ireland in 2009, and he took silk in 2010. Prior to joining Keating Chambers in October 2022, he was a member of Henderson Chambers in London and 30 Park Place Chambers in Wales.

Rhodri specialises in public procurement cases and clients report that he is “*very good on really difficult complex cases and very strong on his feet*.” A longstanding expert in the field, his experience includes representing the successful appellants in the first ever case concerning public procurement to be heard before the Supreme Court in *Brent LBC v Risk Management Partners Ltd & London Authorities Mutual Ltd & Harrow LBC* [2011] UKSC 7. More recently he was instructed in a claim for breach of the Public Contracts Regulations 2015, concerning provision of orthodontic services during the Covid-19 pandemic.

In addition to public procurement, Rhodri also deals with a wide range of local government issues, including judicial review of post office closures, school re-organisation plans and school transport decisions. He handles cases involving both local and regional government, including advising the Welsh Government and other Government Departments and local authorities, in England, Wales and in Northern Ireland. In 2000, he was appointed to the Attorney General’s list of approved Counsel and to the list of the Counsel General to the National Assembly for Wales (subsequently Senedd Cymru/the Welsh Parliament) and has represented the United Kingdom Government on several occasions before the Court of Justice of the European Union in Luxembourg.

## Recent Cases

### Public Procurement, European and Competition Law

Since working with the European Commission in Brussels in the 1990's, Rhodri has long specialised in the law of the internal market as it affects the public sector, and, in particular, the EU public procurement regime, competition and state aid.

Rhodri has advised on and been involved in litigation concerning all aspects of public procurement, including application of the Teckal exemption, framework agreements, central purchasing bodies, service concessions, the competitive dialogue procedure and remedies. He was involved in the leading authority on time limits for bringing public procurement challenges in case C-406/08 *Uniplex (UK) Ltd v NHS Business Services Authority* [2010] ECR I-817, and in 2010 he was instructed to represent the successful appellants in the first ever case concerning public procurement to be heard before the Supreme Court in *Brent LBC v Risk Management Partners Ltd & London Authorities Mutual Ltd & Harrow LBC* [2011] UKSC 7. He has also represented the United Kingdom Government and other public bodies on several occasions before the European Court of Justice in Luxemburg.

Other cases in this area include the successful defence of a local authority on a claim of deceit arising out of the abandonment of a competitive dialogue tender procedure in *Montpellier Estates Ltd v Leeds City Council* [2013] EWHC 166 (QB) and, more recently, a claim for breach of the Public Contracts Regulations 2015, concerning provision of orthodontic services during the Covid-19 pandemic.

In relation to State aid, he has recently advised on such issues as exemption from the Community Infrastructure Levy, grants for heritage and culture projects, disposals of land and the application of block exemptions generally.

Rhodri is a long-standing representative of the Bar Council's Legislative Reform Committee and European Law Committee. He has also been appointed to the Bar Council's Retained EU Law Working Group, liaising between the Bar and HM Government on the status, extent and effect of Retained EU Law under the European Union (Withdrawal) Act 2018.

- **IDH Group Ltd-v-NHS Commissioning Board** [2021] EWHC (TCC) Claim for breach of the Public Contracts Regulations 2015 in respect of the procurement of a contract for the provision of orthodontic services challenging the decision to proceed to award contracts under various lots following a previous decision to pause the tender process during the Covid-19 pandemic.
- **Diagnostics ai Ltd-v-MDC Ltd** [2020] EWHC (TCC) Claim for breach of the Public Contracts Regulations 2015 in relation to the award of the contract for the provision of automated testing services at the UK Lighthouse Laboratories network, the national network of screening laboratories for the COVID-19 virus
- **SRCL Ltd-v-NHS Commissioning Board** [2018] EWHC 1985 (TCC) Claim for breach of the Public Contracts Regulations 2015 in respect of award of contract by the NHS in England under a framework agreement for the disposal of clinical waste on grounds that there was a breach of the rules governing abnormally low tenders
- **Lancashire Care NHS Foundation Trust-v-Lancashire CC** [2018] EWHC 1589 (TCC) Claim for breach of the Public Contracts Regulations 2015 in respect of the award of a contract using the "light touch regime" for the provision of care services by a local authority
- **Damira Dental Services Ltd-v-NHS Commissioning Board** [2017] EWHC (TCC) Claim for breach of the Public Contracts Regulations 2015 in respect of award of an NHS contract for the provision of dental services
- **Premaitha Ltd v Cardiff & Vale UHB** [2016] EWHC (TCC) Challenge to tender procedure held by Cardiff and Vale UHB for the award of a contract for the implementation of an in-house non-invasive prenatal testing (NIPT) screening service. The execution of the contract was suspended pursuant to the Public Contracts Regulations 2015. Successful application to lift automatic suspension under regulation Gill.
- **Montpellier Estates Ltd v Leeds City Council** [2013] EWHC 166 (QB) Successfully defended a local authority of claim for breach of the EU public procurement regime and for deceit.
- **Brent LBC v Risk Management Partners Ltd & London Authorities Mutual Ltd & Harrow BC** [2011] UKSC 7; [2011] LGR 169 Represented the Interested Parties on their successful appeal against the decisions of the High Court and Court of Appeal in respect of a claim for breach of

the EU public procurement regime in relation to the establishment by various London authorities of an insurance mutual to provide insurance services.

- **Lancashire County Council v EWC Ltd** [2010] EWCA Civ 1381; [2011] LGR 350 Successfully prosecuted appeal against finding of breach of the Public Contracts Regulations 2006 in respect of tender for waste management services.

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*“He is my go-to for public procurement work, has a wealth of experience in the procurement field, particularly when acting for a defendant. He is user-friendly and has an encyclopaedic knowledge of the regulations.”*

Legal 500 2022

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#### Public, Administrative & Local Government

Rhodri deals with a wide range of local government issues, including judicial review of post office closures, school reorganisation plans and school transport decisions. He deals with cases involving both local and regional government, including advising the Welsh Assembly Government and other Government Departments and local authorities, in England, Wales and in Northern Ireland. He appeared on behalf of the National Assembly for Wales on the first ever reference to the Supreme Court under the Government of Wales Act 2006 in *Local Government Byelaws (Wales) Bill 2012 – Reference by the Attorney General for England and Wales* [2012] UKSC 53.

He has represented local authorities in a number of challenges by way of judicial review to decisions in respect of school closure, school reorganisation and school transport. He has also advised local authorities on numerous occasions on their powers in respect of such decisions in the field of education. Finally, he often advises the Department of Education in relation to Government programmes and its duties, for example, to provide Institutes of Technology, the provision of Get into Teaching Service (GITIS) and the provision of education services to young offenders in custody.

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*“A very shrewd tactician with vast public law experience. An advocate with strong powers of persuasion and a calm, authoritative manner.”*

Legal 500 2023

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#### Education & Professional Career

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Keating Chambers, Barrister	2022
Henderson Chambers, Barrister	1999 – 2022
30 Park Place Chambers, Barrister	1997 - 2022
Welsh Government QC Panel	reappointed 2021
Legal Member of the Welsh Language Tribunal	2019-2024
Treasurer of the Wales and Chester Circuit	2017
Bencher of Gray's Inn	2015

Queen's Counsel	2010
Called to the Bar of Northern Ireland	2009
Inns of Court School of Law	1987
Dip Law PCL	1986
BA Exeter College Oxford	1985

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## Publications

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- Public Procurement Law Review (Sweet & Maxwell); member of editorial board

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## Memberships

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- Civil Justice Council (CJC) from 1 January 2019 to present.
- Bar European Group
- Administrative Law Bar Association
- Procurement Law Association
- Co-founder of the Public Law Wales

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## Languages

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In addition to English, Rhodri is also a fluent Welsh speaker and able to conduct hearings through the medium of Welsh, should that be necessary at any point.

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## Recommendations

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- *"A very shrewd tactician with vast public law experience. An advocate with strong powers of persuasion and a calm, authoritative manner."* (Legal 500, 2023)
- *"He's very insightful and certainly very able." "He's very good on really difficult complex cases and very strong on his feet."* (Chambers UK, 2022)
- *"Rhodri has encyclopaedic knowledge of public procurement law. He is very experienced and knows the law in Wales really well."* (Chambers UK 2022)
- *"He is my go-to for public procurement work, has a wealth of experience in the procurement field, particularly when acting for a defendant. He is user-friendly and has an encyclopaedic knowledge of the regulations."* (Legal 500 2022)
- *"Very knowledgeable and experienced in a range of areas. Rhodri provided clear, practical advice in conference and prepared comprehensive and robust pleadings which resulted in a very positive outcome for our client."* (Chambers UK, 2021)
- *"His strength comes from experience and knowledge of case law." "Rhodri is responsive with arguments and excels both in an advisory capacity and as an advocate." "He moves cases forward and can anticipate how they're going to run."* (Legal 500, 2021)
- *"He is responsive, practical and provides robust advice." "His performance in court is strong and focused."* (Chambers UK, 2020)
- *"Tactically very good, strong strategically and one of the leading names in the procurement space."* (Chambers UK, 2020)
- *"Extremely approachable and goes above and beyond what is required."* (Chambers UK, 2019)
- *"Great on the law and very responsive", "He is able to react quickly and decisively when handling cases of great complexity."* (Chambers UK, 2019)
- *"He is client-friendly and offers pragmatic advice. Very good and very easy to work with. He understood*

*what we were trying to achieve and gave us a quick turnaround on the advice.” (Chambers UK, 2018)*

- *“A very efficient silk, who is great to work with.” (Legal 500, 2017).*
- *“Specialises in the interface between domestic public law and EU public procurement principles. He is also a noted expert on constitutional issues in the context of Welsh devolution.”  
“He is a very bright and effective advocate. He has a national reputation as a leading exponent of public procurement law.” (Chambers UK, 2015)*
- *“He is one of those who has the detail of the law at his fingertips. He really knows his stuff. He’s very measured in his advice and it is difficult to beat him.” (Chambers UK, 2014)*