

Angus McCullough KC

Call: 1990 KC: 2010



Described as “a brilliant and balanced advocate” and being “exceptionally bright, able, independent-minded and thorough”, Angus is recognised as one of the leading KCs at the Bar across a range of different legal fields, with a particular strength in written and oral advocacy. In the Legal 500 2021 guide, clients described Angus as “undoubtedly the leading Special Advocate – the silk of choice in any national security or fair trial issue.”

Angus McCullough KC has extensive experience in matters of public and private law on behalf of individuals, private bodies, Government departments, and other public bodies. He has been appointed to act as amicus curiae (advocate to the court) on many occasions, including in the phone hacking trial of *R v Rebekah Brooks et al* and committal proceedings against Stephen Yaxley-Lennon (aka Tommy Robinson). He has appeared in the Court of Appeal, the Supreme Court, as well as representing the UK Government at the UN in Geneva and in European Court of Human Rights in proceedings in Strasbourg. He has acted in 9 cases before the House of Lords / Privy Council / Supreme Court.

He conducts medical claims of the highest value and complexity for both claimants and defendants. He won the Chambers and Partners award for personal injury and clinical negligence barrister of the year 2009, took silk in 2010, and medical law remains a major specialism. Angus is available to act as a mediator in personal injury and clinical negligence disputes, bringing his extensive experience acting for both sides in the field to facilitate resolution. He also advises and appears in regulatory and disciplinary matters.

Angus has been instructed as the special advocate in some of the most high profile cases of recent years in the field of national security, and has been active in promoting understanding and debate in relation to closed material procedures.

Notable national security cases include:

- **Shamima Begum:** Appeal against deprivation of British citizenship, in SIAC, the Court of Appeal, and Supreme Court.
- ‘Third Direction’: Challenge brought by Privacy International and others to the regime for authorising

participation in crime by MI5 agents; appeal to the Court of Appeal due in 2021.

- 'Bulk Data': Judicial review brought by Privacy International of the Investigatory Powers Tribunal decision in relation to arrangements for sharing by GCHQ of bulk datasets with foreign agencies; hearing due in 2021
- LTTE ('Tamil Tigers'): Appeal against refusal of deproscription before Prescribed Organisations Appeals Commission; appeal allowed by POAC in October 2020.
- CAAT: Challenge to UK licensing of arms sales to Saudi Arabia; appeal to the Supreme Court withdrawn in 2020, with challenge to re-taken licensing decision pending.
- Chagos Islanders Litigation (Bancoult et al): Appointed by the Divisional Court to act as Public Interest Immunity Advocate, 2018
- Abu Qatada: Proceedings in various courts, including the House of Lords, against high profile Islamist preacher
- Zatuliveter: Alleged Russian spy whose appeal against deportation was allowed
- AF (No.3): House of Lords case considering requirements of fairness in control order proceedings
- Al Rawi: Civil claim of Guantanamo detainees against the UK Government
- Pham: Statelessness and deprivation of British citizenship
- Sarkandi and McGartland: First two appeals against closed procedures ordered under s.6 of the Justice and Security Act 2013

Contempt of Court is an area of specialist expertise. He has been instructed by the Attorney General in cases of press and juror contempt, including the 'Facebook juror' case, and the first contempt proceedings brought against a newspaper for an online publication. He was appointed as amicus in the phone hacking criminal trial of *R v Rebekah Brooks and others*, to advise the court in relation to reporting restrictions and costs. Angus represented the UK Government in *Dallas v UK*, in *Strasbourg*, a case of juror contempt. He was also appointed as amicus in the committal proceedings in the Old Bailey against Stephen Yaxley-Lennon (Tommy Robinson).

Since its launch, he has been an editor of the [UK Human Rights blog](#), which was set up and is maintained by members of 1 Crown Office Row. He also contributes to the Quarterly Medical Law Review (QMLR).

Before turning to law, Angus read Zoology at Oxford where he was President of the Oxford Union. He then worked in Zambia as a safari guide. He maintains his interest in natural history above and below water, and has co-authored various papers on butterflies and hoverflies in the Hebrides and Madeira. He is a Fellow of the Royal Geographical Society and of the Linnean Society.

"He has a phenomenal brain. He is incredibly effective and his capacity for work is just unstinting. He is calm and in control, and inspires complete confidence."

Chambers & Partners 2023

"Angus is quite simply brilliant; he is incisive, erudite and immensely knowledgeable, with a practical approach to litigation."

Legal 500 2023

"He is someone everyone wants on their case – he is the best Special Advocate around." "He is so well known for being embedded in significant and difficult cases."

Chambers & Partners 2023

Public Law

An esteemed public law silk, he is renowned for his adept handling of SIAC work, which often centres on national security matters. He routinely acts for both claimants and the government in complex, high-profile cases.

Selected Cases

- **Shamima Begum**: SIAC appeal against deprivation of British citizenship, as widely reported having left UK as a 15 year old to join ISIS.
- **A & ors v Home Secretary (2020)**: Challenge to the refusal to deproscribe the Tamil Tigers (LTTE) them as a terrorist organisation.
- **Campaign Against the Arms Trade v Secretary of State for International Development [2019] EWCA Civ 1020**: Challenge to the Government's licensing of arms sales to Saudi Arabia; Supreme Court Appeal pending.
- **Saifullah v. Home Secretary (2020)**: Challenge to the adequacy of investigation into deaths of Afghans in the course of a raid by a UK Army unit in Afghanistan.
- **Reprieve v Prime Minister (2020)**: Challenge to the decision not to hold a public inquiry into the UK's alleged involvement in unlawful rendition and torture post 9/11.
- **Privacy International v. Security Service (2020)**: Challenge to the policy for authorisation by MI5 for agents to participate in criminal activity.
- **Re: Stephen Yaxley-Lennon (aka Tommy Robinson) [2018] EWCA Crim 1856**: acted as advocate to the court in the remitted contempt of court proceedings involving Stephen Yaxley-Lennon, who is known for political purposes as Tommy Robinson.
- **Rahmatullah v MoD and others [2017] EWHC 547**: Civil claim alleging mistreatment and unlawful transfer to US custody by UK state; acting as special advocate.
- **R (MR) v SSHD [2017] EWHC 469 (Admin)**: Challenge to cancellation of British passport.
- **McGartland v SSHD [2015] EWCA Civ 686**: Consideration by CA of principles to be applied in permitting closed material procedure under s.6 of the Justice and Security Act 2013.
- **Secretary of State for the Home Department v AF, AN and AE ("AF No.3") [2009] UKHL 28.**
- **R (Baiai & Others) v Secretary of State for the Home Department [2009] 1 AC 287, House of Lords.**
- **Savage v South Essex Partnership NHS Trust [2009] 2 WLR 115, House of Lords.**
- **OO (Jordan) v Secretary of State for the Home Department [2009] 2 WLR 512, House of Lords.**
- **R (Quila) v SSHD [2012] 1 AC 621, Supreme Court.**
- **Dallas v UK, ECtHR**: Application to Strasbourg Court by juror imprisoned for contempt of court in researching case on the internet.

Clinical Negligence

He has extensive experience in conducting claims of the highest value and complexity, including obstetrics and fetal medicine, neonatal management, neurosurgery, management of spinal injuries, infectious diseases (including TB and meningitis), and anaesthetics.

Angus recently secured a settlement of nearly £5m plus annual sums for brain injury at birth, as reported [here](#).

Selected Cases

- **H v. A and others (2020)**: Represented NHS England in a test case concerning a primary trust's non-delegable duty of care providing treatment in an out of hours centre.
- **ICX v. NHS Trust (2020)**: Acted for Trust in claim brought by second twin for brain injury sustained at birth.
- **SWM v. NHS Trust (2020)**: Complex wrongful birth claim arising from failure of antenatal diagnosis.
- **BBB v. King's Lynn (2020)**: Acted for Claimant in high value claim concerning brain injury which led to challenging behaviour.
- **Bolitho v City & Hackney Health Authority (CA)**.
- **Savage v South Essex Partnership NHS Trust [2009] 2 WLR 115, House of Lords**.
- **Plampin v Havering NHS PCT [2006] EWHC 39, Forbes J**.
- **Holt v Edge [2007] EWCA Civ 602, CA**.
- **EW v Johnson [2015] EWHC 276 (QB)**: Claim against GP alleging fail-ure to refer child with pneumococcal meningitis.
- **EXP v Barker [2015] EWHC 1289**: Alleged failure to identify vascular abnormality in MRI brain scan.
- **McGuinn v Lewisham & Greenwich NHST [2017] EWHC 88 (QB)**: 'Wrongful birth' claim; failure to refer for further investigation and advice in relation to antenatal abnormalities.
- **Winspear v City Hospitals Sunderland NHSFT [2015] EWHC 3250 (QB)**: Human rights claim arising out of 'do not attempt cardio-pulmonary resuscitation order.'

Inquests

Angus is experienced at handling high profile inquests and public inquiries, often involving sensitive or confidential information.

Selected Cases

- **Bournemouth helicopter crash**.
- **Private plane crash at RAF St Mawgan**.
- **Death of overseas visitor requiring heart transplant**.

Professional Discipline & Regulation

Angus has long experience of acting before regulatory panels, and on appeal, in particular on behalf of doctors and dentists. He also frequently advises representative bodies on regulatory and policy issues (recent examples being tooth whitening, fluoride varnish, eye laser surgery, and entry onto specialist lists).

Selected Cases

- **R (Shiekh) v General Dental Council [2007] EWHC 2972 (Admin):** Termination of a suspension order.
- **Dad v General Dental Council [2000] 1 WLR 1538, Privy Council:** Successful appeal against sanction to the Privy Council on behalf of dentist.

Environmental Law

Selected Cases

- **Aarhus Convention Compliance Committee: 5 cases – 2009/10:** Appeared in the UN in Geneva on behalf of the UK Government.
- **United Utilities Water Plc v Environment Agency [2007] 1 WLR 2707, House of Lords.**
- **R (Greenpeace) v Secretary of State for Environment, Food and Rural Affairs [2006] Env LR 19:** Challenge to the Defra's measures to tackle the problem of dolphin bycatch in pair trawling.
- **Environment Agency v Inglenorth Ltd [2009] EWHC 670 (Admin) Divisional Court:** Concerning the meaning of 'waste'.
- **Redfern Inquiry:** Represented one of the principal nuclear industry bodies.

Arbitration & Mediation

Angus is a qualified Arbitrator and member of the Personal Injury and Clinical Negligence Arbitration Service (PICARBS). He also has long experience of mediation and other forms of Alternative Dispute Resolution, and is available for appointment as a Mediator.

Appointments

- Elected Bencher, Middle Temple (2016)
- Special Advocate (Northern Ireland) (2016)
- Called to the Bar of Northern Ireland (2016)
- Arbitrator, PICARBS (Personal Injury & Clinical Negligence Arbitration Service) (2016)
- Special Advocate (England & Wales) (2002)
- Trustee, Barristers' Benevolent Association (2000)
- Member of Treasury "A" Panel (2002-2010)
- Member of Treasury "B" Panel (1997-2002)

Awards

Chambers & Partners 'Personal Injury/Clinical Negligence Barrister of the Year' Bar Award (2009)

Education

- Diploma in Law, Polytechnic of Central London (1989)
- MA, Pembroke College, Oxford (BA (Hons) 1987)

Memberships

- PNBA
- ALBA
- HRLA
- PIBA
- UKELA

Publications

- Editor of the White Book (2019 – present)
- Contributor to chapter on Closed Proceedings in National Security, Ward and Jones (2021)
- Judicial Review, Issue 2, Volume 24 (2019) 'Disclosure in Closed Material Proceedings: What Has to Be Revealed?'
- Contributor to chapter on Nature Conservation, Burnett-Hall on Environmental Law, Second and Third Editions, (2008 and 2013)
- *The Thundering Tide: Contempt in the age of the internet*' Lecture to the Government Legal Department (2012)
- Contributor to the 1COR Quarterly Medical Law Review (QMLR)
- Editor of the UK Human Rights Blog.