

David Manknell

Call: 2001



David Manknell practises principally in public law, inquests and medical law. He has been described by the Directories as *“a powerful intellect, very hardworking, great judgement...”*, *“a meticulous barrister, able and willing to run carefully crafted legal arguments”*, *“exceptionally bright and hard-working”* and *“thorough, approachable and very sensible”*.

He has been a member of the Attorney General’s panels of Counsel since 2006, and the A-Panel since 2015 (reappointed in 2019).

David is a leading barrister in his practice areas, and has acted in some of the most high-profile, significant and complex cases in those fields. His recent experience has included:

- Representing the Air Accident Investigation Branch in the inquests arising from the two most high profile air accidents in recent years, the Shoreham air crash, and the death of the Premier League footballer Emiliano Sala in a light aircraft.
- Acting for the UK in a claim in the European Court of Human Rights in Strasbourg, in respect of the removal of stateless Palestinians from the UK to camps in Lebanon (*HA v UK*)
- A central role as Counsel for the RAIB in the inquest into the deaths in the Croydon tram disaster, Britain’s worst tram accident for over 90 years.
- Acting for the Parole Board at all levels, including the Supreme Court, in the leading case on Article 5 ECHR and procedural fairness (*R(Osborne) v Parole Board*).
- Acting as junior counsel to the Investigatory Powers Tribunal in the claims about GCHQ surveillance arising from the Edward Snowden leaks (*Liberty v GCHQ & Foreign Secretary*).
- Representing the Secretary of State for Justice in the leading case of the division of responsibility between state-run and privately-run prisons (*R(LW) v Sodexo and SSJ*)
- Representing the Home Office in the challenges relating to the accommodation of asylum-seekers in former military barracks (*R(NB) v SSHD – Napier Barracks*)
- Representing the SSHD in the “burka ban” case in the Court of Appeal; on the effect of the French burka ban on removal to France of young Muslims. (*R(Baradaran v SSHD)*)

- Representing the Home Office in respect of the expedited process operated for young asylum seekers following the closure of the 'jungle' camp in Calais (*R(Citizens UK v SSHD)*).
- Appearing in the leading authority on causation in medical negligence (*Gregg v Scott*)

"David is a meticulous barrister, able and willing to run carefully crafted legal arguments and persuade a sceptical tribunal."

Legal 500 2023

"A powerful intellect, very hardworking, great judgement, and superb written advocacy."

Legal 500 2023

"He is excellent in conference and on his feet with a real eye for detail."

Legal 500 2022

Public Law

David has acted in hundreds of claims for judicial review across a broad range of areas including immigration and asylum, healthcare, prison law and criminal justice, regulatory proceedings, education, licensing, pensions and benefits, and national security matters, and often on further appeal to the Court of Appeal. He has particular expertise in cases involving direct challenges to policy changes, including issues about consultation. Many of his cases concern issues of equality and discrimination law.

He has been a member of the Attorney-General's panel of Counsel since 2006 and was appointed to the A-Panel in 2015 (reappointed in 2019). He is regularly instructed in cases that are high profile, and often featured in the national press, and those which relate to very sensitive issues for his clients.

Examples of his work in immigration and asylum include the legal challenges to the accommodation of asylum seekers in Napier Barracks (*R(NB) v SSHD*), the *Detention Action* case in respect of the use of immigration detention during the Covid-19 lockdown, the "burka ban" case in the Court of Appeal on removals of Muslims to France (*R(Baradaran v SSHD)*) and the cases about Home Office actions in the Calais 'jungle' camp (*Citizens UK*) and relocation of child refugees under the Dubs Amendment (*R(Help Refugees)*).

In the sphere of justice and prison law, David's experience includes acting for the Parole Board in a series of cases, including in *R(Osborn) v Parole Board*, the leading case on procedural fairness under Article 5, all the way to the Supreme Court. Other cases include *R(X) v NPS* in respect of the separation of a terrorist from his children when released on licence, *R(LW) v Sodexo and SSJ*, which is the leading authority on the division of responsibility between the state and a private prison operator, and *R(Ali) v SSJ*, on the ban introduced on sending books to prisoners.

Other significant public law cases include a number of cases about the adequacy of consultation processes, including challenges to consultations for Building Regulations made after the Grenfell Tower fire (*R(BBSA) v*

SSHCLG), and to the consultation process for reform of the Criminal Injuries Compensation Scheme (*R(Mitchell) v SSJ*).

David has also been junior counsel to the Investigatory Powers Tribunal in the claims about GCHQ surveillance arising from the Edward Snowden leaks, and has represented the UK in a claim in Strasbourg about stateless Palestinians.

He has a thorough knowledge of all aspects of procedure for judicial review, including where urgent and immediate relief is needed from the Court.

Selected Cases

- **HM Senior Coroner for West Sussex v Chief Constable of Sussex [2022] EWHC 215 (QB)**. Application by the Senior Coroner for West Sussex to the High Court on matters relating to the scope of the Shoreham inquest.
- **R(NB) v SSHD [2021] EWHC 1489 (Admin); [2021] 4 W.L.R. 92**. Represented the SSHD in this challenge to the accommodation of asylum seekers at Napier former military barracks.
- **R(Mitchell) v Secretary of State for Justice [2021] EWHC 2248 (Admin); [2021] A.C.D. 112**: Represented the SSJ in this challenge to the consultation process for reform of the Criminal Injuries Compensation Scheme.
- **R (Abidoye) v SSHD [2020] EWCA Civ 1425**: Successful in Court of Appeal over challenge to deportation policy.
- **R(Detention Action) v SSHD [2020] EWHC 732 (Admin)**: Challenge to part of the Government's Covid-19 response, namely the continuing immigration detention, and established the wide margin of appreciation for Covid-related operational choices
- **R(LW) v Sodexo and Secretary of State for Justice [2019] EWHC 367 (Admin) [2019] 1 W.L.R. 5654**. A challenge to the SSJ for breaches of human rights caused by the private prisoner operator. The leading case on the residual responsibilities of the SSJ.
- **National Probation Service v Blackfriars Crown Court Citizens UK v SSHD [2019] EWHC 529 (Admin)**. Appeal that decided whether the Crown Court can extend the time for completion of unpaid work under a community order after the end date specified in the order.
- **R(British Blind and Shutter Association) v Secretary of State for Housing, Communities and Local Government [2019] EWHC 3162 (Admin)**. Judicial review decision, quashing Building Regulations made following the Grenfell Tower fire, which banned the use of external shutters, blinds and awnings on high-rise residential buildings.
- **SSHD v ZAT & Others [2016] EWCA Civ 810; [2016] 1 W.L.R. 4894, and R(ZAT) v SSHD [2016] UKUT 61**
- **(IAC)**: The Calais children litigation. This was the joined cases concerning children residing in the camp known as the jungle in Calais. The legal issue was the extent to which the UK was obliged to admit those who claimed to have family in the UK, when they had not claimed asylum in France.
- **R (MK) v Secretary of State for the Home Department [2019] EWHC 3573**: Complex judicial review involving a systemic challenge to the speed of Home Office decision-making in respect of unaccompanied asylum-seeking children.
- **BBC & Press v SSHD & AAIB [2019] EWHC 135**: High Court refusal of BBC application for Shoreham Air Crash cockpit footage.
- **Kimathi & others v FCO [2018] EWHC 2066 (QB) (02 August 2018)**: Instructed in the Kenyan Emergency Group Litigation (Mau Mau insurgency).

- **R (Help Refugees Ltd) v SSHD [2017] 4 WLR:** Defended the SSHD's implementation of the 'Dubs Amendment' scheme under s.67 of the Immigration Act 2016. Issues in respect of the consultation process, the setting of the number of children to be transferred, and the process adopted.
- **Citizens UK v SSHD [2017] EWHC 2301 (Admin):** Defended the SSHD's procedures following the closure of the camp in Calais ('The Jungle').
- **R (X) v National Probation Service [2017] EWCA Civ 155:** Lawfulness of separating terrorist offender from his children during probation period, without proceedings under the Children Act.
- **SSHD v ZAT & Others [2016] EWCA Civ 810; [2016] 1 W.L.R. 4894, and R(ZAT) v SSHD [2016] UKUT 61 (IAC):** The Calais children litigation. This was the joined cases concerning children residing in the camp known as the jungle in Calais. The legal issue was the extent to which the UK was obliged to admit those who claimed to have family in the UK, when they had not claimed asylum in France.
- **R (Pour & Others) v SSHD [2016] EWHC 401 (Admin); [2016] 2 C.M.L.R. 47:** Four joined test cases which concerned whether asylum seekers can be returned to Cyprus as a safe third country, given alleged deficiencies in Cypriot procedure and facilities.
- **Chief Constable for Sussex v Secretary of State for Transport [2016] EWHC 2280 (QB):** Acted on behalf of the Air Accidents Investigation Branch in this case. This was the first determination in England & Wales in respect of an application for disclosure of material protected pursuant to the Chicago Convention for use in a prosecution.
- **Liberty v GCHQ & Foreign Secretary [2015] 3 All E.R. 212; [2015] 1 Cr. App. R. 24; [2015] H.R.L.R.**
- **7:** David acted as Junior Counsel to the Investigatory Powers Tribunal the claim based on alleged mass surveillance that was brought against GCHQ.
- **R (Ali) v Secretary of State for Justice [2015] EWHC 2221 (Admin):** Controversial case concerned the lawfulness of the "book ban" that prevented prisoners from receiving books and other material sent to them from outside the prison.
- **R (B) v SSHD [2014] EWCA Civ 854; [2014] 1 W.L.R. 4188:** The "burka ban" case, in the Court of Appeal. This concerned whether the French burka ban prevented removal to France of a young asylum seeker who wore the burka, and would not be permitted to attend school in France.
- **R (Osborn) v Parole Board [2013] UKSC 61; [2014] A.C. 1115; [2013] 3 W.L.R. 1020:** In this case the Supreme Court gave guidance about the circumstances in which the Parole Board was required to hold an oral hearing in order to comply with its common law duty of fairness and the European Convention on Human Rights 1950 art.5(4) when determining a prisoner's application for release or transfer to open prison conditions.
- **L1 v SSHD [2013] EWCA 906:** National security appeal from SIAC: issues regarding use of closed material at the strike out stage, and whether an abuse of process to serve a deprivation decision when Appellant out of the country.
- **R (Sturnham) v Parole Board & SSJ [2012] EWCA Civ 452:** Prison law: Right to damages for breach of Article 5(4) for a delayed hearing.)
- **NP (Sri Lanka) v SSHD [2012] EWCA Civ 906:** Immigration: Whether Secretary of State can rely on internal relocation in an appeal to the UT, when it did not form part of their case in the original refusal or the FTT.
- **R (Chen) v SSHD [2012] EWHC 2531 (Admin):** Alleged discrimination in system of accommodation support for asylum seekers.
- **RS (Pakistan) v SSHD [2011] EWCA Civ 434:** Immigration / education: Students who fail their examinations cannot remain in the United Kingdom as students whilst waiting to re-sit the examinations, unless they are in the meantime attending a full-time course of study.
- **SS & Others (Sovereign immunity claim – Certificate conclusive) Malaysia [2009] UKAIT**

- **00007:** International law: refusal to extend sovereign or diplomatic immunity to the Sultan of Pahang, Malaysia under the State Immunity Act 1978 and the Diplomatic Privileges Act 1964.

Clinical Negligence

David acts for both Claimants and Defendants and has appeared in some of the leading cases in this area, including *Gregg v Scott* in the House of Lords (loss of a chance) and *Thompstone* in the Court of Appeal (indexation of periodical payments). He regularly acts in cases where injuries are of the utmost severity. He has particular expertise in cases with an international element, including where the injury was occurred overseas or where the Claimant now resides abroad and requires care of treatment abroad.

Selected Cases

- **George v Attorney General of St Helena v Vincent Pallotti Hospital (2020).** A clinical negligence claim where the AG had brought a third-party claim against a South African hospital in a claim before the Chief Justice of St Helena involving issues of private international law, including *forum non conveniens* and service out of the jurisdiction.
- **Gregg v Scott [2005] 2 A.C. 176 (HL):** Damages for lost chances of survival following negligent treatment.
- **Tameside & Glossop Acute Services NHS Trust v Thompstone & Ors [2008] EWCA Civ 5; [2008] 1 W.L.R. 220:** Indexation of periodical payments.
- **Young v Krishna [2016]:** Claim against spinal surgeon for unsuccessful fusion surgery.
- **AW v HCA International:** Meningitis and brain damage in child following GBS infection shortly after birth. Successfully acted for Claimant in very substantial claim.
- **PW & LW v Cambridge University Hospitals NHS Trust:** Acted for Defendant in wrongful birth claim arising out of negligent failure in respect of the triple test, which would have identified Downs syndrome and led to a termination.
- **Beaumont v Ministry of Defence [2009] EWHC 1258 (QB):** High Court appeal concerning right to instruct second expert in same discipline.
- **A v Hosking v Anr:** Multi-million pound transnational clinical negligence claim involving complex issues of private international law, the injury occurring overseas.
- **CH v Walsall Helthcare NHS Trust:** Cerebral palsy claim, catastrophic injury. Led by Paul Rees KC.
- **BW v The Hillingdon Hospital NHS Trust:** Cerebral palsy claim, led by Paul Rees KC.
- **LT v (1) Bupa Cromwell Hosp & Others:** High value clinical negligence, where care and treatment being provided in the USA, with issues in respect of availability of Medicare and Medicaid.

Inquests

David represents both institutions and private clients at inquests. This is often in inquests either involving deaths in custody or where there are perceived failings by hospitals or healthcare practitioners, but his inquest experience is wide and extends, for example, to deaths of soldiers on active service overseas, air crashes and serious traffic accidents.

He regularly represents families of the deceased, the Prison Service, hospitals and healthcare practitioners, as well as private sector companies and organisations who are granted interested persons status.

He is the author of two chapters in “The Inquest Book” (2016, Hart Publishing, ed. Garnham and Cross).

Selected Cases

- **Shoreham Air Crash (2022)**: Death of 11 spectators following crash of Hawker Hunter jet at an airshow.
- **Inquest into death of Emiliano Sala (2022)**: Death of footballer following plane crash.
- Inquests into the seven deaths caused in the Croydon tram disaster (2021).
- **Re Teyneen Taylor (2020)**: Death of mental health campaigner and blogger in psychiatric hospital.
- **Re Alex Malcom (2019)**: Murder of toddler by mother’s boyfriend while released on licence.
- **Re Imran Douglas (2015)**: Death of young offender at HMP Brixton, following transfer from YOI.
- **Re Daniel Byrne (2015)**: Death of inmate at HMP Woodhill.
- **Re Sgt Loughran-Dickson (2014)**: Death of soldier on active service in Afghanistan.
- **Re NM (2014)**: Death of mother caused stroke during childbirth, misinterpreted MRI.
- **Re Thi Hien Tran (2013)**: Death of prisoner in custody following series of healthcare errors.
- **Re David Love (2013)**: Death in custody, suicide.
- **Re Robin Blowes (2012)**: Patient in confused post-operative state who fell from hospital window. Subsequent HSE prosecution.
- **Re Raymond Lane (2012)**: Issues over adequacy of review of scans for patient with brain tumour.

Human Rights

David has acted in hundreds of claims for judicial review across a broad range of areas including healthcare, prison law, regulatory proceedings, education, licensing, asylum, immigration and national security matters, and often on further appeal to the Court of Appeal.

He has been a member of the Attorney-General’s panel of Counsel since 2006 and was appointed to the A-Panel in 2015 (re-appointed in 2019). He is regularly instructed in cases that are high profile, and often featured in the national press, and those which relate to very sensitive issues for his clients.

His significant human rights cases include challenges under Articles 3, 5 and 8 to the accommodation of asylum seekers in Napier Barracks (*R(NB) v SSHD*), the *Detention Action* case in respect of the use of immigration detention during the Covid-19 lockdown, *R(Osborn) v Parole Board* in the Supreme Court on the requirements of procedural fairness under Article 5, and *R(LW) v Sodexo and SSJ*, which is the leading authority on the residual responsibilities of the SSJ for breaches of Articles 3 and 8 by a private prison operator.

In 2015 he was junior counsel to the IPT in the claims about GCHQ surveillance arising from the Edward Snowden leaks.

He has a thorough knowledge of all aspects of procedure for judicial review, including where urgent and immediate relief is needed from the Court.

Selected Cases

- **R(NB) v SSHD [2021] EWHC 1489 (Admin); [2021] 4 W.L.R. 92.** Represented the SSHD in this challenge to the accommodation of asylum seekers at Napier former military barracks.
- **R (Abidoye) v SSHD [2020] EWCA Civ 1425:** Successful in Court of Appeal over challenge to deportation policy.
- **R(Detention Action) v SSHD [2020] EWHC 732 (Admin):** Challenge to part of the Government's Covid-19 response, namely the continuing immigration detention, and established the wide margin of appreciation for Covid-related operational choices
- **R(LW) v Sodexo and Secretary of State for Justice [2019] EWHC 367 (Admin) [2019] 1 W.L.R. 5654.** A challenge to the SSJ for breaches of human rights caused by the private prisoner operator. The leading case on the residual responsibilities of the SSJ.
- **R (Help Refugees Ltd) v SSHD [2017] 4 WLR:** Defended the SSHD's implementation of the 'Dubs Amendment' scheme under s.67 of the Immigration Act 2016. Issues in respect of the consultation process, the setting of the number of children to be transferred, and the process adopted.
- **Citizens UK v SSHD [2017] EWHC 2301 (Admin):** Defended the SSHD's procedures following the closure of the camp in Calais ('The Jungle').
- **R (X) v National Probation Service [2017] EWCA Civ 155:** Lawfulness of separating terrorist offender from his children during probation period, without proceedings under the Children Act.
- **SSHD v ZAT & Others [2016] EWCA Civ 810; [2016] 1 W.L.R. 4894 & R(ZAT) v SSHD [2016] UKUT 61 (IAC):** The Calais children litigation. This was the joined cases concerning children residing in the camp known as the jungle in Calais. The legal issue was the extent to which the UK was obliged to admit those who claimed to have family in the UK, when they had not claimed asylum in France.
- **R (Pour & Others) v SSHD [2016] EWHC 401 (Admin); [2016] 2 C.M.L.R. 47:** Four joined test cases which concerned whether asylum seekers can be returned to Cyprus as a safe third country, given alleged deficiencies in Cypriot procedure and facilities.
- **Liberty v GCHQ & Foreign Secretary [2015] 3 All E.R. 212; [2015] 1 Cr. App. R. 24; [2015] H.R.L.R. 7:** David acted as Junior Counsel to the Investigatory Powers Tribunal the claim based on alleged mass surveillance that was brought against GCHQ.
- **R (Ali) v Secretary of State for Justice [2015] EWHC 2221 (Admin):** This controversial case concerned the lawfulness of the "book ban" that prevented prisoners from receiving books and other material sent to them from outside the prison.
- **R(B) v SSHD [2014] EWCA Civ 854; [2014] 1 W.L.R. 4188:** The "burka ban" case, in the Court of Appeal. This concerned whether the French burka ban prevented removal to France of a young asylum seeker who wore the burka, and would not be permitted to attend school in France.
- **R (Osborn) v Parole Board [2013] UKSC 61; [2014] A.C. 1115; [2013] 3 W.L.R. 1020:** Supreme Court gave guidance about the circumstances in which the Parole Board was required to hold an oral hearing in order to comply with its common law duty of fairness and the European Convention on Human Rights 1950 art.5(4) when determining a prisoner's application for release or transfer to open prison conditions.
- **L1 v SSHD [2013] EWCA 906:** National security appeal from SIAC: issues regarding use of closed material at the strike out stage, and whether an abuse of process to serve a deprivation decision when Appellant out of the country.
- **R (Sturnham) v Parole Board & SSJ [2012] EWCA Civ 452:** Prison law: Right to damages for breach of Article 5(4) for a delayed hearing.

- **NP (Sri Lanka) v SSHD [2012] EWCA Civ 906:** Immigration: Whether Secretary of State can rely on internal relocation in an appeal to the UT, when it did not form part of their case in the original refusal or the FTT.
- **R (Chen) v SSHD [2012] EWHC 2531 (Admin):** Alleged discrimination in system of accommodation support for asylum seekers.
- **RS (Pakistan) v SSHD [2011] EWCA Civ 434:** Immigration / education: Students who fail their examinations cannot remain in the United Kingdom as students whilst waiting to re-sit the examinations, unless they are in the meantime attending a full-time course of study.
- **SS & Others: Sovereign immunity claim – certificate conclusive.) Malaysia [2009] UKAIT 00007.**
International law: refusal to extend sovereign or diplomatic immunity to the Sultan of Pahang, Malaysia under the State Immunity Act 1978 and the Diplomatic Privileges Act 1964.

Healthcare

David has expertise across a range of areas of healthcare law, in addition to his clinical negligence practice. This includes both public law and private law claims, and relates to, amongst other things: challenges by way of judicial review to hospital closures and reconfigurations, availability of specific treatments and drugs, contractual and structural issues in the NHS (especially GPs and dentists), mental health law, medical product liability, cases involving ethical questions such as consent to treatment, and cases relating to confidentiality and patient information.

Selected Cases

- **Higgs v West Essex Primary Care Trust:** Challenge by way of Judicial Review of refusal of funding for surgical procedures.
- **Dr Lie v NHS Commissioning Board:** Claim for breach of contract against NHS England, and further appeal to the Court of Appeal. Issue as to the contractual terms, and effect of Art.1 Protocol 1 ECHR on exclusion of contractual rights.
- **Carter v Secretary of State for Justice:** Judicial review claim, challenging failure to provide appropriate psychiatric treatment to life sentence prisoner. Dispute as to responsibilities of NHS and Secretary of State.
- **CB v S Trust (Ryder J):** Declaration obtained that would be in a four year old child's best interests to receive alternative treatment for neuroblastoma in contested case. Funded by the Neuroblastoma Alliance.
- **Walnuttree Hospital (Jackson v Suffolk PCT):** Judicial review claim challenging hospital closure/ reconfiguration, and challenge to consultation process.
- **Orchard Hill: (Harman and Hewitt v Sutton & Merton PCT):** Judicial review claim challenging long-stay hospital closure/ reconfiguration, consultation and "homes for life" promises.

Immigration

David's practice encompasses all aspects of immigration and asylum law. He has appeared in hundreds of

claims for judicial review in this area, and regularly appears in the Court of Appeal.

Selected Cases

- **R(NB) v SSHD [2021] EWHC 1489 (Admin); [2021] 4 W.L.R. 92.** Represented the SSHD in this challenge to the accommodation of asylum seekers at Napier former military barracks.
- **R(Mitchell) v Secretary of State for Justice [2021] EWHC 2248 (Admin); [2021] A.C.D. 112:** Represented the SSJ in this challenge to the consultation process for reform of the Criminal Injuries Compensation Scheme.
- **R (Abidoye) v SSHD [2020] EWCA Civ 1425:** Successful in Court of Appeal over challenge to deportation policy.
- **R(Detention Action) v SSHD [2020] EWHC 732 (Admin):** Challenge to part of the Government's Covid-19 response, namely the continuing immigration detention, and established the wide margin of appreciation for Covid-related operational choices
- **R(Help Refugees Ltd) v SSHD [2017] 4 WLR:** Defended the SSHD's implementation of the 'Dubs Amendment' scheme under s.67 of the Immigration Act 2016. Issues in respect of the consultation process, the setting of the number of children to be transferred, and the process adopted.
- **Citizens UK v SSHD [2017] EWHC 2301 (Admin):** Defended the SSHD's procedures following the closure of the camp in Calais ('The Jungle').
- **SSHD v ZAT and others [2016] EWCA Civ 810; [2016] 1 W.L.R. 4894, and R(ZAT) v SSHD [2016] UKUT**
- **61 (IAC):** The Calais children litigation. This was the joined cases concerning children residing in the camp known as the jungle in Calais. The legal issue was the extent to which the UK was obliged to admit those who claimed to have family in the UK, when they had not claimed asylum in France.
- **R(Pour and others) v SSHD [2016] EWHC 401 (Admin); [2016] 2 C.M.L.R. 47:** Four joined test cases which concerned whether asylum seekers can be returned to Cyprus as a safe third country, given alleged deficiencies in Cypriot procedure and facilities.
- **R(Hassan and Karada) v SSHD (IJR) [2016] UKUT 452 (IAC):** This was a test case in respect of whether asylum seekers who had previously claimed asylum in Malta can safely be returned to Malta for their claims to be considered, given the restrictions facing such claimants in Malta.
- **R(Dudaev) v SSHD [2015] EWHC 1641 (Admin); [2015] 3 C.M.L.R. 37:** This case before the Divisional Court covered important legal issues in respect of the compatibility with the EU Charter of UK legislation governing transfers of asylum seekers back to other European countries.
- **R (AI) v SSHD [2015] EWHC 244 (Admin):** Dublin regulation: returns to France and French fast-track asylum procedure.
- **R(B) v SSHD [2014] EWCA Civ 854; [2014] 1 W.L.R. 4188:** The "burka ban" case, in the Court of Appeal. This concerned whether the French burka ban prevented removal to France of a young asylum seeker who wore the burka, and would not be permitted to attend school in France.
- **R(Brit College) v SSHD [2014] EWHC 4164 (Admin):** Revocation of sponsor licence for Higher Education College. Lawfulness of "bright line" rules.
- **R(Warnborough College Ltd) v SSHD [2013] EWHC 3915 (Admin):** Revocation of sponsor licence, alleged impossibility of requirements.
- **NP(Sri Lanka) v SSHD [2012] EWCA Civ 906:** Whether Secretary of State can rely on internal relocation in an appeal to the UT, when it did not form part of their case in the original refusal or the FTT.
- **RS (Pakistan) v SSHD [2011] EWCA Civ 434:** Students who fail their examinations cannot remain in the United Kingdom as students whilst waiting to re-sit the examinations, unless they are in the meantime

attending a full-time course of study.

- SS and Others (Sovereign immunity claim – Certificate conclusive) Malaysia [2009] UKAIT
- **00007**: International law: refusal to extend sovereign or diplomatic immunity to the Sultan of Pahang, Malaysia under the State Immunity Act 1978 and the Diplomatic Privileges Act 1964.

Court of Protection

David accepts instructions from hospital trusts, Government departments and local authorities as well from persons lacking capacity, in health and welfare matters in the Court of Protection.

Selected Cases

- **CB v S Trust (Ryder J)**: Declaration obtained that would be in a four year old child's best interests to receive alternative treatment for neuroblastoma in contested case. Funded by the Neuroblastoma Alliance.

Environmental Law

David accepts instructions across a range of environmental work, both in public law and private law proceedings.

Selected Cases

- **R v Marque Technology Ltd & Ors**: Two week trial in Lincoln Crown Court in relation to a Category 1 water pollution incident.
- **R v First Choice Coffee**: Defended leading coffee distributor in prosecution under the Responsibility Obligations (Packaging Waste) Regulations.
- **R v Tallon International Limited**: Defended prosecution under the Aerosol Dispensers (EEC Requirements) Regulations and the Environmental Protection (Controls on Ozone-Depleting Substances) Regulations.

Professional Negligence

David accepts instructions in respect of a range of professional negligence work. He has particular expertise in respect of claims involving medical and related professions, including veterinary surgeons and laboratories and microbiologists, and is also instructed in respect of professional negligence more generally, including claims against surveyors, valuers, engineers and related fields.

Selected Cases

- **Gregg v Scott [2005] 2 A.C. 176 (HL)**: Whether principles of damages for loss of a chance can apply to chances of survival following negligent treatment.
- **Paramount v FHP v GHP**: a £2.8m construction dispute in the Technology and Construction Court involving allegations of negligence against an engineer.

Appointments

- Junior Counsel to the Crown (A Panel) (2015 – present)
- Junior Counsel to the Crown (B Panel) (2010 – 2015)
- Junior Counsel to the Crown (C Panel) (2006 – 2010)
- Assistant Coroner for Inner South London

Education

- BCL European and Comparative Law (2000)
- MA(Oxon) in Law with European Law, First Class Hons (1999)

Memberships

- ALBA
- PNBA

Publications

- Author of two chapters in “The Inquest Book” (2016, Hart Publishing, ed. Garnham and Cross)
- Contributor to the 1COR Quarterly Medical Law Review (QMLR)