

Matthew Howarth

Call: 2016



Matthew is a specialist public law barrister with particular expertise in immigration law and judicial review. His practice also encompasses statutory appeals, inquests, public inquiries and regulatory law

Matthew has particular expertise in detention, human rights, asylum support, sponsor licence, and civil penalties litigation, and appears regularly in the High Court and Upper Tribunals.

Matthew is ranked Band 1 'Leading Junior' by Legal 500 in Administrative Law and Human Rights and Immigration, and is appointed to the Attorney General's Civil B Panel, the Serious Fraud Office Panel C, the Specialist Regulatory Panel B, and the CPS Panel.

Matthew has acted in some of the most high-profile and complex matters in those fields. His recent experience includes:

- **Phone Hacking Scandal (Leveson Inquiry) (2011–2012):** Matthew represented Hacked Off, a victims' rights group advocating for a free and accountable press, in connection with the Leveson Inquiry, he was instructed in 2016-17 to assess the Victim's Rights of Review following DPP's decision not to pursue prosecutions.
- **Independent Inquiry into Child Sexual Abuse (Diocese of Chichester / Peter Ball investigation) (2019):** Matthew was appointed to review evidence in the IICSA investigation concerning the Diocese of Chichester and Peter Ball; the investigation page is dated 25 June 2019, while the Inquiry's final statutory report was later published on 20 October 2022.
- **Glencore Prosecution (2022):** Matthew was instructed as Junior Panel Counsel for the Serious Fraud Office in the Glencore bribery prosecution; Glencore Energy (UK) Ltd was charged on 24 May 2022, pleaded guilty on 21 June 2022, and was sentenced on 3 November 2022.
- **COVID-19 Inquiry (2022–present):** Matthew is acting as junior counsel for the Health and Safety Executive in the UK COVID-19 Inquiry, which formally commenced on 28 June 2022, began preliminary hearings in October 2022, and started full public hearings on 13 June 2023.
- **Ogilvy (aka Alakija) v Secretary of State for the Home Department (2024) EWCA Civ 315:** A significant

Court of Appeal decision concerning statelessness and deportation. Matthew represented the Secretary of State.

- ***KLG Trucking SRL v Secretary of State for the Home Department (2024) EWCA Civ 737***: The leading Court of Appeal authority on carrier liability and civil penalties. Matthew represented the Secretary of State.
- ***One Trees Estates Ltd v Secretary of State for the Home Department (2024) EWHC 1644 (Admin)***: A leading case on sponsor licence revocation, discretion, global assessment, and the application of Tameside principles. Matthew represented the Secretary of State.
- ***BLZ v Secretary of State for the Home Department (2025) EWHC 153 (Admin)***: The leading authority on safe release from immigration detention and Home Office bail accommodation. Matthew represented the Secretary of State.
- ***R (J's Supermarket Ltd) v Secretary of State for the Home Department (2025) EWHC 1933 (Admin)***: A leading case on procedural fairness and dishonesty in sponsor licence revocation. Matthew represented the Secretary of State.
- ***Prestige Social Care Services Ltd v Secretary of State for the Home Department (2025) EWHC 2860 (Admin)*** and ***R (J's Supermarket Ltd) v Secretary of State for the Home Department (2025) EWHC 1933 (Admin)***: Matthew is appearing as lead counsel for the Secretary of State in the Court of Appeal in the pending sponsor licence appeals.
- ***R (on the application of MM) v Secretary of State for the Home Department (2026) EWHC 448 (Admin)***: A case concerning the Equality Act 2010 in the immigration detention context. Matthew represented the Secretary of State.
- ***R (Hossain) v Secretary of State for Justice (2026) EWHC 862 (Admin)***: A case concerning Article 8 and procedural fairness in the imposition of a licence exclusion zone. Matthew represents the Secretary of State for Justice.

"Matthew is a very effective opponent, pleasant to deal with, realistic and robust, with excellent legal knowledge."

Legal 500

"Matthew Howarth is an established public law barrister, with specialist knowledge across Judicial Review and Statutory Appeals."

Chambers & Partners

"Personable, friendly but also excellent on his feet and incredibly knowledgeable regarding a lot of different and discrete areas of public law."

Legal 500

Immigration & Asylum – Judicial Review and Statutory Appeals

Matthew's practice in the field of Immigration Law is mainly in judicial review applications, and statutory appeals appearing in some of the leading cases in this area. He has recently conducted a number of hearings

in the Court of Appeal. He is ranked as a leading junior for immigration in both Legal 500 and Chambers & Partners.

"Matthew is a very effective opponent, pleasant to deal with, realistic and robust, with excellent legal knowledge." **Immigration (Tier 1) – Legal 500 2026**

"Matthew Howarth is an established public law barrister, with specialist knowledge across Judicial Review and Statutory Appeals. He is often acting on behalf of the government – appearing on the Attorney General's Civil and Regulatory panels." **Immigration Leading Junior (Band 2) – Chambers & Partners 2026**

Immigration Decisions & Asylum

- **R (MM) v SSHD (2026) EWHC 448 (Admin)**: Judicial review concerning the scope of paragraph 16 of Schedule 3 to the Equality Act 2010 in the immigration context, the proper forum for Equality Act damages claims alongside judicial review grounds, and the effect of s.44 of the Border Security, Asylum and Immigration Act 2025 on the lawfulness of earlier immigration detention.
- **D1527 v SSHD (2025) (JR-2025-LON-001018)**: Represented the SSHD in a judicial review on asylum delay and procedural legitimate expectations; Upper Tribunal Judge Norton-Taylor found unlawful delay spanning 41 months, establishing important precedent on the distinction between delay by irrational act and delay by inaction. Declaration of unlawful delay granted.
- **R (AM) v SSHD (2025) (JR-2025-LON-000508, unreported)**: Upper Tribunal judicial review on fresh claim and pending Country Guidance.
- **The King (on the application of Makki Shakir Mahmood Al-Fahham) v SSHD (2025) (JR-2024-LON-002411)**: All grounds of challenge to leave requirements for a representative of an overseas business dismissed; Upper Tribunal Judge Lodato, **judgment** 12 May 2025. Matthew was instructed by the Government Legal Department
- **Ogilvy (aka Alakija) v SSHD (2024) EWCA Civ 315**: Significant ruling in the Court of Appeal on statelessness and challenges to deportation orders.
- **Roselyn Scott v SSHD (2024) EWHC 3110 (Admin)**: Successfully defended challenge to refusal of ILR; case concerned Zambrano rights following the EU Withdrawal Agreement.
- **R (Hashmat Ali) v SSHD (2024) EWHC 1760 (Admin)**: Judicial review of SSHD's decision to certify a protection claim by an Albanian national as totally without merit.
- **Tesfazghi v SSHD (JR-2023-MAN-000090)**: Upper Tribunal Manchester; judicial review on certification of a protection claim following two previously dismissed tribunal claims.
- **R (Zubair Ahmed) v SSHD (2022) EWHC 1850 (Admin)**: Judicial review of SSHD's decision to cancel leave to remain following TOEIC fraud.

Asylum Support, Equality Act & PSED

Matthew is regularly instructed to defend the SSHD in judicial review and interim relief challenges to asylum support decisions, and to advise on subsequent damages claims for Equality Act 2010, ECHR, and PSED breaches.

- **BLZ v SSHD (2025) EWHC 153 (Admin)**: Leading authority on the Home Office's obligations to plan for safe release from immigration removal centres and provision of suitable bail accommodation (HOBAs) for foreign national offenders with care needs. Led by Jack Holborn
- **SK v SSHD (2025) EWHC 3105 (Admin)**: Administrative Court declined to determine a section 95

adequacy challenge on grounds the claim had become academic on dispersal; clarification of threshold for continuing to a fact-sensitive hearing.

- ***BRO, R (on the application of) v SSHD EWHC 2231 (Admin)***: Clarified admissibility standards for medico-legal reports under CPR 35 in complex mental health immigration detention claims; threshold for interim release orders in multi-agency care contexts.
- ***R (MM) v SSHD (2024) EWHC 1577 (Admin)***: Judicial review and interim relief involving alleged breaches of s.95 IAA 1999, PSED, Equality Act 2010, and Care Act 2014.
- ***R (DK) v SSHD (2023) EWHC 2757 (Admin)***: Successful defence of initial challenge to SSHD's asylum support and accommodation decision; case subsequently merged into the *BLZ*
- ***R (ZOS) v SSHD (2022) EWHC 3567 (Admin)***: Court reprimanded SSHD for breaching accommodation obligations but extended time for compliance. Led by Tom Tabori.

False Imprisonment

Since 2020 Matthew has been instructed in over 200 claims for false imprisonment and breach of Article 5 ECHR, acting at judicial review, interim relief, and civil damages stages.

- ***Raphael Olufemi Oluponle v The Home Office (2023) EWHC 3188 (KB)***: False imprisonment claim partially succeeded; damages of £20,000 awarded for 60 days of unlawful detention.

Sponsorship Licences

Matthew is a recognised specialist in judicial review challenges to sponsor licence revocation and the refusal of Defined Certificates of Sponsorship. He also advises UK businesses on compliance obligations as licence holders.

- ***Prestige Social Care Services Ltd (R on the application of) v SSHD (2025) EWHC 2860 (Admin) as CA-2025-003140; R (J'S Supermarket Ltd) v SSHD (2025) EWHC 1933 (Admin) as CA-2025-002087***: Acting as leading counsel; case to determine whether a 'non-genuine vacancy' constitutes dishonesty under Annex C1(z) and the application of s.31(2A) Senior Courts Act 1981 in licence revocation decisions. Pending in the Court of Appeal.
- ***R (Alpine Care UK Limited) v SSHD (2026) EWHC 985 (Admin)***: Court guidance distinguishing procedural fairness standards in non-dishonesty sponsor licence cases from cases involving allegations of fraud or dishonesty.
- ***R (J'S Supermarket Ltd) v SSHD (2025) EWHC 1933 (Admin)***: Successfully represented the SSHD; leading authority on procedural fairness in dishonesty allegations, evidential standards for role mismatches, and the graduated approach to Annex C dishonesty findings under s.31(2A) SCA 1981.
- ***One Trees Estates Limited v SSHD (2024) EWHC 1644 (Admin)***: Leading judgment on the SSHD's power to revoke a sponsor licence and whether a commercial/global assessment is required under a *Tameside* duty; pending in the Court of Appeal.
- ***Hartford v SSHD (2024) EWHC 3308 (Admin)***: Defended SSHD's refusal of 80+ DCoS applications on genuine vacancy grounds; test of consistency with the Immigration Rules. Matthew was subsequently led by David Manknell KC for the Court of Appeal application that ultimately settled.

Immigration Civil Penalties

Matthew is one of the leading barristers in civil penalties for clandestine entrants and illegal working appeals.

He acts for both appellants and the SSHD, and was sole counsel for the respondent in the Court of Appeal in *KLG*.

- ***KLG Trucking SRL v SSHD (2024) EWCA Civ 737***: Leading Court of Appeal authority on the Carrier Liability Regulations 2023 amendments.
- ***Transam Trucking BV v SSHD***: Successfully represented an appellant haulier; the Court confirmed the burden of proving clandestine entrant liability rests firmly on the SSHD on the balance of probabilities; HHJ Ransom held it was “surprising that the SSHD relies on these inferences” when direct evidence should have been available.
- ***BM Transport Ltd v SSHD***: Successfully represented an appellant at Manchester Crown Court post-*KLG*; SSHD failed to make out liability under s.32 of the Immigration and Asylum Act 1999.
- ***Link Spolka Z O.O. v SSHD (2021) EWCA Civ 1830***: Court of Appeal; instructed at first instance in the leading case on the statutory defence for carriers.

Modern Slavery & Human Trafficking

- ***AOP v SSHD (2026) EWHC 971 (Admin)***: Judicial review of a Reasonable Grounds decision under the Modern Slavery Act 2015; confirmed that references to “financial exploitation” in SSHD guidance do not expand the statutory definition to encompass all fraudulent schemes involving financial loss.
- ***The King (on the application of MXK) v SSHD (AC-2024-LON-001311)***: Rolled-up hearing before Mrs Justice Ellenbogen; successfully represented the SSHD against claims that SSHD misapplied trafficking policies in determining victim of trafficking status, together with an associated false imprisonment claim; both claims dismissed.

Public Law & Judicial Review

Matthew is a specialist public law barrister with a high-volume judicial review practice. He acts for and against government departments, public bodies, and private clients across a wide range of administrative law challenges, including irrationality, procedural unfairness, legitimate expectation, human rights, and damages claims for unlawful detention and false imprisonment.

“Deeply knowledgeable, has acted on a lot of the leading cases in the area. Personable, friendly but also excellent on his feet and incredibly knowledgeable regarding a lot of different and discrete areas of public law.”

Administrative Law and Human Rights (Tier 1) – Legal 500 2026

“The ‘clear and concise’ Matthew Howarth has a broad range of administrative law experience in judicial reviews, immigration appeals and on cases concerning the Care Act 2014.” **Administrative Law and Human Rights (Tier 1) – Legal 500 2026**

Prison Law & Parole

Matthew acts extensively in judicial review and public law claims for and against the Ministry of Justice, the Home Office, the Parole Board, and the Courts. He advises on categorisation, open conditions transfers, home detention curfew, and false imprisonment claims.

- ***R (Sabbagh-Parry) v SSHD and Secretary of State for Justice (2026) EWHC 501 (Admin)***: Successful

defence of a challenge to the SSHD's pursuit of deportation action and the SSJ's decisions refusing home detention curfew and Category D status.

- ***R (Hossain) v Secretary of State for Justice (2026) EWHC 862 (Admin)***: Judicial review of SSJ's decision to impose a licence exclusion zone; irrationality and procedural unfairness challenges dismissed.
- ***Dean Hallam, R (on the application of) v The Secretary of State for Justice (2024) EWHC 2873 (Admin)***: Successful defence of a judicial review challenging refusal to transfer a prisoner from closed to open conditions.
- ***AA v Parole Board (unreported)***: Matthew defended a claim for false imprisonment and allegation of unlawful Parole Board assessment regarding release from prison.
- ***R (Sierotko and another) v Crown Court at Manchester Crown Square (2023) EWHC 1187 (Admin)***: Judicial review challenging custody time limit calculations.

Merton Age Assessments

Matthew regularly represents local authorities defending judicial review challenges to Merton-compliant age assessments of asylum seekers, at both interim relief and substantive hearing stages.

- ***FW v Oldham Council***: Interim relief challenge to alleged failure to carry out a Merton age assessment and to provide support to an asylum seeker claiming to be under 18.
- ***H v Westmorland Council***: Permission and interim relief hearing at Manchester High Court challenging a Merton age assessment.
- ***M v Oldham Council***: Drafting of advice and pleadings in a judicial review challenge for failure to provide support to an under-18 asylum seeker.

Inquests

Matthew is a highly experienced inquest advocate, representing government departments, prosecuting authorities, public bodies, and NGOs in complex Article 2 inquests.

His inquest practice focuses on:

- Deaths in custody and following release from custody
- Fatalities during or following medical and psychiatric treatment
- Deaths in prison linked to COVID-19
- Cases involving systemic public service failings

Matthew advises on evidence relevance, Public Interest Immunity, privilege, and disclosure in inquest proceedings, and regularly represents Greater Manchester Police and the National Crime Agency as independent review counsel in disclosure and PII matters.

Selected inquests:

- ***Re NK***: Represented a prison in a ten-day Article 2 inquest following the death of NK in custody.
- ***Re CP***: Acted for the Probation Service in an Article 2 inquest concerning CP's death in the community following release.

- **COVID-19 Related Inquests:** Extensive experience in Article 2 inquests arising from deaths in prison following COVID-19 diagnoses, with specialist knowledge of prison policies and procedures during the pandemic period.

Public Inquiries

Matthew has been instructed in many of the most significant public inquiries of recent years, representing government departments and core participants. These include:

- **COVID-19 Inquiry:** As junior counsel for the Health and Safety Executive, Matthew reviewed evidence on the 'role of science' in the pandemic response.
- **Independent Inquiry into Child Sexual Abuse (IICSA):** Matthew was appointed to review evidence, focusing on the Diocese of Chichester case.
- **Phone Hacking Scandal (Leveson Inquiry):** Matthew represented 'Hacked Off', a victims' rights group who advocate for a free and accountable press. He advised on judicial reviews regarding the prosecution of senior news group figures.

Investigations

Matthew's expertise spans a wide range of complex and high-profile cases, representing various parties including government departments, prosecution authorities, NGOs, and other interested parties. Notable investigations include:

- **Glencore Prosecution:** Matthew was instructed as Junior Panel Counsel the Serious Fraud Office (SFO) in this bribery case. The investigation looked into seven counts of bribery in the UK. The company admitted to \$28 million in bribes across multiple African countries and it resulted in a record £281 million penalty for a UK corporate criminal conviction.
- **LIBOR Scandal:** While at Baker & McKenzie, Matthew was part of the financial investigation team who reviewed evidence in this global benchmark interest rate manipulation case.

Professional Discipline & Regulation

Matthew acts for regulators, regulated professionals, public bodies, and private clients across a range of regulatory and disciplinary proceedings.

Matthew's practice includes representing clients in Disclosure and Barring Service (DBS) appeals under the Safeguarding Vulnerable Group Act 2006. He offers comprehensive support from initial paper advice to representation at Upper Tier Tribunal hearings.

Furthermore, Matthew appears in the Social Care Tribunals on behalf of OFSTED in statutory appeals relating to registration of Care Homes and Managers.

- **MG v Disclosure and Barring Service:** represented an appellant in the Upper Tier Tribunal on an appeal of a decision to add the individual to the adults and children's barred lists. He was instructed at first instance, advising at conference, on paper and providing detailed legal submissions. He represented the individual at the final hearing and on matters relating to appeal.
- **OFSTED v C4C:** Statutory appeal of decision to cancel registration of care home and manager. Five day trial dealing with allegations of dishonesty and criminal offences.
- **OFSTED v AI:** Interlocutory hearing considering legal argument on the powers and jurisdiction of the FTT dealing with one or more appeals.
- **CO2 v DBS:** Matthew advised and represented the DBS in an appeal to include his name in the adults barred list. This matter relating to professional competence due to the nature of the Appellants work. This case was regarding a professional health provider and the provision of their services.
- **DH v DBS:** Matthew represented the DBS in an appeal. The importance of this case at final hearing was regarding error of law, irrational or disproportionate decision making and the legality of errors of law and fact. This individual was a professional working with vulnerable adults.
- **SC v DBS:** An appeal relating to inclusion the barring lists for a professional. Matthew took the case on an initial advice regarding grounds of Defence. He advised on evidence for final hearing, advising the DBS on elements needed further investigation in order to mount a Defence. Subsequently, had the case continued after half time, the Defence was one of acting in good faith and not having an intention to deceive which in this case the Prosecution could not prove on the evidence. The Court returned not guilty verdicts.

Sports Law

As a member of the Sports Resolution panel, Matthew is uniquely positioned to offer legal advice in sports-related regulatory matters.

Appointments

- Called to the Bar of Northern Ireland (2020)
- Attorney General's Panel of Junior Counsel to the Crown – Civil B Panel
- Serious Fraud Office – Panel C of Prosecution
- Specialist Regulatory Panel – Panel B of Prosecution Advocates
- Crown Prosecution Service Panel: Level 3 (including Serious Crime Level 2 and POCA Level 2)
- National Safeguarding Panel – Sports Resolution

Education

- Diana, Princess of Wales Major Scholarship – The Honourable Society of the Middle Temple (2013), awarded by HRH The Prince of Wales (May 2015)
- Winner, Criminal Bar Association Advocacy Competition (2018)
- Inter-Inn's Mooting Finalist (2014)
- Pupillage Bursary – The Honourable Society of the Middle Temple (2015)
- Lamour University Scholarship for Participation and Excellence – Royal Belfast Academical Institution –

