

Christian Howells

Call: 2007



Christian J Howells is a public law specialist. He is on the Attorney General's Regional A Panel and the Counsel General for Wales' A Panel of Counsel. For many years he has been ranked as a leading junior, described by Legal 500 as "*tenacious with a very sharp intellect*" and by Chambers & Partners as "*extremely bright and extremely hard-working*".

He has extensive experience in the higher courts, including the Administrative Court, Court of Appeal and Supreme Court. He is instructed on behalf of claimants, governments and local authorities.

Recent cases include:

- *R (Counsel General for Wales) v Secretary of State for Business*: led by Helen Mountfield QC, he acts on behalf of the Counsel General in a judicial review of the UK Internal Market Act 2020 which seeks declarations that UKIMA cannot curtail the legislative competence of the Senedd by implication or secondary legislation. This is a most significant constitutional case affecting Wales.
- *R (HE) v Lord Chancellor* [2020] EWHC 1411 (Admin) (permission): He was instructed on behalf of the claimant in a challenge to the Civil Legal Aid (Financial Resources) Regulations 2013 on the basis that although they disregarded support payments made to victims of the Grenfel Tower fire and Windrush scandal in the capital means test, they did not disregard support payments made to victims of the infected blood disaster; such treatment was discriminatory within the meaning of article 14 ECHR read with article 8 ECHR and A1P1. Following a successful settlement, the Lord Chancellor introduced amendment regulations to create a disregard.
- *Infected Blood Inquiry*: Led by Lloyd Williams QC, he is instructed on behalf of 300 Welsh and Northern Ireland victims in the inquiry into the infection of thousands of haemophiliacs and transfused patients with HIV, Hepatitis B, Hepatitis C and vCJD.
- *Inquest into the death of Emiliano Sala*: Led by Lloyd Williams QC, he is instructed on behalf of Cardiff City Football Club in the inquest into the death of footballer Emiliano Sala. Mr Sala died when the plane in which he was travelling crash into the English Channel. The Air Accidents Investigation Branch published its investigation report on 13 March 2020 which found, amongst other things, that the pilot

was not licensed to fly the plane. It concluded that Mr Sala was unconscious through carbon monoxide poisoning by the time of the crash, but that immediately before hitting the water the pilot was conscious and using the plane's controls.

- *R (Williams) v Caerphilly County Council* [2020] EWCA Civ 296: Led by Philip Havers QC he acted on behalf of the appellant in an appeal regarding; (i) whether the local authority had to comply with the Welsh improvement duty contained in the Local Government (Wales) Measure 2009; and (ii) whether the cabinet could adopt a leisure strategy which was not foreshadowed in a budget.
- *R (DJ) v Welsh Ministers* [2019] EWCA Civ 1349, [2020] PTSR 466: Led by Ruth Henke QC he acted on behalf of the appellant in a challenge to the Welsh Ministers' policy for the funding of education for young adults with learning difficulties at specialist residential colleges. It was argued that the policy amounted to an unlawful fetter on the discretion to fund such provision under s32 of the Learning and Skills Act 2000.
- *IT (Jamaica) v Secretary of State for the Home Department* [2018] UKSC 53, [2018] 1 WLR 5273: Led by Richard Drabble QC, he acted on behalf of the appellant in an appeal concerning the codification of article 8 ECHR considerations in deportation cases in s117C of the Nationality, Immigration and Asylum Act 2002. This appeal also concerned article 3 UNCRC.

'A tenacious advocate with a very sharp intellect.'

Legal 500 2021

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Chambers & Partners 2021

'A tenacious advocate with a very sharp intellect.'

Legal 500 2018

Public Law

Christian has a broad, high-level administrative law practice. He has constitutional law experience and is regularly instructed in local government, community care, immigration and, planning and environmental enforcement. He has an in-depth knowledge of human rights and discrimination law. He is on the Attorney General's Regional A Panel and the Counsel General for Wales' B Panel.

He is regularly instructed on behalf of claimants, local authorities and NHS LHBs. He has advised on the legality of local authorities' charging policies and funding disputes between NHS LHBs and Trusts in relation to continuing healthcare. He is instructed in challenges to care plans and has a particular expertise in relation to young adults with a diagnosis of ASD.

Christian has a particular expertise in relation to local government strategic and funding decisions relating to public services, such as libraries and leisure centres. He is instructed by the Welsh Government and local authorities in relation to statutory appeals, reviews and judicial reviews of planning and environmental enforcement.

Selected Cases

- **R (Counsel General for Wales) v Secretary of State for Business:** led by Helen Mountfield QC on behalf of the Counsel General in a judicial review of the UK Internal Market Act 2020 which seeks declarations that UKIMA cannot curtail the legislative competence of the Senedd by implication or secondary legislation. This is a most significant constitutional case affecting Wales.
- **R (HE) v Lord Chancellor [2020] EWHC 1411 (Admin) (permission):** Acted on behalf of the claimant in a challenge to the Civil Legal Aid (Financial Resources) Regulations 2013 on the basis that although they disregarded support payments made to victims of the Grenfell Tower fire and Windrush scandal in the capital means test, they did not disregard support payments made to victims of the infected blood disaster; such treatment was discriminatory within the meaning of article 14 ECHR read with article 8 ECHR and A1P1. Following a successful settlement, the Lord Chancellor introduced amendment regulations to create a disregard.
- **R (Williams) v Caerphilly County Council [2020] EWCA Civ 296:** Led by Philip Havers QC he acted on behalf of the appellant in an appeal regarding; (i) whether the local authority had to comply with the Welsh improvement duty contained in the Local Government (Wales) Measure 2009; and (ii) whether the cabinet could adopt a leisure strategy which was not foreshadowed in a budget.
- **R (DJ) v Welsh Ministers [2019] EWCA Civ 1349, [2020] PTSR 466:** Led by Ruth Henke QC on behalf of the appellant in a challenge to the Welsh Ministers' policy for the funding of education for young adults with learning difficulties at specialist residential colleges. It was argued that the policy amounted to an unlawful fetter on the discretion to fund such provision under s32 of the Learning and Skills Act 2000.
- **R (DJ) v Welsh Ministers [2018] EWHC 2735 (Admin):** JR challenging the lawfulness of the policy on funding further education for young people with learning difficulties arguing unlawful fetter.
- **R (WX) v Northamptonshire County Council [2018] EWHC 2178 (Admin):** Successful challenge to closure of 21 libraries arguing a failure to consider results of consultation, irrationality, library duty, PSED.
- **R (Tilley) v Vale of Glamorgan Council [2016] EWHC 2272 (Admin):** JR against a decision to implement community libraries arguing irrationality, PSED, comprehensive and efficient library service duty, best interests of child.
- **R (Tilley) v Vale of Glamorgan Council [2015] EWHC 3194 (Admin):** JR against a challenge to a decision to implement community-led libraries arguing unfair consultation, PSED and library duty.

Inquests & Inquiries

Christian is recommended by Chambers & Partners as “*extremely bright and extremely hard-working*”. He is involved in some of the most high profile ongoing inquests and inquiries, including the Infected Blood Inquiry and the Emeliano Sala inquest. He has extensive experience of article 2 inquests in relation to social services failings and prison deaths.

Selected Cases

- **Infected Blood Inquiry:** Led by Lloyd Williams QC on behalf of 300 Welsh and Northern Ireland victims in the inquiry into the infection of thousands of haemophiliacs and transfused patients with HIV, Hepatitis

B, Hepatitis C and vCJD.

- **Inquest into the death of Emiliano Sala:** Led by Lloyd Williams QC on behalf of Cardiff City Football Club in the inquest into the death of footballer Emiliano Sala. Mr Sala died when the plane in which he was travelling crash into the English Channel. The Air Accidents Investigation Branch published its investigation report on 13 March 2020 which found, amongst other things, that the pilot was not licensed to fly the plane. It concluded that Mr Sala was unconscious through carbon monoxide poisoning by the time of the crash, but that immediately before hitting the water the pilot was conscious and using the plane's controls. The inquest has been listed during March 2021.
- **Inquest into the death of Luke Jones:** Acted upon behalf of HMP Berwyn concerning the super prison's first spice related death.
- **Inquest into the death of Lewys Crawford:** Acted on behalf of Cardiff & Value University Local Health Board in the inquest into the death of three month old child from sepsis.
- **Inquest into the death of Annette Hewings:** Acted on behalf of the family in an inquest into the death of a woman who was detained in hospital under the Mental Health Act and forced to go through opiate withdrawal and who died of a cardiac arrhythmia.

Immigration

Christian has been involved in a number of important appeals relating to article 8 ECHR, best interests of the child and was at the forefront of the Gurkha children settlement litigation.

He is also regularly instructed on behalf of the Government in unlawful detention claims and immigration judicial reviews.

Selected Cases

- **IT (Jamaica) v Secretary of State for the Home Department [2018] UKSC 53, [2018] 1 WLR 5273:** Appeared in the Supreme Court and overturned the Court of Appeal's reasoning relating to the best interests of the child and deportation under s117C(5) of the Nationality, Immigration and Asylum Act 2002.
- **Gurung v SSHD [2016] EWCA Civ 358:** Argued it was unfair for the Tribunal to assess an article 8 ECHR claim by reference to the facts as at the date of a second decision to refuse entry clearance, in circumstances where the first decision was set aside as unlawful and the delay in the interim had served to weaken the article 8 claim.
- **R (Gurung) v SSHD [2013] 1 WLR 2546:** Successfully argued that the historic injustice caused to Gurkha veterans was an important factor in the article 8 ECHR proportionality balancing exercise.
- **KR (Nepal) v SSHD:** Successfully argued that it was procedurally unfair for the UT to change a decision in the written determination after it announced the appeal would be allowed at the end of the hearing.
- **UG (Nepal) v SSHD [2012] EWCA Civ 48:** Argued that the policy for settlement of the adult children of Gurkha veterans created a presumption that leave would be granted.
- **AR (Nepal) v SSHD [2011] EWCA Civ 1439:** Successfully argued that the appellant could rely upon post-decision evidence that he now satisfied the 10 year long residence rule.

Appointments

- Attorney General's Civil Panel of Approved Regional Counsel A Panel (present)
- Welsh Government Panel of Approved Junior Counsel A Panel (present)
- Welsh Government Panel of Approved Junior Counsel B Panel

Education

- LLB (Hons), University of Bristol

Memberships

- ARDL
- ALBA
- ILPA (Corporate)
- Wales Public Law & Human Rights Association (Corporate)