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James Strachan KC

Year of call: 1996 | Silk: 2013

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"An outstanding lawyer, who is a pleasure to work with. If you've got a seemingly unwinnable case he's the only one that's going to win it..." Chambers and Partners

James Strachan KC has an extensive practice in administrative and public law, planning and environment, major infrastructure and DCOs, compulsory purchase and compensation, local government, financial services and commercial regulatory law, human rights and privacy.

He is recommended in Administrative and Public Law, Civil Liberties and Human Rights, Environment and Planning by the current editions of both the UK Legal 500 and Chambers and Partners, who describe him as "a superb lawyer".

James was named as 'Environmental and Planning Silk of the Year' at the Chambers and Partners Bar Awards 2016 and shortlisted as 'Environmental and Planning Silk of the Year 2020'.



Areas of expertise

Public and Administrative Law

Planning and Environment

Financial Services and Commercial Regulation

Human Rights and Civil Liberties

Information and Media

Public and Administrative Law

James's practice in administrative and public law covers a large number of areas including national security, immigration, prisons, social security, civil liberties and policing, administration of criminal and civil justice, national health service, mental health and local government administration. He acts for central and local Government and individuals. He is recommended in Administrative & Public Law and Human Rights Law by the current editions of both the UK Legal 500 and Chambers & Partners, who describe him as "a superb lawyer".

Cases of note (including Local Government):

R(Medical Defence Union) v Secretary of State for Health & Others (2020) – Administrative Court. Acting for the Medical Defence Union in a challenge to the Government's approach to indemnity for NHS GP liabilities.

R(Crest Nicholson & Others) v West Berkshire District Council, AWE Plc, Ministry of Defence and others (2020) – Administrative Court. Acting for AWE plc in response to challenge to the Detailed Emergency Planning Zone at Burghfield Atomic Weapons Establishment, a site of national strategic importance for the UK's nuclear deterrent, under the Radiation (Emergency Preparedness and Public Information) Regulations 2019.

BF(Eritrea) v Sec of State for Home Department [2019] EWCA Civ 872; [2020] 4 WLR 38 – Approach to Age Assessment Policy of unaccompanied asylum-seeking children for the purposes of immigration. On appeal to the Supreme Court to be heard in March 2021.

R(Hallam and Nealon) v Secretary of State for Justice [2019] UKSC 2; [2020] AC 279 – Appeared in the Supreme Court, Court of Appeal and High Court on the compatibility of the provisions for compensation for miscarriages of justice in s.133 of Criminal Justice Act 1988 with Article 6 of the ECHR.

R (Scunthorpe United Football Club Ltd) v Greater Lincolnshire Local Enterprise Partnership [2018] EWHC 3351 (Admin) – appeared for Local Enterprise Partnership in defending decision on grant of funding for local road infrastructure.

R(Medical Justice and others) v Secretary of State for Justice [2017] 4 WLR 198; [2017] EWHC 2461 (Admin) – Acted for Secretary of State for Justice on challenge to Adults at Risk Policy for immigration detention purposes.

R(Ali) v Secretary of State for the Home Department [2017] EWCA Civ 138; [2017] 1 WLR 2894 – acted for Secretary of State in Court of Appeal on challenge to detention of unaccompanied children and age assessment.

Secretary of State for Home Department v Restivo [2016] UKUT 449 (IAC); [2017] Imm AR 188 – Challenge to repatriation of Italian convicted murderer to Italy and compliance with Immigration (EEA) Regulations 2006 and Council Framework Decision 2008/909.

R(Secretary of State for Home Department) v Upper Tribunal & Restivo [2015] EWHC 4182 (Admin) – appeared for Secretary of State on successful *Cart v Upper Tribunal* challenge to Upper Tribunal's decision to challenge a decision of the UT on repatriation of a foreign prisoner.

R(Clark) v Secretary of State for Justice [2015] EWHC 2383 (Admin). Challenge to refusal of compensation for miscarriage of justice under s.133 of the Criminal Justice Act in relation to charges of conspiracy to supply class B drugs and perverting course of justice.

R(Andukwa) v Secretary of State for Justice [2015] ACD 54; [2014] EWHC 3988 (Admin) – Challenge to approach to compensation for miscarriage of justice arising from offence under s.31 of Immigration and Asylum Act 1999 for using false identity card.

R(Tabbakh) v Staffordshire and West Midlands Probation Trust and Secretary of State [2014] EWCA Civ 827; [2014] 1 WLR 4620 and [2013] EWHC 2492 (Admin) – Challenge to policy for deciding on the conditions to be included in an offender's release on licence from prison.

R(Ali, Tunbridge, Dennis, George and Lawless) v Secretary of State for Justice [2014] EWCA Civ 194; [2014] 1 WLR 3202 and [2013] EWHC 72 (Admin) – appeared in Court of Appeal and Divisional Court on 5 separate challenges to refusal of compensation for claimed miscarriages of justice on the quashing of various criminal offences in light of the decision in *R(Adams) v Secretary of State for Justice*.

Rudewicz, R (on the application of) v Secretary of State for Justice &Ors [2012] EWCA Civ 499 – in Court of Appeal and High Court on approach to burial licences under s.25 Burial Act 1857.

McGetrick, R (on the application of) v The Parole Board &Anor [2012] EWHC 882 – challenge to approach of Parole Board and use of "untried material".

R(Nicklinson) v Secretary of State for Justice [2015] AC 657; [2014] UKSC 38 – in Supreme Court landmark decision upholding prohibition of assisted suicide under the Suicide Act 1961 for those seeking a right to die in light of Article 8 of the ECHR, following appearance in Court of Appeal and Divisional Court [2012] EWHC 2381 and [2012] EWHC 304(QB).

R(Knowles) v Secretary of State for Work and Pensions [2013] EWHC 19 (Admin) – approach to Housing Benefit scheme for Romani Gypsies and claim of Article 14 discrimination.

British Telecommunications Plc, R (on the application of) v BPI (British Recorded Music Industry) Ltd &Ors [2012] EWCA Civ 232 and [2011] EWHC 1021 (Admin) for BPI in Court of Appeal and High Court on copyright provisions in Digital Economy Act 2010.

Adams, R (on the application of) v Secretary of State for Justice [2011] UKSC 18 – in Supreme Court, Court of Appeal and Divisional Court on correct approach to compensation for miscarriages of justice under s.133 of Criminal Justice Act 1988.

aR(BB) v Special Immigration Appeals Commission [2011] EWHC 336 (Admin) – for Sec of State in Divisional Court on approach to bail proceedings for those liable to deportation on grounds of national security.

R(GC & C) v Commissioner of Police of the Metropolis [2010] EWHC 2225 (Admin) for Sec of State on retention of DNA and fingerprints by police and Article 8 of ECHR.

KB, R (on the application of) v Secretary of State for Justice [2010] EWHC 15 (Admin) – on use of discipline incident reports in Young Offender Institutions and Article 8 of ECHR.

AR v Secretary of State for the Home Department [2009] EWHC 1736 (Admin) – approach to modifications of control orders under Prevention of Terrorism Act 2005.

Secretary of State for the Home Department v AR [2008] EWHC 3164 (Admin) – challenge to control order imposed under Prevention of Terrorism Act.

Salami, R (on the application of) v Parole Board [2009] EWHC 2251 (Admin) – challenge to change to early release provisions of prisoners and Article 6 ECHR.

A v London Borough of Croydon [2009] EWHC 939 (Admin) - approach to age assessments in immigration context.

J, R (on the application of) v Secretary of State for the Home Department [2009] EWHC 705 (Admin) – certification of asylum and human rights claim under s.96 of NIAA 2002.

Police Federation of England and Wales & Ors, R (on the application of) v The Secretary for the Home Department & Anor [2009] EWHC 488 (Admin) – challenge to tables of lump sum commutation factors for Police Pensions.

R(Khan) v Secretary of State for Home Department [2008] EWHC 600 (Admin) – certification of asylum claim under s.96(2) of NIAA 2002

CP v OFSTED [2005] EWCST 543 (EY) – for OFSTED on appeal under Children Act 1989 childminder registration

R(Mersey Care NHS Trust) v Mental Health Review Tribunal [2003] EWHC 1182 (Admin) – challenge to discharge of patient held in conditions of high security

Recommendations

“He’s very cerebral and his advocacy style is understated but measured, and judges really listen to him” Chambers and Partners 2020 - Administrative and Public

“A very methodical and meticulous advocate who has a lovely style” Chambers and Partners 2020 - Administrative and Public

“Top of the tree intellectually and in dealing with clients; his work product is consistently at a very high standard indeed” Chambers and Partners 2020 - Administrative and Public

“A real tactician who is able to steer a clear course through the most complex disputes. He is also a ruthless cross-examiner” Chambers and Partners 2020 - Planning

“He has an excellent style and is tenacious and easy to deal with” Chambers and Partners 2020 - Planning

“Amazing in the way he calmly absorbs huge amounts of evidence and information and then presents a case that is both compelling and coherent” Chambers and Partners 2020 - Environment

“... extremely clever. He’s a really excellent advocate and comes across in an understated way is no less powerful for it” Chambers and Partners 2020 - Human Rights / Civil Liberties

“He has a razor-sharp mind and is a very strategic thinker, as well as a very persuasive advocate” Chambers and Partners 2020 - Local Government

“He’s absolutely brilliant and one of the nicest people you could ever meet” Chambers and Partners 2020 - Local Government

“A highly experienced public lawyer. He is very intelligent, knows the area very well and is a fine advocate” The Legal 500 2020 - Administrative and Public

“Special note should be made of the ‘text book’ way that James conducted his cross examination of the objector’s witnesses and the way that he extracted concession after concession leaving the objector with no alternative but to withdraw” The Legal 500 2020 Planning

“He has a calm and pleasant manner in court but is ruthlessly effective in cross-examination” The Legal 500 2020

“Super-bright, always two steps ahead of everyone else in the courtroom. ...” The Legal 500 2020 Civil Liberties and Human Rights

“He has a deep knowledge of Financial Services law which he deploys to great effect, and is a tenacious and technically proficient advocate.” The Legal 500 2020 Financial Services

Appointments

Appointed Deputy High Court Judge – September 2018

Appointed Queen’s Counsel – 2013

Attorney General’s Counsel to the Crown ‘A’ Panel – appointed March 2008

Attorney General’s Counsel to the Crown ‘B’ Panel – appointed March 2004

Attorney General’s Counsel to the Crown ‘C’ Panel – appointed March 2001

Welsh Assembly Government Panel from 2009 – 2012

Memberships

• COUNCIL

- ALBA
- PEBA

Qualifications

Winchester College

St Peter's College, Oxford University BA (Hons) (1st Class)

Diploma in Law College of Law (Commendation) (1994-5)

BVC Inns of Court School of Law (Outstanding) (1995-6)

Scholarships and Prizes

1991-3 Steven Latner Scholarship, St Peter's College Oxford

1995 Harmsworth Major Entrance Exhibition to Middle Temple

1996 Baron Dr VerHeyden de Lancey Award for highest Middle Templar BVC Result

1999 Pegasus Scholar to Mallesons Stephen Jacques, Sydney, Australia

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