

39 Essex Chambers
Tel: +44 (0)20 7832 1111
Email: clerks@39essex.com



James Strachan KC

Year of call: 1996 | Silk: 2013

Email: james.strachan@39essex.com

Phone: +44 (0)20 7832 1111

"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

Human Rights and Civil Liberties

James is also a specialist in the field human rights and civil liberties, acting in major cases in a number of different areas. These include the prohibition against assisted suicide and "right to die" cases, retention of DNA/ fingerprints/ data by the police and the right to private life under Article 8, deaths in custody and Article 2, repatriation of prisoners subject to foreign criminal processes and Article 6, age assessment and the rights of children, immigration detention, national security issues and Article 6, the right to freedom of expression and religion, and the right to marry and transgender rights. That experience includes appearing in a wide range of courts, including the European Court of Human Rights (Grand Chamber), the Supreme Court, Court of Appeal, High Court, Upper Tribunal and SIAC.

Cases of note:

R(Lamb) v Secretary of State for Justice [2019] EWHC 3606 (Admin) – Challenge to prohibition of assisted suicide under Article 8 and Article 14 of the ECHR

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(Newby) v Secretary of State for Justice [2019] EWHC 3118 (Admin) appeared for the Secretary of State in Divisional Court on challenge to prohibition of assisted suicide.

R(T) v Secretary of State for Justice [2018] EWHC 2615 (Admin); [2018] ACR 134 and [2017] EWHC 3181 (Admin) – Challenge to the law relating to assisted suicide.

R(Conway) v Secretary of State for Justice [2020] QB 1; [2017]; [2018] EWCA Civ 1431; [2018] EWCA Civ 16; [2017] EWCA Civ 275; [2017] EWHC 640 (Admin)– appeared for Secretary of State in Court of Appeal and Divisional Court on challenge to the law prohibiting assisted suicide with rights under Article 8 of the ECHR.

Abedin v United Kingdom App No. 54026/16(2019) – European Court of Human Rights. Acted for UK on challenge under Articles 5 and 7 to ECHR in relation to licence provisions.

R(Scarfe and others) v HMP Woodhill and Another [2017] EWHC 1194 (Admin); [2017] ACD 92 – appeared for the Defendants in Divisional Court relation on challenge under Article 2 in respect of suicides in HMP Woodhill

R(Hallam and Nealon) v Secretary of State for Justice [2016] EWCA Civ 355; [2017] QB 571 – appeared for the Secretary of State on challenge to legislation on compensation for miscarriages of justice under s.133 of the Criminal Justice Act 1988

R(Bristow) v Secretary of State for Justice [2015] EWCA Civ 1170 and [2013] EWHC 3094 (Admin) – appeared for the Secretary of State in Court of Appeal and High Court on the calculation of sentencing for prisoners and compatibility with Article 5 and Article 14 of the ECHR

R(Sneddon) v Secretary of State for Justice [2015] EWHC 3190 (Admin); [2016] WLR 1361 – appeared for the Secretary of State in Divisional Court on principles of compensation for miscarriage of justice under s.133 of the Criminal Justice Act 1988

R(Nealon) v Secretary of State for Justice [2015] EWHC 1565 (Admin) – challenge to approach to principles of compensation for miscarriages of justice under s.133 of Criminal Justice Act 1988.

R(Nicklinson) v Secretary of State for Justice [2015] AC 657; [2014] UKSC 38 appeared for Secretary of State in this 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.

Hodkin v Registrar General for Births [2014] AC 610; [2014] 2 WLR 23; [2013] UKSC 77; [2012] EWHC 3635 (Admin) – in Supreme Court and Divisional Court for Registrar on challenge to approach to permitting marriage for members of Church of Scientology and compatibility with Article 9 of ECHR.

Allen v United Kingdom [2013] ECHR 678 – European Court of Human Rights (Grand Chamber)

appeared for UK Government on approach to compensation for miscarriages of justice and Article 6.

R(Cossey) v Secretary of State for Justice [2013] EWHC 3029 (Admin) – for Sec of State on claim of discrimination / breach of Article 14 for indeterminate sentence prisoner.

R (Children's Rights Alliance for England and Wales) v Secretary of State for Justice [2013] EWCA Civ 34 – appeared for Sec of State in Court of Appeal and High Court [2012] EWHC 8 on challenge to approach to restraint of children in custodial context.

Hardy & Maile v United Kingdom [2012] ECHR 261 – acting for authority on challenge to LNG Terminals at Milford Haven in relation to hazardous substances consents

R (Barry George) v Secretary of State for Justice Oct 2012, Human rights & civil liberties – challenge to approach to compensation for miscarriage of justice

Equality and Human Rights Commission v Prime Minister & Ors [2011] EWHC 2401 (Admin) - judicial review of policy approach to guidance on treatment of detainees. *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.

Hamza v Secretary of State for the Home Department [2010] UKSIAC 23/2005 – for Secretary of State on deprivation of citizenship for Abu Hamza under s.40 of British Nationality Act 1981.

Reprieve (R on the application of) v Prime Minister (2010) Jun 2010, Human rights & civil liberties, Judicial review

R (Webb) v Secretary of State for Justice [2010] EWCA Civ 1115 and [2010] EWHC 1174 – in Court of Appeal and Divisional Court on correct approach to early release provisions for prisoners.

Robinson (R on the application) v Secretary of State for Justice [2010] EWCA Civ 848 in Court of Appeal and Divisional Court on whether change to early release provision administration or execution of sentence and Article 6 ECHR.

U, R (on the application of) v Special Immigration Appeals Commission & Anor [2010] EWHC 813 (Admin) – in Divisional Court on SIAC bail requirements and use of open and closed materials in national security case.

Orobator v HMP Holloway & Anor [2010] EWHC 58 (Admin) – in Divisional Court on challenge regarding repatriation of British Citizen sentenced to life in Laos for drug smuggling offence and Articles 5 and 6 of ECHR

SSHD v AR Dec 2008, Immigration & asylum law, Human rights & civil liberties

S and Marper v The United Kingdom – 30562/04 [2008] ECHR 1581 – appeared in European Court of Human Rights on challenge to retention of DNA and fingerprints by police and Article 8 ECHR

R (S and Marper) v Chief Constable of S. Yorks & Home Secretary [2004] UKHL; and [2002] EWCA Civ 1275 – challenge to retention of DNA and fingerprints by police and Article 8

R (X) v Chief Constable of West Midlands & Secretary of State for Home Department [2004] EWCA Civ 1068 in Court of Appeal and High Court on disclosure of police information on disclosure certificates and Art 8

Chief Constable of West Yorkshire Police v A & Secretary of State for Trade & Industry (intervening) Mar 2004, Human rights & civil liberties, Discrimination law, Dismissal law, Confidentiality and privacy

Goodwin v United Kingdom [2002] ECHR 588 – European Court of Human Rights challenge under Art 8 to transgender rights of individuals for purposes of discrimination and social security

I v United Kingdom [2002] ECHR 592 – European Court of Human Rights challenge under Article 8, 12 and 14 for transgender recognition

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

- COMBAR
- 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

London

81 Chancery Lane,
London
WC2A 1DD
Tel: +44 (0)20 7832 1111
DX: London/Chancery Lane 298
Fax: +44 (0)20 7353 3978

MANCHESTER

82 King Street,
Manchester
M2 4WQ
Tel: +44 (0)16 1870 0333
Fax: +44 (0)20 7353 3978

SINGAPORE

Maxwell Chambers,
28 Maxwell Road,
WC2A 1DD
04-03 & 04-04, Maxwell Chamber
Suites
Singapore 069120
Tel: +65 6320 9272

KUALA LUMPUR

#02-9, Bangunan Sulaiman
Jalan Sultan Hishamuddin,
50000 Kuala Lumpur,
Malaysia
Tel: +60 32 271 1085

BARRISTERS • ARBITRATORS • MEDIATORS

clerks@39essex.com • DX: 298 London/Chancery Lane • 39essex.com