

Year called 2006

[andrew.deakin@39essex.com](mailto:andrew.deakin@39essex.com)



Andrew Deakin is a public lawyer. His practice focusses on human rights, national security, prisons, and mental health. He has experience of acting in politically sensitive public inquiries and inquests raising human rights issues. Andrew is regularly instructed to advise on matters of data protection and freedom of information.

Andrew was appointed to the Attorney General's A Panel in 2018. He acts for both claimants and public authorities.

---

## PRACTICE AREAS

- Administrative & Public
- Public Inquiries & Inquests
- Regulatory & Disciplinary
- Planning, Environment & Property

---

## PRACTICE AREAS

### ADMINISTRATIVE & PUBLIC

#### Public Law & Human Rights

Andrew has particular experience of human rights, terrorism, immigration, prisons, and mental health law. He regularly acts in damages claims raising public law issues. Reported cases include:

***R (SS (Sri Lanka) v Secretary of State for the Home Department*** [2018] EWCA Civ 1391 – Acted for the Secretary of State in an appeal addressing the consequences of delay between hearing and promulgation of a decision and the relevance of demeanour to credibility findings.

***Findlay & Da Silva v Department of Business, Energy and Industrial Strategy*** [2018] EWHC 1591 (QB) – damages claim for alleged misfeasance in a public office and malicious prosecution.

***PR (Sri Lanka) v Secretary of State for the Home Department*** [2017] EWCA Civ 1946 – Acted for the Secretary of

State in an appeal against the refusal of an application to apply for permission to appeal a refusal to treat submissions as a fresh claim. Case concerned the weight to be attached to summaries of evidence in Country Guidance cases.

**Secretary of State for the Home Department v LF** [2017] EWHC 2685 (Admin) – Acted for the Secretary of State in a section 9 review of LF’s TPIM notice. (Led by Ben Watson).

**R (Mormoroc) v Ministry of Justice** [2017] EWCA Civ 989 – The Appellant, an EU citizen, alleged discrimination on the basis that different policy considerations controlled a grant of Home Detention Curfew in his case than those applying to UK citizens. ECHR and EU law in issue. Appeal of HHJ Cooke’s decision dismissing application for judicial review at first instance.

**Secretary of State for the Home Department v LG, IM, JM** [2017] EWHC 1529 (Admin) – Acted for the Secretary of State in section 9 reviews of LG, IM and JM’s TPIM notices. (Led by Cathryn McGahey QC).

**Amirteymour v Secretary of State for the Home Department** [2017] EWCA Civ 353 – concerning the jurisdiction of the Upper Tribunal to consider an appeal on Art.8 ECHR grounds in the context of an appeal under the Immigration (EEA) Regulations 2006.

**Secretary of State for the Home Department v EB** [2016] 1970 (Admin) – Acted for the Secretary of State in a EB’s section 9 review of and section 16 appeal against his TPIM. (Led by Lisa Giovannetti QC).

**Guntrip v Parole Board (1) and Secretary of State for Justice (2)** [2015] A.C.D. 67 – Acted for the Secretary of State defending Art. 5 challenge on grounds of delay.

**R (on the application of LD; RH; BK) v Secretary of State for Justice** [2014] EWHC 3517 (Divisional Court) – human rights challenge to PSI 67/2011 on grounds that the policy did not properly constrain full body searches of women prisoners.

**R (Mormoroc) v Ministry of Justice** [2014] EWHC 4024 (Admin) – Claim by EU citizen alleging discrimination following refusal of Home Detention Curfew. ECHR and EU law in issue.

**K2 v Secretary of State for the Home Department** (SC/96/2010) – Appeal against deprivation of citizenship. (Led by Tim Eicke QC).

**Jeyarupan v Secretary of State for the Home Department** [2014] EWHC 386 (Admin) – Amenability of Article 3(2) of the Dublin Regulation (343/2003) to judicial review.

**Navaratnam v Secretary of State for the Home Department** [2013] EWHC 2383 (QB) – Challenge on grounds of abuse of power to the Secretary of State’s delay and then refusal of leave following Claimant’s successful appeal to the European Court of Human Rights and challenge on Legacy grounds.

**R (Massey) v Secretary of State for Justice** [2013] EWHC 1950 (Admin) (Divisional Court) – Challenge on article 14 ECHR grounds to the lawfulness of Indeterminate Sentences for the Purposes of Public Protection following the implementation of LASPO 2012.

**Serrano v Secretary of State for the Home Department & Secretary of State for Justice** [2012] EWHC 3216 – Challenge to the legality of the Home Detention Curfew scheme on ECHR, EU, and Equality Act grounds.

**R (on the application of AS (Lebanon)) v (1) Secretary of State for the Home Department (2) Secretary of State for Justice & Brent PCT (Interested Parties)** [2012] EWHC 1349 (Admin) – Claim for unlawful detention on the basis

that the Secretary of State had failed to have due regard to her policy on detention of the mentally ill.

***R (on the application of Ali Polat) v Secretary of State for the Home Department*** [2011] EWHC 3445 (Admin) – Challenge to a decision that Art 1F(b) Geneva Convention 1951 excluded leave under the one-off child concession.

## PUBLIC INQUIRIES & INQUESTS

Andrew appears regularly in sensitive inquiries and inquests. He was recently instructed by several government departments in the *Hart Inquiry* into institutional abuse in Northern Ireland and acted for over 200 military witnesses in the *Al Sweady Inquiry*.

Recent inquests & inquiries include:

***Re C (Inquest)*** (2017) – Art. 2 inquest into death of prisoner in custody involving police, prison officers, prison healthcare, and the Probation Service.

***Historical Institutional Abuse Inquiry*** (2016) – Acted for MI5, SIS, the Ministry of Defence and the Northern Ireland Office in a major public inquiry into the role of the security services in systematic child abuse at Kincora Boys' Home.

***Re E (Inquest)*** (2016) – Art. 2 inquest into the suicide of a recently released psychiatric patient.

***Re C (Inquest)*** (2016) – Art. 2 inquest into death of prisoner in custody. (Inquest challenged on grounds of breach of natural justice.)

***CM (a child) (Inquest)*** (2015) – Inquest into death of a child in care (complex medical history).

***Lava & Ignite*** (2015) – Inquest into multiple deaths following crush injuries at the Lava & Ignite nightclub.

***Al Sweady Public Inquiry*** (2013-2014) – Acted for military witnesses in a major public inquiry into allegations of murder, mutilation, and mistreatment of Iraqi nationals by British forces in Iraq. (Led by Neil Garnham QC).

***FJ (a child) (Inquest)*** (2013) – Inquest into the death of a child at school (requiring applications for extended reporting restrictions to limit press exposure of child witnesses).

## REGULATORY & DISCIPLINARY

Andrew regularly acts for central government departments, local authorities, companies and individuals on their rights to access and obligations to provide information. Recent instructions include:

- Resisting disclosure of commercially sensitive material arising in the context of an MoD procurement exercise. Arguments focused on s.43(2) FOIA and the Defence and Security Public Contracts Regulations 2011 (***Kerr v (1) ICO and (2) The Ministry of Defence*** EA/2017/0129).
- Resisting disclosure of details of the working practices of Home Office Registered Pathologists on the basis of ss. 40 (personal data) and 36(2)(c) (prejudice to effective conduct of public affairs) FOIA (***Workman v (1) ICO and (2) Secretary of State for the Home Department*** EA/2017/0127).
- Defending a decision to withhold information on the basis of s.23 FOIA (Information supplied by, or relating to, bodies dealing with security matters) (***Dr John Fox v (1) ICO and (2) The Ministry of Defence*** EA/2017/00018).
- Advice on the criminal investigation and national security exemptions under ss.30 and 24 FOIA 2000.

- Advice to a major healthcare provider on the lawfulness of its decision to limit disclosure of medical records under the Access to Health Records Act 1990.

In addition to his data protection and freedom of information work Andrew has a broad regulatory and disciplinary practice. Recent cases include:

- Acting as legal advisor in police disciplinary proceedings.
- Acting for the Judicial Appointments and Conduct Ombudsman (***Vlad v Judicial Appointments and Conduct Ombudsman*** [2015] EWHC 3790 (Admin)).
- Advising regulatory bodies on the lawfulness of their proposed funding arrangements.

## PLANNING, ENVIRONMENT & PROPERTY

Andrew practices in Chambers' core area of planning and environmental law. He focusses on section 288/289 challenges and judicial review. Andrew acts for the Secretary of State/local authorities as well as developers.

Recent Cases include:

***Venn v Secretary of State for Communities and Local Government*** [2015] 1 WLR 2328 – Appeal against the grant of a PCO in the context of s.288 challenge. Scope of CPR r.45 and the requirement of the Aarhus Convention considered. (Led by James Eadie QC)

***Venn v Secretary of State for Communities and Local Government*** [2014] J.P.L. 447 – Application for a PCO in the context of s.288 challenge. Scope of CPR r.45 and the requirement of the Aarhus Convention considered.

***St Edmundsbury BC and Suffolk CC v Reynolds*** [2013] EWHC 737 (QB) – Appeal against s.187B injunction on art. 8 ECHR grounds. Planning (Listed Buildings & Conservation Areas) Act 1990 in issue.

***R (Save Britain's Heritage) v Secretary of State for Communities and Local Government*** [2011] EWCA Civ 334) – Challenge to the Demolition Direction on the basis of incompatibility with the Environmental Impact Assessment Directive. (Led by Richard Harwood QC).

---

## QUALIFICATIONS

*Bar Vocational Course, Inns of Court School of Law (Outstanding)*

- Sheldon Scholarship, Lord Denning Scholarship, and Buchanan Prize (Lincoln's Inn).
- WCA Prize (ICSL).

*CPE, City University (Merit)*

- Haldane Scholarship and Hardwicke Entrance Award (Lincoln's Inn).

*M.Phil in philosophy, King's College, Cambridge*

- Supervised undergraduate formal logic at Cambridge University.

*BA (Hons) in philosophy, Hughes Hall, Cambridge (1<sup>st</sup> Class)*

- EM Burnett Prize

---

**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,  
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