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Chambers and Partners 2021

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Annabel specialises in public law and human rights, in particular, in healthcare and mental capacity law. She also accepts instructions in commercial and construction law.

As a public lawyer, her broad experience encompasses areas such as: judicial review, human rights, mental capacity, mental health, inquests, education, information rights, community care, healthcare, immigration and public international law. Annabel regularly appears in a wide range of courts and tribunals, including the High Court.

Annabel is consistently recommended as a leading junior for Administrative & Public Law (including Local Government) and Court of Protection (Health and Welfare) by The Legal 500 and Chambers & Partners.

PRACTICE AREAS

- Administrative and Public Law
- Mental Capacity and Mental Health
- Health and Social Care
- Inquests and Inquiries

- Information Rights
- Education Law
- Immigration and Asylum
- Public International
- Regulatory and Disciplinary
- Commercial

PRACTICE AREAS

ADMINISTRATIVE AND PUBLIC LAW

Annabel has a broad practice in all areas of public law and human rights. She is recommended as a leading junior for Administrative and Public Law (including Local Government) by Legal 500.

Her recent work includes:

- *R (Keppel) v Medway CCG and others* [2020] EWHC 372 (Admin): advising and representing the claimant in a judicial review challenge to the reconfiguration of stroke services across Kent and Medway.
- *R (Nettleship) v South Tyneside CCG* [2020] EWCA Civ 46, [2019] EWHC 2052 (Admin): represented the claimant in a judicial review challenge to the reconfiguration of stroke, maternity and gynaecology, and paediatric services at Sunderland and South Tyneside Hospitals.
- *R (Hinsull) v Dorset Clinical Commissioning Group* [2019] EWCA Civ 1412, [2018] EWHC 2331 (Admin): represented the successful defendant clinical commissioning group in the Administrative Court and Court of Appeal in a challenge to the decision to reconfigure acute and community healthcare services across Dorset (led by Fenella Morris QC)
- *R (Conway) v Secretary of State for Justice* [2018] EWCA Civ 1431, [2018] EWCA Civ 16, [2017] EWHC 2447 (Admin), [2017] EWCA Civ 275, and [2017] EWHC 640 (Admin): represented the claimant, Noel Conway, in high profile litigation concerning the lawfulness of assisted dying; challenging the prohibition on assisted suicide as incompatible with the Human Rights Act 1998 in the Administrative Court, Court of Appeal and Supreme Court (led by Alex Ruck Keene, Richard Gordon QC, Nathalie Lieven QC and David Pannick QC).
- *R (Keep Wythenshawe Special) v Central Manchester CCG* [2016] EWHC 17 (Admin): represented the claimant in a judicial review challenge to the reconfiguration of hospital services across Greater Manchester (led by Fenella Morris QC).
- *R (on the application of OH) v London Borough of Bexley* [2015] EWHC 1843 (Admin): represented the defendant local authority in a judicial review challenge to a community care package as sole counsel.
- *R (Gordon-Jones) v Secretary of State for Justice* [2014] EWHC 3997 (Admin): represented the successful claimant in a high profile challenge to the prison book ban (led by Jenni Richards QC and Victoria Butler-Cole).
- *Williams v Patrick and others* [2014] EWHC 4120 (QB): represented three Labour Party Councillors in a

High Court election petition as sole counsel.

- *R (Dewhirst) v South Tees NHS Trust*: advised and represented the defendant NHS Trust in a judicial review claim challenging the emergency closure of some A&E services at the Friarage Hospital (led by Nigel Pleming QC)

Shortly after pupillage, Annabel was awarded the Pegasus Scholarship and undertook a 3-month traineeship at the European Court of Human Rights in Strasbourg.

Annabel is currently appointed to the Attorney General's London C Panel of Counsel and the Equality and Human Rights Commission C Panel of Counsel.

MENTAL CAPACITY AND MENTAL HEALTH

Annabel frequently appears in the Court of Protection and is instructed by individuals, the Official Solicitor, local authorities, NHS bodies and care homes. She has dealt with a wide range of disputes regarding residence, care, deprivation of liberty, contact, property and financial affairs, and serious medical treatment. She has acted in complicated welfare proceedings, including serious medical treatment cases in the High Court.

She has particular expertise in cross-border cases involving the international protection of incapacitated adults and regularly acts for the Health Service Executive of Ireland in cross-border placements.

She is a contributing editor of 39 Essex Chamber's Mental Capacity Report and the leading practitioners' textbook, Court of Protection Practice.

Her recent work includes:

- *D (by his litigation friend, the Official Solicitor) v Birmingham City Council* [2019] UKSC 42: represented the Official Solicitor in a successful appeal in the Supreme Court concerning the issue of whether parents can in law consent to the deprivation of liberty of an incapacitated 16 or 17 year old (led by Alex Ruck Keene and Henry Setright QC).
- *NHS Trust v Y* [2018] UKSC 46: represented the Intensive Care Society and Faculty for Intensive Care Medicine as interveners in the Supreme Court concerning the requirement to come to court before clinically assisted nutrition and hydration can be withdrawn with a prolonged disorder of consciousness (led by Alex Ruck Keene).
- *Briggs v Legal Aid Agency* [2017] EWCA Civ 1169: represented the Official Solicitor in the Court of Appeal regarding the extent to which medical treatment issues fell within the scope of section 21A of the Mental Capacity Act 2005 (led by Vikram Sachdeva QC)
- *Salford Royal Hospital NHS Foundation Trust v P* [2017] EWCOP 23: acted for the family of a patient concerning the withdrawal of clinically assisted hydration and nutrition where the patient was in a minimally conscious or permanent vegetative state (led by Victoria Butler-Cole)
- *Cumbria CCG v S* [2016] EWCOP 32, *Salford Royal Hospital NHS Foundation Trust v P* [2017] EWCOP 23: acted for the family of a patient in an application to withdraw clinically assisted hydration and nutrition from a patient in a minimally conscious or permanent vegetative state (sole counsel).
- *HSE Ireland v PA, PB and PC* [2015] EWCOP 36: acted for St Andrew's Healthcare in the leading case on the international protection of vulnerable adults concerning the recognition and enforcement of foreign orders (sole counsel).

- *Re ARL; Public Guardian v ICL* [2015] EWCOP 55: acted for a property and affairs deputy in an application by the Public Guardian to revoke the deputyship (sole counsel).
- *Re MOD and others (Deprivation of Liberty)* [2015] EWCOP 47: acted for a local authority in an application to authorise a deprivation of liberty where the Official Solicitor was not in a position to act as litigation friend (sole counsel).
- Acted for the family of a patient in a medical treatment application to authorise the provision of antibiotics, dialysis and CPR to a patient in a coma.
- Acted for an NHS Trust in an application for the administration of anti-retro viral medication to a patient with schizoaffective disorder.

Annabel also has been instructed in a wide range of mental health proceedings including Mental Health Tribunal hearings and applications to displace a nearest relative. She has also been involved with a number of judicial review challenges concerning aftercare duties under section 117 of the Mental Health Act 1983.

HEALTH AND SOCIAL CARE

Annabel regularly advises on and acts in a full range of community care and healthcare disputes such as ordinary residence, service provision, charging provisions and NHS Continuing Healthcare. Annabel has also been instructed in a number of judicial review applications regarding funding disputes. Her recent work includes:

- *R (OH) v London Borough of Bexley* [2015] EWHC 1843: acted for the local authority in a judicial review challenge to reduce a package of care (sole counsel).
- Advised a local authority regarding the application of ordinary residence rules and drafting submissions in an application to the Secretary of State (sole counsel).
- Successfully represented a clinical commissioning group defending a judicial review challenge to its decision to reduce a package of care (sole counsel).
- Represented a clinical commissioning group in a judicial review challenge concerning eligibility for NHS Continuing Healthcare (sole counsel).

INQUESTS AND INQUIRIES

Annabel regularly appears in inquests including those concerning Article 2 ECHR. Her work includes:

- Acting for the family of the deceased who died in prison.
- Acting for a hospital in an Article 2 inquest concerning the death of a patient detained under the Mental Health Act 1983.
- Acting for an NHS Trust concerning the suicide of a mentally-ill patient who had been discharged from hospital.
- Acting for the family of the deceased in an inquest concerning a death on train tracks.

Annabel is currently instructed as junior counsel to the Infected Blood Inquiry, led by Jenni Richards QC, and chaired by Sir Brian Langstaff.

INFORMATION RIGHTS

Annabel has advised a number of public bodies in relation to their obligations under the Data Protection Act 1998

and the applicability of various exemptions under the Freedom of Information Act 2000. Annabel has appeared in the Information Rights Tribunal in a case concerning the meaning of “personal data” including “sensitive personal data”.

EDUCATION LAW

Annabel advises and represents schools, local authorities and parents in a wide range of education law matters including admissions appeals, infant class size appeals, school reorganisation, land transfers, special educational needs and disabilities. She appears in the Special Education Needs and Disability Tribunal. She is a contributor to the third edition of McManus’ textbook “Education and the Courts” (third edition).

IMMIGRATION AND ASYLUM

Annabel was recently instructed for the claimant in a judicial review challenge relating to entry clearance (led by Lisa Giovannetti QC). She appears in the Asylum & Immigration Tribunal in bail applications on behalf of immigration detainees. Annabel has experience in proceedings concerning the unlawful detention.

PUBLIC INTERNATIONAL

Annabel has a keen interest in public international law and has advised NGOs, including Oxfam and Amnesty International, on issues such as treaty law in relation to the UN Arms Trade Treaty and international refugee law. Annabel has also advised a foreign government on the applicability of State immunity from prosecution in foreign domestic courts (led by Hazel Fox QC). Annabel has also appeared in a leading case about the international protection of adults: HSE Ireland v PA, PB and PC [2015] EWCOP 38.

REGULATORY AND DISCIPLINARY

Annabel has experience in regulatory law, particularly in the healthcare and financial services sector.

In the field of healthcare, she has undertaken a secondment at Monitor where she dealt with regulatory law issues including competition law, licence conditions, enforcement, sanctions and appeals.

In the financial services sector, Annabel has undertaken a secondment at the Financial Ombudsman Service where she dealt with legal issues arising in the context of a wide range of financial services including payment protection insurance, pensions, life assurance and mortgages.

Annabel has appeared in the magistrates’ court in a licensing matter regarding “fitness to practise”. She has also advised the Department for Business, Innovation and Skills on the appeal processes in relation to decisions of economic sector regulators. She is a contributor to “Disciplinary and Regulatory Proceedings” (eighth edition) published by Jordan.

Annabel has appeared in the Employment Tribunal including in multi-day trials. She has dealt with matters of jurisdiction, unfair dismissal, misconduct, human rights, discrimination, unlawful deduction from wages and whistle-blowing.

COMMERCIAL

Annabel has a broad commercial law practice and has experience of acting in contractual disputes. She has advised in respect of a wide range of financial services including loan agreements, pensions, mortgages, consumer credit and insurance. She has represented clients in the Bankruptcy Court and Companies Court.

In construction law, Annabel was instructed as junior counsel in a multi-million pound construction dispute concerning a nuclear facility. She has practical experience of complex adjudications and arbitrations. She is also a contributor to Wilmot Smith’s Construction Contracts: Law and Practice (OUP 2014).

RECOMMENDATIONS

"She is extremely efficient, responsive and hard-working. Her skeleton arguments are exceptional." **Chambers and Partners (2021)**

"Very responsive and good at communication. Her drafting and advocacy are excellent-she is always in full control." **Chambers and Partners (2021)**

"Annabel's drafting is very succinct, very clear and detailed. Her advocacy is very persuasive and she is indeed a very good negotiator at the pre-hearing discussions with the other party's set." **Legal 500 (2021)**

"Annabel is a very conscientious and hard-working junior counsel with a real eye for detail. She is also very personable and easy to work with." **Legal 500 (2021)**

"She is a good advocate – she focuses her points and deals with matters very carefully." **Chambers and Partners (2020)**

"She is always on top of the latest legal developments and thinks outside the box to find the right solution for the client." "Very approachable and thorough." **Chambers and Partners (2020)**

"Thinks outside the box to find the right solution for the client." **Legal 500 (2020)**

"A conscientious junior with a real eye for detail." **Legal 500 (2020)**

"She is an excellent junior: sharp, clever, and with an amazing ability to take on cases at last minute with a very busy diary." **Chambers and Partners (2019)**

"Annabel is really good with clients in stressful situations, and she's able to stand her ground with senior barristers in cases." **Chambers and Partners (2019)**

"She is excellent, reliable, inventive and intelligent. Annabel is willing to go the extra mile and is very professional." **Chambers and Partners (2018)**

"I think she adds a real vibrancy, she's really passionate and great with the clients in court. She really thinks creatively about problem solving." **Chambers and Partners (2018)**

APPOINTMENTS

- Equality and Human Rights Commission C Panel of Counsel
- Attorney General's London C Panel of Counsel (from 1 March 2019 to present).
- UK Supreme Court Judicial Assistant to Lord Clarke of Stone-cum-Ebony and Lord Carnwath of Notting Hill (September 2013 to August 2014).
- Trainee (Pegasus Scholar) at the European Court of Human Rights, Strasbourg (September to December 2012).

MEMBERSHIPS

- Advocates for International Development (A4ID)
- British Institute of International and Comparative Law (BIICL)
- Constitutional and Administrative Law Bar Association (ALBA)
- Court of Protection Bar Association (CPBA)
- Human Rights Lawyers Association (HRLA)

QUALIFICATIONS

- BVC, City Law School (2009-10)
- LLM (Public Law & Human Rights) (Distinction) UCL (2008-09)
- BA (Law), University College, Oxford (2005-08)

PRIZES & SCHOLARSHIPS

- Pegasus Scholarship (ECtHR), Inner Temple (2012)
- Colombos Public International Law Prize, Middle Temple (2011)
- Athens Scholarship, Administrative Law Bar Association (2011)
- Queen Mother Scholarship, Middle Temple (2009)
- World Finalist, Jessup Public International Law Moot Court Competition (representing UCL) (finished 2nd in world) (2009)
- Best Respondent Memorial, Jessup Public International Law Moot Court Competition (UK rounds) (2009)
- National Finalist, The Times/Herbert Smith National Advocacy Competition (2008)
- Winner, Oxford Law Society Crown Office Mooting Competition (2008)
- National Finalist, Bar National Mock Trial Competition (2004 & 2005)

ADDITIONAL INFORMATION

PUBLICATIONS

- Court of Protection Practice 2015, 2016, 2017, 2018, 2019 and 2020 (forthcoming) Editor, Jordan

Publishing

- Court of Protection Law Reports, Editor, Jordan Publishing
- Disciplinary and Regulatory Proceedings (8th edition) – Contributor, Jordan Publishing
- Atkin’s Court Forms: Human Rights volume 21(3) (2014) (with Hodge Malek QC, Jenni Richards QC and Jennifer Thelen)
- Wilmot-Smith on Construction Contracts (3rd Edition) – Contributor, Oxford University Press 2014
- McManus, Education and the Courts (3rd edition, 2012) (contributor)
- Administrative Court Digest (regular contributor)

ARTICLES

- Withdrawing life-sustaining treatment: a stock-take of the legal and ethical position (2019) Journal of Medical Ethics (with Alex Ruck Keene)
- Managing Cuts Lawfully (2016) ELGLB Apr, 7-22 (with Fenella Morris QC)
- Focus on Article 13 ECHR (2015) JR 20(1), 33-41
- Deprivation of Liberty Update (2015) Eld LJ 5(4), 415-519 (with Alex Ruck Keene)
- Managing Cuts: Lawful Decision-Making, PSED and Consultation (2015) Eld LJ 5(2), 182-189 (with Fenella Morris QC)
- Testamentary Capacity [2013] Eld LJ 272 (with Alex Ruck Keene)
- Update: Court of Protection (with Alexander Ruck-Keene) S.J. 2013, 157(33) Supp (Private Client Focus)

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