



“He has a great eye for detail and a high standard of oral advocacy”

Legal 500 2021

Jack’s practice focuses on civil liability, public law and costs. He is a member of the Attorney General’s B Panel of Counsel and the Panel of Special Advocates.

Jack undertakes a range of civil liability work for both Claimant’s and Defendants, including for government and insurers, with a focus on personal injury. He has particular expertise in claims against public bodies and regularly advises on legal issues crossing both public and private law. He has substantial experience in high-value injury claims and group litigation, particular those arising from historic allegations; by or against military personnel; for psychiatric injury; and for sports injuries. He also has experience of property damage claims.

Jack undertakes general public law work, representing claimants, government and public bodies. He has particular experience in immigration & asylum judicial review, with Legal 500 describing him as ‘One of the leading juniors in cases dealing with Tiers 2, 4 and 5 licensing and sponsorship matters.’ He also has experience working in matters of constitutional law, welfare benefits, local government law, election law, data protection and mental health.

Jack has wide experience of inquest work, including lengthy and high profile matters, representing government departments, family members, and other interested parties.

Jack has regularly appeared in the Court of Protection, predominantly on welfare and DOLS matters, representing individuals, local authorities, NHS bodies and the Official Solicitor.

Jack has also advised both solicitors and complainants on SRA proceedings and complaints to the Legal Ombudsman, as well on claims for professional negligence by solicitors. He has also appeared in the HCPC Tribunal and is on the General Dental Council panel. He has advised on rugby and other sports disciplinary matters.

Jack provides specialist advice on costs and regularly appears in county courts, the SCCO and the High Court on costs matters. With his experience in other areas, he is ideally placed to advise upon costs in public law matters and claims involving public bodies, and has particular experience in Group Litigation costs.

PRACTICE AREAS

- Administrative & Public
- Civil Liability
- Inquiries & Investigations
- Costs & Litigation Funding
- Commercial
- Regulatory & Disciplinary

PRACTICE AREAS

ADMINISTRATIVE & PUBLIC PUBLIC LAW AND HUMAN RIGHTS

Jack has a wide public law practice, with particular experience in immigration and asylum, state benefits, commercial public law, constitutional law, local government, mental health and Court of Protection.

In immigration and asylum, Jack has advised and appeared for Claimants and central government on claims involving deportation, human trafficking, Article 8 and student Tier 4 applications, amongst other issues. He also has extensive experience advising on Tier 2 and 4 sponsor licence cases. He recently advised a multi-national company in the automotive sector in successfully challenging a Tier 2 sponsor licence revocation and has advised HM Government on a number of significant Tier 2 and Tier 4 cases.

Jack also has significant experience of advising both Government and Claimants in unlawful detention claims, particularly those arising out of immigration detention.

Jack has acted on a number of occasions for and against the Department of Work and Pensions, and for local authorities, in both the Upper Tribunal and the Administrative Court, in claims involving retirement benefits, invalidity benefits, council tax support and universal credit.

Jack has appeared for and advised local authorities on matters including the provision of accommodation and support under the Children's Act, and the provision of adult social care. Jack is also regularly instructed by local authorities and other parties in Court of Protection matters and has appeared in county courts and the Mental Health Tribunal on disputes under the Mental Health Act. Outside of the law, Jack is a former local councillor, giving him a particular insight into local authority cases.

Jack has particular experience on complex issues of constitutional law both in this country and foreign jurisdictions. He has advised on devolution issues and election law.

Jack has also worked on a commercial public law matters. In 2011, he spent several months as an associate for Allen & Overy in their litigation department, focusing on public law, competition and commercial disputes.

Cases: **Mutua & Ors v Foreign and Commonwealth Office; Kimathi & ors v Foreign & Commonwealth Office**

Jack was instructed for the Foreign & Commonwealth Office, along with Neil Block QC and Lisa Giovannetti QC of chambers, in a group action brought by 44,000 claimants who alleged that they were victims of assaults whilst detained or in the course of security forces operations during the emergency in Kenya between 1952 and 1959. The action followed earlier claims brought in **Mutua & Ors v FCO**, which were compromised in 2013. The Claimants sought damages, but relied upon a range of international and domestic human rights obligations in support of their claims.

The case was dismissed in November 2018 after one of the longest in English legal history. Jack was the longest serving member of the Government's legal team instructed on these claims, working on all aspects of the litigation during the 8 ½ years he was instructed.

Kimathi & ors v FCO [2018] EWHC 3144 (QB) – Judgment upon the second test claim. Claim dismissed, the Judge refusing to disapply limitation pursuant to section 33 of the Limitation Act. The Judge went on to determine that the decision would be the same in all other test claims and dismissed all claims on the group register.

Kimathi & ors v FCO [2018] EWCA Civ 2213 – Court of Appeal refused the Claimants' application for permission to appeal judgment in the first test claim.

Kimathi & ors v FCO [2018] EWHC 2066 (QB) – Judgment upon the first test claim. Claim dismissed, the Judge refusing to disapply limitation pursuant to section 33 of the Limitation Act.

Kimathi & ors v FCO [2018] EWHC 1169 (QB) – Considering issue of "concealment" under section 32 of the Limitation Act 1980.

Kimathi & ors v FCO [2018] EWHC 1070 (QB) – Admissibility of Hansard and extent of Parliamentary Privilege; admissibility of fresh evidence during trial

Kimathi & ors v FCO [2018] EWHC 605 (QB) – Admissibility of documentary evidence; requirement for relief from sanction

Kimathi & ors v FCO [2017] EWHC 2145 – Civil procedure; Amendments to statements of case mid-trial, and dispensing with Statements of Truth

Kimathi & ors v FCO [2017] EWHC 938 – Civil procedure; Amendments to statements of case mid-trial

Other cases

R (on the application of Suny) v Secretary of State for the Home Department [2019] EWCA Civ 1019 – Appeal against the refusal of permission to bring judicial review in a challenge to the refusal of leave to remain as a Tier 2 migrant

OB (Ukraine) v Entry Clearance Officer [2019] EWCA Civ 1216 – Appeal against the decision of the Upper Tribunal to overturn a First-Tier Tribunal decision granting an appeal against the refusal of entry clearance to a visitor

R (on the application of Parinda Maha Singh) v Secretary of State for the Home Department (unreported) JR/727/2017

R (on the application of Lwanda Mazana) v Secretary of State for the Home Department [2018] EWHC 650 (Admin) – Claim for unlawful immigration detention on grounds of failure to provide accommodation

R (on the application of London College of Business, Management and Information Technology) v Secretary of State for the Home Department (unreported) 6 March 2016 – Challenge to the revocation of a Tier 4 Sponsor Licence

R (on the application of London College of Business, Management and Information Technology) v Secretary of State for the Home Department [2015] EWHC 3215 (Admin) – Challenge to the revocation of a Tier 4 Sponsor Licence

R (on the application of 360 GSP College) v Secretary of State for the Home Department [2015] EWHC 526 – Challenge to the revocation of a Tier 4 Sponsor Licence

R (on the application of Bhagat) v Secretary of State for the Home Department [2014] EWHC 772 (Admin); [2014] 1 WLR 3710 – Judicial Review of the rejection as invalid of the Claimant’s Tier 1 (PSW) visa application

Secretary of State for Work and Pensions v Chieza Case C-680/11

The ECJ considered a reference from the Upper Tribunal (Administrative Appeals Chamber) regarding whether entitlement to incapacity benefit is “necessarily and objectively linked” to pensionable age so that the UK is entitled to derogate from the principle of equal treatment for men and women in matters of social security under Council Directive 79/7/EEC. An initial opinion was given finding that entitlement to incapacity benefit was not necessarily and objectively linked to pensionable age.

Mutua & Ors v Foreign and Commonwealth Office [2012] EWHC 2678 (QB)

Mutua & Ors v Foreign and Commonwealth Office [2011] EWHC 1913 (QB)

Belize Bank Limited v Attorney General of Belize [2011] UKPC 36

Jack appeared with Nigel Fleming QC in an appeal to the Privy Council regarding the appointment of a banking regulation appeal board. The court considered whether there was an appearance of bias due to the nature of their appointment by the Prime Minister of Belize contrary to rights protected under the Belizean Constitution.

CIVIL LIABILITY

PERSONAL INJURY & CLINICAL NEGLIGENCE

Jack accepts instructions in a range of personal injury matters and appears regularly, for both claimants and defendants, in multi-track cases in the county courts and High Court, including in claims for catastrophic personal injury.

He is regularly instructed in high-value claims, with particular experience in injuries to military personnel. He is currently instructed by the MoD in a number of claims for non-freezing cold injuries suffered by soldiers.

Jack has particular experience in claims involving cyclists and sports injuries, in particular injuries during rugby matches. He also has experience in fatal accident claims, and for accidents abroad.

Jack is also regularly instructed in claims for damage to property, and has particular experience of claims arising out of works by utility companies.

Jack further undertakes work in insurance law and has advised on policy wording, coverage and issues of subrogation.

Cases: **Mutua & Ors v Foreign and Commonwealth Office; Kimathi & ors v Foreign & Commonwealth Office**

Jack was instructed for the Foreign & Commonwealth Office, along with Neil Block QC and Lisa Giovannetti QC of chambers, in a group action brought by 44,000 claimants who alleged that they were victims of assaults whilst detained or in the course of security forces operations during the emergency in Kenya between 1952 and 1959. The action followed earlier claims brought in **Mutua & Ors v FCO**, which were compromised in 2013. The Claimants sought damages, but relied upon a range of international and domestic human rights obligations in support of their claims.

The case was dismissed in November 2018 after one of the longest in English legal history. Jack was the longest serving member of the Government's legal team instructed on these claims, working on all aspects of the litigation during the 8 ½ years he was instructed.

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Kimathi & ors v FCO [2018] EWHC 1070 (QB) – Admissibility of Hansard and extent of Parliamentary Privilege; admissibility of fresh evidence during trial

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Kimathi & ors v FCO [2017] EWHC 2145 – Civil procedure; Amendments to statements of case mid-trial, and dispensing with Statements of Truth

Kimathi & ors v FCO [2017] EWHC 938 – Civil procedure; Amendments to statements of case mid-trial

INQUIRIES & INVESTIGATIONS

Jack has wide experience of inquest work, including lengthy and high profile matters, representing government departments, family members, and other interested parties. These have included Article 2 inquests into deaths in custody, during medical treatment (including whilst under psychiatric care) and linked to public service failings. He has recently represented individual probation officers in two separate inquests investigating unlawful killing by individuals subject to probation supervision, which were the subject of extensive press coverage.

<https://www.bbc.co.uk/news/uk-england-london-49768998>

<https://www.theguardian.com/society/2019/sep/19/alex-malcolm-jury-points-to-failings-by-probation-service>

<https://www.bbc.co.uk/news/uk-wales-51149311>

<https://www.theguardian.com/uk-news/2020/jan/17/coroner-supervision-of-conner-marshall-killer-woefully-inadequate>

COSTS & LITIGATION FUNDING

Jack accepts instructions in a variety of costs matters and regularly appears in county courts and the SCCO on applications, detailed assessments and costs appeals.

He regularly advises both paying and receiving parties, and solicitors, as to costs bill of substantial value, and has recently advised on issues including the enforceability of Conditional Fee Agreements, recoverability of VAT, the effect of Legal Aid regulation and the effect of costs orders in tax matters.

Jack has significant expertise in costs arising out of claims by or against public bodies. He is currently instructed by the Home Office in relation to costs in excess of £1 million arising out of group litigation challenging the legality of the Detained Fast Track asylum procedure.

Jack also has particular experience of 3rd party costs and wasted costs orders against solicitors.

Jack was a contributor to Lord Justice Jackson's review on costs.

Cases

R (on the application of JM & others) v Secretary of State for the Home Department (unreported) – Decision by Master Nagalingham as to whether proceedings are concluded for the purposes of CPR 47.1 by transfer of damages claim to the County Court in an action proceeding under a Group Litigation Order.

Articles: Practical Law blog: [Deutsche Bank AG v Sebastian Holdings Inc and another \[2016\] EWCA Civ 23](#) – *Will we see an increase in non-party costs orders?*

COMMERCIAL

COMMERCIAL AND CONSTRUCTION LAW

Jack has substantial experience in claims for property damage. He has received a number of instructions in claims involving utility companies, including incidents of damage to cables and pipes, and flooding caused by water mains. He also has experience of claims arising out of fires; vandalism; negligent building works; poorly designed drainage systems; road traffic accidents; and defective products.

He is currently instructed on a substantial claim for a house fire allegedly caused by a faulty laptop battery.

REGULATORY & DISCIPLINARY

Jack has experience of regulatory matters, with particular experience of solicitor's regulation. He has worked on a number of SRA complaints, and has advised both solicitors and complainants on complaints to the Legal Complaints Service and the Legal Ombudsman. He represented clients in a number of claims for solicitors' negligence.

Jack has also advised on a number of rugby and other sports disciplinary matters.

CASES

Administrative & Public Law

R (on the application of Suny) v Secretary of State for the Home Department [2019] EWCA Civ 1019 – Appeal

against the refusal of permission to bring judicial review in a challenge to the refusal of leave to remain as a Tier 2 migrant

OB (Ukraine) v Entry Clearance Officer [2019] EWCA Civ 1216 – Appeal against the decision of the Upper Tribunal to overturn a First-Tier Tribunal decision granting an appeal against the refusal of entry clearance to a visitor

R (on the application of Parinda Maha Singh) v Secretary of State for the Home Department (unreported) JR/727/2017

R (on the application of Lwanda Mazana) v Secretary of State for the Home Department [2018] EWHC 650 (Admin) – Claim for unlawful immigration detention on grounds of failure to provide accommodation.

R (on the application of London College of Business, Management and Information Technology) v Secretary of State for the Home Department (unreported) 6 March 2016 – Challenge to the revocation of a Tier 4 Sponsor Licence

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R (on the application of Bhagat) v Secretary of State for the Home Department [2014] EWHC 772 (Admin); [2014] 1 WLR 3710 – Judicial Review of the rejection as invalid of the Claimant’s Tier 1 (PSW) visa application

Belize Bank Limited v Attorney General of Belize [2011] UKPC 36 West Indies ref.

There was no appearance of bias where the minister of finance of Belize had made public comments about perceived financial irregularities on the part of a bank but had also exercised his statutory obligation to appoint members of an administrative appeal board to determine an appeal concerning those perceived irregularities.

Secretary of State for Work and Pensions v Chieza Case C-680/11

The ECJ considered a reference from the Upper Tribunal (Administrative Appeals Chamber) regarding whether entitlement to incapacity benefit is “necessarily and objectively linked” to pensionable age so that the UK is entitled to derogate from the principle of equal treatment for men and women in matters of social security under Council Directive 79/7/EEC. An initial opinion was given finding that entitlement to incapacity benefit was not necessarily and objectively linked to pensionable age.

Discrimination

N Cherfi V G4s Security Services Ltd [2011] Eq LR 825

An employment tribunal had been entitled to find that an employer had not indirectly discriminated against a Muslim employee on grounds of his religion by refusing to allow him to leave his post to attend Friday lunchtime prayers at a local mosque.

Human Rights & Civil Liberties

Mutua & Ors v Foreign and Commonwealth Office [2012] EWHC 2678 (QB)

Mutua & Ors v Foreign and Commonwealth Office [2011] EWHC 1913 (QB)

Five Kenyan nationals who allege that they were seriously mistreated in detention camps in Kenya, when it was a British colony, during the Mau Mau uprising in the 1950s, brought claims for damages for personal injuries against the Foreign and Commonwealth Office, alleging assault and battery, and negligence. At the 2011 hearing, the Court determined the summary judgment application brought by the Foreign Office. The Claimants' application for an extension of time under s.33 Limitation Act 1980 was heard at the hearing in 2012.

Following settlement of those claims, a further 44,000 claims were brought as part of the **Kenyan Emergency Group Litigation – Kimathi & ors v FCO**. Jack has contributed and appeared throughout the case, including in the following judgments:

Kimathi & ors v FCO [2018] EWHC 3144 (QB) – Judgment upon the second test claim. Claim dismissed, the Judge refusing to disapply limitation pursuant to section 33 of the Limitation Act. The Judge went on to determine that the decision would be the same in all other test claims and dismissed all claims on the group register.

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Kimathi & ors v FCO [2017] EWHC 938 – Civil procedure; Amendments to statements of case mid-trial

QUALIFICATIONS

Education

- 2007-2008: Bar Vocational Course, BPP Law School.
- 2006-2007: GDL, BPP Law School.
- 2003-2006: BA (Hons), Philosophy, Politics and Economics (First Class).

Awards

- 2007: Denning Scholarship and Hardwicke Entrance Award, Lincoln's Inn.

Appointments

- 2012: Attorney General's C panel
- 2017: Panel of Special Advocates
- 2018: Attorney General's B panel

PUBLICATIONS

Practical Law blog: [Deutsche Bank AG v Sebastian Holdings Inc and another \[2016\] EWCA Civ 23](#) – *Will we see an increase in non-party costs orders?*

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