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### Chambers and Partners

Peter Mant specialises in public and administrative law, professional discipline and costs. His practice spans a broad range of areas governed by public law, regulation and human rights, including healthcare, community care, mental capacity and mental health, prisons, education and indirect tax. His clients include individual claimants and regulated professionals, central and local government departments, regulators and non-governmental organisation.

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## PRACTICE AREAS

- Administrative & Public
- Regulatory & Disciplinary
- Costs & Litigation Funding

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## PRACTICE AREAS

### ADMINISTRATIVE & PUBLIC GENERAL PUBLIC LAW

He regularly acts and advises in judicial review proceeding and other cases concerning the powers and duties of public authorities. Recent examples include:

- Advising local authorities on the scope of their powers to charge for services
- Acting in judicial review proceedings on the scope of legitimate expectation arising from tax rulings
- Acting for a leading university in judicial review proceedings challenging the fairness of its disciplinary

procedures

- Undertaking a standards investigation into the conduct of the leader of a county council (with Jenni Richards QC)
- Acting for the family of a child refused exceptional funding for medication for a rare inherited condition
- Advising a group of families on a proposed judicial review of the Welsh Assembly Government's plans for Welsh language primary schools in Cardiff
- Advising public authorities on consultation requirements and PSED duties
- Acting and advising in a range of claims under the Equality Act 2010
- Acting and advising in prisons cases concerning categorisation, parole and conditions

## MENTAL HEALTH

Peter has particular expertise in mental health law, including cases where provisions of the Mental Health Act 1983 and the Mental Capacity Act 2005 overlap. Recent examples of his work in this area include:

- The leading case on deprivation of liberty under a Community Treatment Order and the scope of the First Tier Tribunal's power to address human rights breaches arising under a CTO (in the Court of Appeal, awaiting a decision on permission to appeal to the Supreme Court)
- Upper Tribunal cases on deprivation of liberty under guardianship and on conditional discharge
- Judicial review proceedings on the scope of section 117 aftercare duties
- Displacement of nearest relative applications in the county court
- More complex first instance tribunal hearings raising difficult points of law or evidence
- Damages claims and inquests concerning mental health patients

## MENTAL CAPACITY

Peter regularly appears in the Court of Protection, instructed by the Official Solicitor, families, NHS bodies and local authorities. He is particularly expert in matters concerning deprivation of liberty, having acted as junior counsel in the Supreme Court in *Cheshire West*.

He has experience of acting in the most serious cases concerning medical treatment and personal welfare, including:

- Applications about end of life care
- Obstetric care and forced contraception
- Capacity to consent to marriage and annulment of marriage
- Capacity to consent to sexual relations
- Proceedings to determine issues of residence, contact and care, including cases involving serious allegations of physical and/or sexual abuse
- Applications under the inherent jurisdiction

He also undertakes property and affairs work, acting for individuals, public bodies and charities in cases

concerning statutory wills, disputed gifts and the appointment or removal of deputies and attorneys.

## COMMUNITY CARE

Peter acts and advises in a wide range of community care matters, including:

- Judicial review claims in respect of the withdrawal and/or reduction of services
- Ordinary residence disputes (including advising the Secretary of State on cases that are referred to him for determination)
- Age assessment proceedings
- Disputes concerning section 117 aftercare
- Civil proceedings in respect of care home charges
- Advisory work on the powers and duties of local authorities and health bodies, including consultation and equality duties

## INQUESTS AND INQUIRIES

Peter acts for interested parties in inquests and inquiries, especially those with a public element and where article 2 is engaged. He acted for the family of Cheryl James in the recent fresh inquest into her at Deepcut barracks in 1995 (led by Alison Foster QC). He was also instructed as junior counsel on behalf of the Food Standards Agency in the Public Inquiry into the September 2005 Outbreak of E.coli O157 in South Wales in which a number of school children died.

## HUMAN RIGHTS, EU AND INTERNATIONAL LAW

Peter has a particular interest in human rights and international law, having worked at the registry of the European Court of Human Rights in Strasbourg in 2009/10. Many of the cases in which he is instructed raise human rights issues, including the right to life under article 2, deprivation of liberty under article 5 and the right to family life under article 8.

He has acted for individuals in a range of claims for damages under the Human Rights Act 1998, including:

- Proceedings against the police under article 2 in respect of the death of a vulnerable young man who was run over on a motorway after officers left him in a layby
- A claim under article 8 on behalf of a patient detained under the Mental Health Act 1983 who was denied access to his nephews for two years
- A challenge, under articles 3 and 8, to inadequate provision of washing facilities for a disabled prisoner
- Various claims in respect of unlawful deprivation of liberty in prisons, hospitals and care homes under Article 5
- A claim, under article 8, against the home office in respect of serious procedural failings which led to the wrongful removal from the United Kingdom of a member of the Royal Society of Chemistry and his family

Peter acts and advises in cases with an EU law dimension, including a number of recent cases concerning agriculture and farm subsidies (as well as indirect tax cases).

He appeared on behalf of a domestic worker in one of the leading UK cases on diplomatic immunity in

employment claims.

## VAT

Peter also undertakes VAT work. His recent cases in this field have included an Upper Tribunal appeal about the payment on account scheme and its compatibility with EU law; the correct VAT treatment of meals on wheels as a supply of takeaway food; and a major MTIC fraud case.

## REGULATORY & DISCIPLINARY

Peter is ranked by Chambers & Partners and the Legal 500 as a leading junior in regulatory law. The focus of his regulatory practice is in the High Court where he appears on behalf of individuals and their regulators in judicial reviews proceedings and appeals. He also undertakes advisory work; he has worked closely with a number of major regulators on matters concerning their policies, rules and procedures. His regular clients include the Professional Standards Authority and the General Medical Council. The following are examples of his recent work in this field:

- Acting for the Professional Standards Authority in numerous section 29 appeals
- Acting for other regulators and individuals in a broad range of appeals concerning doctors, nurses, social workers and other health and social care professionals
- Advising a leading health care regulator on the lawfulness of its policies and procedure rules
- Advising the Professional Standards Authority on aspects of its internal procedure
- Acting in judicial review claims concerning a range of matters, including the lawfulness of an investigation, alleged bias and breaches of Article 8
- Advising on matters of EU law in respect of the mutual recognition of professional qualifications
- Acting in more complex first instance tribunal hearings

## COSTS & LITIGATION FUNDING

Costs work and related commercial claims account for about a quarter of Peter's practice. He regularly appears in costs hearings – including detailed assessments and appeals – in the SCCO, the High Court and the county courts. Matters in which Peter recently has been instructed include:

- Issues arising out of the Jackson reforms
- The recoverability of success fees and insurance premiums
- The status of solicitors' bills (interim statute bills or requests for payments on account)
- Alleged breach of CFA terms
- Solicitors' negligence
- Judicial review of legal aid agency funding decisions
- The compatibility of success fees with article 10 ECHR
- Costs budgeting

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## CASES

### **Supreme Court**

- *Welsh Ministers v PJ* [2018] UKSC 66 – deprivation of liberty under a CTO (with Jenni Richards QC)
- *Cheshire West v P* [2014] UKSC 19 – landmark case on deprivation of liberty in care settings (with Jenni Richards QC)

### **Court of Appeal**

- *R (CXF) v Central Bedfordshire CCG* [2018] EWCA Civ 2852 – scope of duty to provide aftercare under s.117 MHA (with Eleanor Grey QC)
- *PJ v A Local Health Board* [2017] EWCA Civ 194 – deprivation of liberty under a CTO
- *Irvine v General Medical Council* [2017] EWCA Civ 1296 – application for permission and stay of erasure decision
- *R (Raschid) v LB Merton* [2016] EWCA Civ 622 – costs in judicial review proceedings that settle when claim becomes academic

### **Administrative Court**

- *Collen Nkomo v General Medical Council* [2019] (Admin) – doctor's appeal against erasure for fraud conviction
- *Ihsan v General Medical Council* [2019] EWHC 716 (Admin) – doctor appeal against erasure for sexual misconduct
- *Grant v HCPC* [2019] EWHC 811 (Admin) – social worker appeal against striking off for dishonesty
- *Professional Standards Authority v (1) NMC (2) Ali* [2019] EWHC 656 (Admin) – appeal against decision imposing suspension without review when there was an on-going risk of repetition
- *R (ZT) v Croydon LBC* [2019] 1 WLUK 210 – interim injunction in age assessment dispute
- *R (Hutchinson) v Secretary of State for Health* [2018] EWHC (Admin) 1698 – judicial review of government decision to introduce Accountable Care Organisations to the NHS
- *Ijsselmuiden v General Medical Council* [2018] EWHC 1199 (Admin) – appeal against suspension based on failure to undergo health assessment
- *R (Hawking) v Secretary of State for Health* [2018] EWHC 989 (Admin) – judicial review costs capping order in crowd funded judicial review
- *Oyasanya v General Medical Council* [2018] EWHC 338 (Admin) – decision on scope of court's powers under s.38 of Medical Act 1983
- *Yusuff v General Medical Council* [2018] EWHC 13 (Admin) – case giving guidance on the correct approach to continuing denials at a fitness to practise review hearing
- *Motala v General Medical Council* [2018] EWHC 2923 (Admin) – doctor's appeal against extension of suspension for sexual misconduct

- *Professional Standards Authority v (1) NMC (2) Judge* [2017] EWHC 817 (Admin) – appeal against decision not to strike off nurse who physically and emotionally abused a vulnerable patient
- *Abbas v GMC* [2017] EWHC 51 – doctor’s appeal against erasure for multiple failings including deliberate breach of interim orders
- *Professional Standards Authority v (1) NMC (2) Dalton* [2016] EWHC 1983 (Admin) – important decision on charging dishonest denials distinguishing the Privy Council judgment in *Misra*
- *Professional Standards Authority v (1) HCPC (2) Ajeneye* [2016] EWHC 1237 (Admin) – appeal against unduly lenient sanction for provision of false references
- *Ariyanayagam v GMC* [2015] EWHC 3848 (Admin) – appeal against erasure for regular dishonest absenteeism
- *Shaw v GOSc* [2015] EWHC 2721 (Admin) – leading case concerning the meaning and scope of “unacceptable professional conduct”
- *Desmond James & Doreen James v HM Coroner for Surrey* [2014] EWHC 2585 (Admin) – application for fresh inquest into the death of Cheryl James at Deepcut barracks (with Alison Foster QC)
- *R (Mire) v Royal Institution of Chartered Surveyors* [2015] EWHC 1524 (Admin) – challenge on Article 8 grounds to decision to commence disciplinary proceedings
- *Professional Standards Authority v (1) HCPC (2) Ghaffar* [2014] EWHC 2708 (Admin) – appeal against unduly lenient sanction for repeated dishonesty
- *Professional Standards Authority v (1) GDC (2) Endicott* [2014] EWHC 2280 (Admin) – appeal against irrational findings of fact by regulatory panel
- *Professional Standards Authority v (1) GChC (2) Briggs* [2014] EWHC 2190 – “under prosecution” as a ground of appeal under section 29
- *R (GSTS Pathology Ltd) v HMRC* [2013] EWHC 1801 (Admin) – legitimate expectation and tax treatment of pathology services (with Alison Foster QC)

### **Court of Protection and High Court Inherent Jurisdiction**

- *London Borough of Croydon v KR & Anor* [2019] EWHC 2498 (Fam)– important case on proper limits of inherent jurisdiction
- *A Clinical Commissioning Group v P (Withdrawal of CANH)* [2019] EWCOP 18 – withdrawal of life sustaining treatment
- *MASM v MMAM* [2015] 3 WLR 190 – leading case on contempt in Court of Protection proceedings
- *P v Surrey County Council* [2015] EWCOP 54 – claim for breach of Article 5 where DOLS supervisory body failed to consider alternative options
- *Re LDV* [2013] EWHC 272 (Fam) – capacity to consent to informal admission to a psychiatric hospital

### **Upper Tribunal and other Tribunals**

- *Marsden Caterers v HMRC* [2016] UKUT 88 (TCC) – appeal concerning application of the payment on account scheme and its compatibility with EU law

- *Manifold (t/a Easy Living Meals on Wheels) v Revenue and Customs Commissioners* [2016] STI 2704 – VAT treatment of “meals on wheels”
- *Secretary of State for Justice v KC* [2015] UKUT 376 (AAC) – leading case on deprivation of liberty on conditional discharge of patients who lack capacity
- *KD v A Borough Council* [2015] UKUT 251 (AAC) – leading case on deprivation of liberty and guardianship
- *Abusabib v Taddese* [2013] I.C.R. 603 – diplomatic immunity and employment of domestic workers
- *GA v Betsi Caowaladr University LHB* [2013] MHLO 50 – community treatment orders and Tribunal’s powers to grant discretionary discharge
- *GSTS Pathology Ltd v HMRC* [2014] STI 1610 – VAT treatment of pathology services (with Alison Foster QC)
- *4 Distribution v HMRC* [2009] S.T.I. 643 – missing trader intra-community fraud case (with Philip Singer QC)

### **Inquests and Inquiries**

- *Independent Inquiry into Child Sexual Abuse* – representing a core participant in the Archdiocese of Birmingham case study
- *Inquest into the death of Cheryl James* – acting for the family of a young soldier who died at Deepcut barracks (with Alison Foster QC)
- *E.coli Public Inquiry* – representing Food Standards Authority in inquiry into outbreak of E.coli at schools in Wales (with Alan Maclean QC)

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## RECOMMENDATIONS

Peter Mant is recommended by Chambers & Partners and the Legal 500 in the areas of Professional Discipline and Court of Protection: Health & Welfare.

Quotes:

*“Extremely knowledgeable and pragmatic. He has a very calm and approachable manner.”* Chambers & Partners 2019

*“Peter is a calm and reassuring advocate who presents very well in court.”* Chambers & Partners 2019

*“His knowledge of the Court of Protection and related social security issues is really very good, and he’s very personable and good at dealing with people as well.”* Chambers & Partners 2019

*“He has excellent judgment and is a pleasure to work with.”* Legal 500 2018

*“Outstanding technically and very persuasive in court.”* Chambers & Partners 2018

*“Highly intelligent and delightful to deal with. He is responsive and always makes himself available.”* Chambers &

## Partners 2018

*"He's excellent. If I had a really difficult, very complex tricky question, or a costs question in the COP I'd go to Peter. He's a reliable, approachable, exceptionally knowledgeable and skilful barrister."* Chambers & Partners 2018

*"He's extremely clever, very calm, decent and judges like him. He's very thorough and doesn't mess around."* Chambers & Partners 2018

*"Peter is well regarded for his strong grasp of complex legal issues, attention to detail and straightforward approach."* Chambers & Partners 2017

*"A go-to junior, he has excellent judgement and is a pleasure to work with."* Chambers & Partners 2017

*"He's got a great academic mind and he's very good with clients – he's definitely rising."* Chambers & Partners 2017

*"Extremely knowledgeable on healthcare regulation."* Legal 500 2017

*"He is incredibly intelligent, yet very practical. His advice is very grounded in practicality. It's very driven by what would be the best outcome for the client and how we would get there."* Chambers & Partners 2016

*"Technically excellent, he has a persuasive manner in court, and is calm and quietly confident."* Chambers & Partners 2015

*"He has a quiet but authoritative manner, is very measured and calm but is absolutely on the ball and able to put his foot down when necessary."* Chambers & Partners 2015

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## APPOINTMENTS

The Attorney General's B-panel

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## MEMBERSHIPS

- Administrative Law Bar Association
- Human Rights Lawyers Association
- Bar Pro Bono Unit
- Justice
- Amnesty



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## QUALIFICATIONS

### EDUCATION

- College of Law. Bar Vocational Course: 2005-2006
- City University, CPE: 2004-2005
- Churchill College, Cambridge, BA History: 2000-2003

### SCHOLARSHIPS & PRIZES

- Pegasus Scholarship for work at ECtHR: 2009
- Inner Temple Prize for outstanding BVC result: 2006
- Inner Temple Major Scholarship for BVC: 2005
- Inner Temple Major Scholarship for CPE: 2004

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## ADDITIONAL INFORMATION

### PUBLICATIONS

- *Disciplinary and Regulatory Proceedings*, 8<sup>th</sup> Ed, Jordan Publishing 2015
- *What Price Success: Ramifications of Campbell v MGN*, Law Society Gazette, February 2011
- *Current Law Statutes. Annotations to the Health Act 2009*, Sweet & Maxwell 2010
- *The Law of Human Rights*, 2nd Edition, Oxford University 2009

### OTHER POSTS

- Islington Law Centre Management Committee: 2011-present
- Lawyer to the Registry of the European Court of Human Rights: 2009-2010.
- Office of the United Nations High Commissioner for Refugees: 2004
- Life-long supporter of Oxford United F.C.

### PRO BONO

Peter is very happy to accept pro bono instruction where appropriate. In recent years, he has worked closely with a number of legal charities and non-governmental organisations including Liberty, Islington Law Centre and the Anti-Trafficking and Labour Exploitation Unit (ATLEU).

He acted in one of ATLEU's first ever cases on behalf of a migrant domestic worker, securing an award of over £80,000 for a woman who had been abused, discriminated against and forced to work unpaid over several years.

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