

Year called 2002

Silk 2019

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## ‘A charming and persuasive advocate.’

### Legal 500

Rory is recommended by Legal 500 and Chambers & Partners in six practice areas: administrative and public law, professional discipline and regulatory law, data protection, immigration and education.

Before taking silk, Rory spent 12 years on the Attorney General’s panels, including 4 years on the A panel. Rory has acted in over thirty cases in the Court of Appeal, five in the Supreme Court and more than a hundred in the High Court. He is the co-author of the Oxford University Press textbook, *Detention Under the Immigration Acts: Law and Practice* and he wrote the chapter on appeals and judicial review in the 8<sup>th</sup> and 9<sup>th</sup> editions of the LexisNexis textbook, *Disciplinary and Regulatory Proceedings*.

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## PRACTICE AREAS

- Administrative & Public
- Professional Discipline
- Immigration
- Data Protection & Information Law
- Education
- Human Rights & Civil Liberties
- Health

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## PRACTICE AREAS

## ADMINISTRATIVE & PUBLIC

*'He is extremely well prepared and is a fair and honourable counsel.'* (Legal 500)

*'He knows the law backwards and forwards and can be trusted to present it entirely straight'* (Legal 500)

*'A charming and persuasive advocate'* (Legal 500)

*'An extremely effective and tenacious claimant lawyer whose government experience really gives him an edge.'* (Legal 500)

Rory is recommended for administrative and public law by Legal 500. He has a wide range of experience in administrative & public law generally across several fields, not just immigration and regulatory law but also prison law, healthcare, mental health and community care. He acts for individuals, Government departments and other public authorities, including local authorities and Primary Care Trusts.

## PROFESSIONAL DISCIPLINE

*'Responsive, practical and sees the bigger picture.'* (Legal 500)

*'He appears in regulatory judicial tribunals covering health and education'* (Legal 500)

Rory is recommended for professional discipline and regulatory law by Legal 500. He is on the GMC's panel and has frequently represented and advised both regulators and registrants in High Court appeals and judicial reviews. He has acted for and against the Solicitors Regulation Authority in the High Court and SDT in numerous high profile cases, including the prosecution of Kamran Akram, the CEO of Asons. He has appeared for the Secretary of State for Education (and, before it was abolished, the General Teaching Council for England) in more than ten High Court appeals against decisions to prohibit teachers. He has also represented the National Health Services Litigation Authority, the Commission for Social Care Inspection (as it then was), the Care Quality Commission, the Pensions Regulator, Primary Care Trusts, dentists, pharmacists, psychotherapists, teachers and nurses in judicial reviews and professional conduct proceedings. He wrote the chapter on appeals and judicial review in the 8<sup>th</sup> and 9<sup>th</sup> editions of the LexisNexis textbook, *Disciplinary and Regulatory Proceedings*. Recently Rory appeared for the GMC in *GMC v Hayat*, the leading Court of Appeal authority on whether evidence of ill-health requires professional disciplinary tribunals to adjourn a hearing.

## IMMIGRATION

*'Always ready to help, has extensive knowledge of the Home Office practice and gives very practical advice.'* (Chambers & Partners)

*'He is a fair and honourable counsel in an area that can often be tense and confrontational.'* (Legal 500)

*'He is very good and his advocacy is very clear'* (Chambers & Partners)

*'He is well organised and a pleasure to work with, as well as a fair and straightforward opponent.'* (Legal 500)

*'He is extremely reliable, conscientious and easy to work with.'* (Chambers & Partners)

*'He brings an exceptionally keen intellect to his work.'* (Chambers & Partners)

*'He has an exceptional grasp of unlawful detention issues.'* (Legal 500)

*'Very knowledgeable'* (Legal 500)

Rory has been recommended, since 2011, by Legal 500 and Chambers and Partners as an expert in the field of immigration. He has appeared in nearly immigration cases before the Court of Appeal. He has advised and represented the government in many of the key cases concerning immigration detention and Article 8 and deportation.

Unusually for a Treasury panellist, Rory also has a Claimant practice, using the experience gained in acting for central government. He has represented Claimants and Appellants in numerous judicial reviews and appeals to

the Court of Appeal concerning the refusal of fresh claims, immigration detention, refugee family reunion and various other areas. He is an expert in sponsor licensing and the Points Based System having appeared in several judicial reviews concerning the revocation and suspension of sponsor licences. He is also the co-author of Detention under the Immigration Acts: Law and Practice, published by OUP in 2015, which is the leading text book on immigration detention. Lord Dyson, the Master of the Rolls described this book as *'an essential addition to the library of anyone who practises in the field of the law of immigration.'*

## DATA PROTECTION & INFORMATION LAW

*'Very able and knowledgeable about information rights, he is tenacious and great at arguing difficult points.'*  
(Chambers & Partners)

*'He produces fantastic advocacy, and is very clever and forensic in his approach.'* (Chambers & Partners )

*'He is very competent in this area, with considerable experience.'* (Legal 500)

*'He's a pleasure to work with: both clever and persuasive.'* (Chambers & Partners)

*'He's a lovely chap who is very civilised and sensible, and very pragmatic.'* (Chambers & Partners)

*'An excellent advocate, who is highly intelligent and persuasive'* (Legal 500)

*'Highly respected junior with a broad-ranging practice in data protection and information law.'* (Chambers & Partners)

*'Calm under pressure, client-friendly and clever.'* (Chambers & Partners)

*'His written advocacy is excellent and his oral advocacy in the face of some hostile judges was very calm, cool and collected.'* (Chambers & Partners)

*'He is very experienced, measured and persuasive. A pleasure to work with and to be against.'* (Chambers and Partners)

*'A good advocate and a sensible opponent.'* (Chambers & Partners)

*'A confident and fluent advocate with an honest, straightforward style.'* (Legal 500)

*'Gets the right results'* (Legal 500)

Rory is recommended as an expert in Information Rights and Data Protection in both The Legal 500 and Chambers & Partners (where he is ranked in Band 1 for juniors). He frequently advises and represents public authorities and data controllers in relation to the Freedom of Information Act 2000, the Environmental Information Regulations 2011 and the GDPR. He often appears in appeals to the First-tier and Upper Tribunal against decisions of the Information Commissioner.

## EDUCATION

*'His advocacy is always well prepared and reasonable.'* (Chambers and Partners)

Rory is recommended in the Legal 500 and Chambers and Partners for Education. He has appeared for the Secretary of State for Education (and, before it was abolished, the General Teaching Council for England) in more than ten High Court appeals against decisions to prohibit teachers. He has also appeared on behalf of teachers in professional conduct proceedings. Recently, he successfully persuaded a professional conduct panel that it did not have jurisdiction to consider the case against a teacher who had not taught for over a decade.

He has also acted in judicial reviews and appeals against decisions concerning children with Special Educational Needs and school closures. He was lead counsel for the Department for Education in a recent judicial review of the Government's policy of providing free full-time childcare for the children of working parents.

## HUMAN RIGHTS & CIVIL LIBERTIES

Rory has a particular expertise in human rights law – he worked for nine months at the European Court of Human Rights, drafting judgments and decisions in numerous British and Irish cases, and lectured on behalf of the

Council of Europe and the Raoul Wallenberg Institute in Strasbourg, Armenia and Azerbaijan. He has also advised in relation to constitutional claims in jurisdictions with constitutions similar to the European Convention on Human Rights, for example the Turks and Caicos Islands. He represented the government in the leading Court of Appeal case to consider and interpret the Maslov principles laid down by the European Court of Human Rights and has appeared in several other Court of Appeal cases concerning Article 8. He has also appeared in numerous inquests where he has advised and made representations on the effect of Article 2. He is currently junior for the Secretary of State in *AM (Zimbabwe) v SSHD*, a Supreme Court case which will decide whether to follow *Paposhvili v Belgium* – i.e. when it breaches Article 3 to return a seriously ill person to a country where they will not receive the same medical treatment.

## HEALTH

Rory has represented clients in the health sector across a range of disciplines: in relation to FOIA requests and data protection principles; in bringing and defending judicial reviews; in regulatory proceedings etc. For example, he recently represented the Secretary of State for Health in a judicial review of a decision to close an A&E department and acted for the NHS Commissioning Board in a FOIA appeal concerning the scores given by the Kennedy Panel.

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## CASES

### SIGNIFICANT CASES

#### House of Lords/Supreme Court

- *ST (Eritrea) v Secretary of State for the Home Department* [2012] UKSC 12.
- *AP v Secretary of State for the Home Department* [2010] UKSC 26.
- *AL (Serbia) v Secretary of State for the Home Department; R (Rudi) v Secretary of State for the Home Department* [2008] UKHL 42.
- *R (National Grid Gas plc) v Environment Agency* [2007] UKHL 30.

#### Court of Appeal

- *MAB (Iraq) v SSHD* [2019] EWCA Civ 1253
- *SSHD v PF (Nigeria)* [2019] EWCA Civ 1139
- *GMC v Hayat* [2018] EWCA Civ 2796
- *MM (Malawi) v SSHD* [2018] EWCA Civ 2482;
- *R (London St Andrew's College) v SSHD* [2018] EWCA Civ 2496;
- *AM (Zimbabwe) v SSHD* [2018] 1 W.L.R. 2933
- *R (W2) v SSHD* [2018] 1 W.L.R. 2380
- *SSHD v JM (Zimbabwe)* [2018] 1 W.L.R. 2329;
- *LC (Albania) v SSHD* [2017] 1 W.L.R. 4173
- *SSHD v VM (Jamaica)* [2017] Imm. A.R. 1237

- Akinyemi v SSHD [2017] 1 W.L.R. 3118
- R (Raj & Knoll Ltd) v Secretary of State for the Home Department [2016] EWCA Civ 770
- R (BA (Eritrea) et al.) v Secretary of State for the Home Department [2016] EWCA Civ 458
- JG (Jamaica) v Secretary of State for the Home Department [2015] EWCA Civ 410
- R (Akpinar) v Upper Tribunal [2014] EWCA Civ 937.
- NS (Kosovo) v SSHD [2013] EWCA Civ 408.
- G1 v Secretary of State for the Home Department [2012] EWCA Civ 867.
- FM v Secretary of State for the Home Department [2011] EWCA Civ 807.
- Abdi & Khalaf v Secretary of State for the Home Department [2011] EWCA Civ 242.
- KH (Sudan) et al. v Secretary of State for the Home Department [2008] EWCA Civ 887.
- JB (Sudan) v Secretary of State for the Home Department [2008] EWCA Civ 766.
- RA v Secretary of State for the Home Department [2008] EWCA Civ 1210.
- BK (Democratic Republic Of Congo) v Secretary Of State For The Home Department [2008] EWCA Civ 1322.
- QY v SSHD [2008] EWHC 3072 (Admin).

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## APPOINTMENTS

- Attorney General's A panel
- GMC Panel

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## MEMBERSHIPS

- Association of Regulatory & Disciplinary Lawyers
- Administrative Law Bar Association
- Immigration Law Practitioners' Association
- Human Rights Lawyers' Association
- Bar Pro Bono Unit
- Free Representation Unit

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## QUALIFICATIONS

- 2019: Appointed Queen's Counsel
- 2015: Appointed to Attorney General's 'A' panel of counsel.
- 2011: Appointed to Attorney General's 'B' panel of counsel.
- 2008: Appointed to Attorney General's FOI panel.
- 2007: Appointed to Attorney General's 'C' panel of counsel.
- 2005: Pegasus scholarship to the European Court of Human Rights.
- 2002-2003: Lord Wolfson scholarships to Lincoln's Inn.
- 2002: Inns of Court School of Law – Bar Vocational Course (Very Competent).
- 2001-2002: Lord Mansfield scholarship to Lincoln's Inn.
- 2000-2001: City University: Postgraduate Diploma in Law (Distinction).
- 2000-2001: Lord Bowen scholarship to Lincoln's Inn.
- 1999: BA (Hons) Literae Humaniores (First Class).
- 1996: Roberts Gawen scholarship to Magdalen College, Oxford.

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## ADDITIONAL INFORMATION

### ARTICLES

The public interest – an unorthodox view (Freedom of Information Journal Volume 9, Issue 6, July/August 2013)  
Fresh Claims – The Need for a Fresh Start Y and Z (Sri Lanka) v Secretary of State for the Home Department  
Waste – Prosecutions (September 2006, Rory Dunlop) The Effect of Failing to Take Out Joint Names Insurance  
Chambers Client Report (July 2006, Rory Dunlop) Article 10, the Reynolds Test and the Rule in the Duke of  
Brunswick's Case European Human Rights Law Review, Issue 3 of 2006 (July 2006, Rory Dunlop) Unfair Dismissal  
and the Human Rights Act: Does it make a difference? Chambers Client Report January 2006 (January 2006, Rory  
Dunlop and Parishil Patel) The European Convention on Human Rights – Jacobs & White 2005 edition (author of  
the chapter on freedom of expression)

### PUBLICATIONS

Detention under the Immigration Acts: Law and Practice (OUP), 2015 (author)

What We Didn't Say: a novel (Twenty7), 2016 (author)

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