

Year called 2000

simon.murray@39essex.com



Simon Murray specialises in all areas of public law and human rights work and related actions against public bodies. He provides advice and representation in complex, sensitive and often high-profile cases.

Simon undertakes general public law work, representing claimants, government and public bodies. He has particular experience of judicial review claims regarding prisons, sentencing and parole, immigration & asylum (including EU law and national security matters), environmental law (relating particularly to subsidies for renewable energy projects), police, healthcare and Defence.

Simon practices more generally in the fields of professional negligence, data protection, employment and is instructed in other common law matters.

He is a highly versatile advocate with considerable court room experience. Over the last 19 years he has appeared in a wide range of courts, including all three divisions of the High Court, the county court (both on matters heard by a judge alone and with a jury), the Crown Court and various tribunals both at first instance and on appeal, including in the Employment Appeal Tribunal. He has frequently appeared in the Court of Appeal both on his own and when led. Simon has also appeared in the Supreme Court acting for the Secretary of State for Justice. He is equally comfortable as sole counsel (and he is regularly instructed to appear against QCs) or as part of a larger team of barristers.

Simon is appointed to the Attorney General's A Panel of Counsel.

PRACTICE AREAS:

- Administrative & Public
- Human Rights & Civil Liberties
- Civil Liability
- Data Protection and Information Law
- Employment and discrimination

Simon 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. He was one of the counsel for the Foreign and Commonwealth Office in the very long running Kenyan Emergency Group Litigation, in which more than 40,000 individuals brought claims arising from their experiences during the 'Mau Mau' Emergency in the 1950s. The claims were dismissed after a trial which lasted more than two years.

Simon is also regularly instructed to intervene in proceedings on behalf of the Attorney General and the Queen's Proctor. He has appeared on number of occasions in high profile matters both the High Court and the Court of Appeal, and he has on a number of occasions been instructed to act as the Advocate to the Court (Amicus Curiae) in range of human rights cases.

CASES OF NOTE:

Baron v Baron (Queen's Proctor intervening) & Ors [2019] 4 W.L.R. 79 and

M v P (Queen's Proctor intervening) [2019] EWFC 14

Acted for the Queen's Proctor, who intervened at the invitation of Sir James Munby – difficult cases concerning the consequences of judicial error and its impact on rights of parties and non-parties (new spouses).

Cooper v National Crime Agency [2019] EWCA Civ 16

Acted for the NCA in this leading case (and at first instance and in the EAT) on the inter-relationship between data protection provisions and disciplinary provisions in law enforcement agencies.

Kimathi v Foreign & Commonwealth Office [2018] EWHC 2066 (QB)

The Mau Mau litigation: claims brought by 46,000 Kenyan nationals arising, it was said out of their treatment by British troops and the Colonial authorities. This group litigation ran, in trial, for two and half years. Stewart, J. gave a large number of judgments in the course of the trial on various aspects of the case. This judgment was the decision in the first of the 25 test cases. The court declined to exercise his discretion under section 33 Limitation Act 1980 to extend time by some 56 years. The decision is a significant one which provides detailed guidance for the trial of 'stale' claims especially in circumstances where a defendant contends that by reason of lapse of time it has sustained such prejudice that there cannot be a fair trial on the merits. Acted as one of the counsel for the FCO.

Hermens v Hermens (Queen's Proctor Intervening) [2017] EWHC 3742 (Fam), 15 December 2017

Acted for the intervener, the Queen's Proctor, at the request of court, case concerned treatment of decrees procured by abuse of process.

R (James Knights) v Secretary of State for Justice [2017] EWCA Civ 1053, [2017] 4 W.L.R 134

Appeal from a decision on a judicial review, that the ECHR art.3 and art.5(1) rights of an offender serving a sentence of imprisonment for public protection had not been breached by the length of detention as compared to the gravity of his original offending. Acted for the successful Secretary of State both at first instance ([2015] EWHC 136 (Admin); [2015] A.C.D. 68) and, unled, on appeal. An application by the Claimant for permission to appeal to the Supreme Court failed in April 2019.

Grasso v Naik (Queen's Proctor intervening) [2017] EWHC 2789 (Fam), [2018] 1 F.L.R. 753

Acted for the Queen's Proctor to set aside 20 divorce petitions and one petition for dissolution of a civil partnership. The cases concerned the use of services of a disbarred barrister and dishonest representations in court forms. The Queen's Proctor intervened as a matter of public policy.

R (Brooks) v Independent Adjudicator, Secretary of State for Justice Intervening [2016] EWCA Civ 1033

The Court of Appeal allowed the Secretary of State's appeal in this leading case on the question of the nature of

an allegedly unlawful act in terms of the Human Rights Act 1998. The court accepted the novel “Luther Point” – namely that the Governor in this context could do other than detain in accordance with primary legislation and thus there could be no unlawful act within the meaning of section 6 HRA and the declarations and award of damages were accordingly overturned. The court also accepted submissions from the SSJ that the detention did not amount to a violation of Article 5(1). Further, obiter, the court indicated that had the issue remained live, they would have found in favour of the SSJ on the submissions in relation to the “second actor” theory in public law, namely that this case was one of those where the invalidity should take effect not ab initio but ex nunc, following a decision to quash in judicial review. Simon acted for the SSJ without a leader.

Solar Century Holdings Ltd v Secretary of State for Energy & Climate Change [2016] EWCA Civ 117; [2016] B.L.R. 341

Court of Appeal (Civil Division); led by Michael Fordham QC. Environment, energy policy/Solar Panel subsidy scheme.

An English Local Authority v X (A Child) [2015] EWFC 89

Family Court (Peter Jackson, J) Jurisdiction in Family Proceedings, acted as Advocate to the Court, instructed by the Solicitor General.

R.(Zewdu) v Secretary of State for the Home Department [2015] EWHC 2148 (Admin)

Queen’s Bench Division (Administrative Court),
Immigration, EU derivative rights of residence and damages, freedom of movement.

R.(London Criminal Courts Solicitors’ Association) v Lord Chancellor [2015] EWCA Civ 230; Court of Appeal (Civil Division) & High Court [2015] EWHC 295 (Admin); [2015] A.C.D. 95

Led by Martin Chamberlain QC

High profile JR Challenge to reform of criminal legal aid contracts by solicitors’ groups.

MEMBERSHIPS

Junior Counsel to the Crown A Panel (September 2016)

Junior Counsel to the Crown B Panel (March 2012)

Junior Counsel to the Crown C Panel (February 2006)

Member of the Inner Temple Bar Liaison Committee since 2009 & member of the Inner Temple Library Committee

Pro Bono Prosecutor for the Bar Standards Board in Bar Disciplinary Tribunals

ALBA (Constitutional & Administrative Law Bar Association)

PNBA (Professional Negligence Bar Association)

QUALIFICATIONS

MA(Hons) (St Andrews)

Dip. Law (City)

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
