

Ben Hooper
Call: 2000

Academic and professional qualifications

Junior Counsel to the Crown, B Panel (2007 . .)
Junior Counsel to the Crown, C Panel (2004 . 2007)

The Inns of Court School of Law (1999 . 2000)
The Peter Taylor Scholarship (Inner Temple, 1999 . 2000)

City University (1998 . 1999)
Major Scholarship (Inner Temple, 1998 . 1999)

Balliol College, Oxford (1994 . 1998)
First Class Honours Degree in Physics and Philosophy
Scholar (1995 . 1998)
Jenkyns Prize (1998), Coolidge Scholarship (1998), Ernest Walker Philosophy Prize (1995)

Areas of Practice

Commercial and regulatory

Particular interest in regulatory work and commercial judicial review. Has acted for the Information Commissioner, the Law Society, Ofcom and the Rail Regulator; together with various regulated companies, including easyJet.

Human Rights

Considerable experience of human rights litigation in the domestic courts. Recent work includes two appeals in the Supreme Court on the application of Art. 8 to social housing (*Pinnock and Powell*) and a further Supreme Court case concerning constitutional reform in the Channel Islands (*Barclay*). Is also currently involved in a novel horizontal effect case in the Chancery Division relating to Art. 8 and private landlords (*Quadrant Brownswood*). Also experienced in proceedings in the European Court of Human Rights: recent work includes *Kennedy* (the leading case on the ECHR-compatibility of the UK's interception regime).

Information law

Regularly instructed in Information Tribunal cases, and in appeals from Tribunal decisions. Also advises and litigates in the data protection field, including in data loss cases. Has considerable litigation experience of RIPA, including in the House of Lords (*McE*) and the Investigatory Powers Tribunal, where he has appeared more frequently than any other counsel.

Public and Administrative law

A broad litigation and advisory practice in public and administrative law. Experienced in many public and administrative law fields, including mental health (see *Munjaz* in the House of Lords) and prisoners' rights.

Local Government

Advises and litigates in a range of local government law fields, including public procurement.

Notable Cases

All Party Parliamentary Group on Extraordinary Rendition v Information Commissioner

[2011] UKUT 153 (AAC)

Access to information on detentions by British military forces

London Borough of Hounslow v Powell

[2011] 2 WLR 287

The latest word from the Supreme Court on the application of Art. 8 of the ECHR to possession proceedings brought by local authorities

Kennedy v. the United Kingdom

(2011) 52 EHRR 4, European Court of Human Rights

The leading case on the application of Art. 8 to RIPA interception, and on the requirements of Art. 6 in proceedings before the Investigatory Powers Tribunal

Manchester City Council v Pinnock

[2010] 3 WLR 1441, SC

Application of Art. 8 to possession proceedings brought by local authorities

R (Barclay) v. Lord Chancellor

[2010] 1 AC 464, SC

An ECHR challenge brought by the Barclay brothers against constitutional reform in the Channel Islands

BBC v. the Information Commissioner

(2010) EMLR 6, HC

Disclosure of the BBC's financial information under FOIA

BBC v. Sugar and the Information Commissioner

[2010] 1 All ER 782, HC

The second phase of the Sugar FOIA litigation

Paton v Poole Borough Council

[2011] 1 Info LR

Investigatory Powers Tribunal, 29 July 2010

A challenge to the use of directed surveillance under RIPA to investigate whether a family were living within a school's catchment area

Metropolitan Police v Information Commissioner

Information Tribunal, 23 May 2010

Disclose information about an alleged terrorist plot in London

Gerry Morrissey v. the Information Commissioner and Ofcom

Information Tribunal, 11 January 2010

Whether the Information Tribunal has jurisdiction to consider public law challenges in cases where reliance is placed on the exemption in s. 44 of FOIA, decision of Upper Tribunal awaited

R (easyJet) v. Civil Aviation Authority

[2009] EWCA Civ 1361

Junior counsel for easyJet in its challenge to the price cap set by the CAA for Gatwick airport

McE v. Prison Service of Northern Ireland

[2009] 1 AC 908

Covert surveillance of legal consultations in police stations and prisons

R (Bradley) v. Secretary of State for Work and Pensions

[2009] QB 114, CA

Intervening on behalf of the Speaker of the House of Commons on issues under the Bill of Rights 1689 and Parliamentary free speech

Liberty v. the United Kingdom

(2009) 48 EHRR 1, European Court of Human Rights

Article 8 challenge to the UK's interception regime

BBC v. Sugar and the Information Commissioner

[2008] 1 WLR 2289, CA

Counsel for the Information Commissioner in the first appeal to reach the Court of Appeal under FOIA

Scotland Office v. the Information Commissioner

Information Tribunal, 8 August 2008

The first Information Tribunal appeal on the Ministerial correspondence exemption in s. 35(1)(b) of FOIA

R (Al Rawi) v. Secretary of State for the Foreign and Commonwealth Office

[2008] QB 289, CA

Challenge brought by three Guantanamo Bay detainees to the Foreign Secretary's decision not to make a formal request for their release and return

R (Federation of Tour Operators) v. HM Treasury

[2007] UKHRR 1210, HC

Intervening on behalf of the Speaker of the House of Commons on issues under the Bill of Rights 1689 in a challenge to the doubling of air passenger duty

R (Munjaz) v. Mersey Care NHS Trust

[2006] 2 AC 148

A mental health case concerning the Articles 3 and 8 and the use of seclusion

C v. The Police

Investigatory Powers Tribunal, 14 November 2006

Counsel for the Home Secretary in the Investigatory Powers Tribunal in the leading case on the meaning of "directed surveillance" in the Regulation of Investigatory Powers Act 2000

Esfandiari v. Secretary of State for Work and Pensions

The Times, 29 May 2006

Junior counsel for the Secretary of State for Work and Pensions in the first Court of Appeal case to consider indirect discrimination under Article 14 of the ECHR

R. (B) v. Responsible Medical Officer, Broadmoor Hospital

[2005] HRLR 40, CA

Junior counsel for the Secretary of State for Health in a case that concerned whether the compulsory treatment of a mental patient would be compatible with his ECHR rights

R. (Western Riverside Waste Authority) v. Wandsworth Borough Council

[2005] LGR 846, HC

Junior counsel for Wandsworth in a case that concerned the powers of waste collection authorities to charge for the collection of commercial waste

R. (Kent Pharmaceuticals) v. The Serious Fraud Office

[2005] 1 WLR 1302, CA

Junior counsel for the Director of the Serious Fraud Office in a case concerning Article 8 of the ECHR and the disclosure of documents between Government departments

R. v Attorney General, ex parte Rusbridger

[2004] 1 AC 357

Junior counsel for the Attorney General in his successful appeal to the House of Lords

Publications

Co-author (with Sir John Laws) of the chapter on illegality in *Supperstone, Goudie and Walker on Judicial Review* (3rd ed., 2005)

"Proportionality and the form of law", (2003) 119 LQR 426.