

Clive Lewis QC
Call: 1987

Professional

Queen's Counsel 2006

Called to the Bar 1987

Practice 1992-

First Counsel to the Welsh Assembly 2000-

Vice-Chairman of the Administrative Law Bar Association 2009-

Principal Areas of Practice

Public Law and Judicial Review, European Union Law, Human Rights, Education, Environment, Information Law.

Recent cases include;

Ofcom v Information Commissioner (Supreme Court: test for disclosure under the Environmental Information Regulations);

Harrow LBC v Ibrahim and Teixeira v Lambeth (ECJ: entitlements of children and spouses of EU nationals to housing).

Patmalniece v Department for Work and Pensions (CA: whether refusal of state pension credit to Latvian present in the UK constituted unlawful discrimination);

R (SRM Global Fund) v HM Treasury (CA: compatibility of nationalisation of Northern Rock with the right to enjoyment of property guaranteed by Article 1 of the First Protocol to the ECHR);

R (Al Saadoon) v Secretary of State for Defence (CA and ECtHR: whether surrender of Iraqi nationals suspected of war crimes compatibility with ECHR);

R (Equitable Life Members Action Group) v HM Treasury (Div. Ct.: lawfulness of decision not to accept findings and recommendations of Ombudsman in relation to maladministration in the regulation of Equitable Life);

Isle of Anglesey v Welsh Minister (CA: regulation of sea fisheries).

Judicial Appointments

Recorder 2003 –

Deputy High Court Judge 2010 -

Publications

Judicial Remedies in Public Law (Sweet & Maxwell) 4th ed. 2009

Editor - "Civil Procedure" ("The White Book")

General Editor Halsbury's Laws of England, Judicial Review

Remedies and the Enforcement of European Community Law (Sweet and Maxwell)

Contributor "Administrative Court Practice" (Butterworths)

contributor "Education and the Courts (2nd ed.) Jordans.

Other Appointments

2004- Member of the Editorial Board, Public Law

RECENT CASES INCLUDE:

Judicial Review and Public Law

Ofcom v Information Commissioner [2010] UKSC 3 (test for disclosure of environmental information under the Environmental Information Regulations)

R (Equitable Life Members Action Group) v HM Treasury [2009] EWHC Admin. 2495 (lawfulness of decision not to accept findings of maladministration in relation to the regulation of Equitable Life)

Isle of Anglesey v Welsh Ministers [2009] 3 W.L.R. 813 (regulation of sea fisheries)

R (Bradley) v HM Treasury [2009] Q.B. 114 (test for determining when government department may reject findings of maladministration by an ombudsman)

R (M) v LB of Hammersmith and Fulham [2008] 1 W.L.R. 545 (duties owed to homeless 16 and 17 year olds).

R (Wheeler) v Office of the Prime Minister [2008] ACD 70 (whether legitimate expectation that referendum would be held before Treaty of Lisbon ratified)

R (AM (Cameroon)) v AIT [2008] 1 W.L.R. 2062 (circumstances in which courts can entertain a claim for judicial review when alternative remedy available)

R (F (Mongolia) v Secretary of State for Home Department [2007] 1 WLR 2523 (challenges to asylum decisions should be way of appeal to the AIT not judicial review)

R (Gamesa Energy UK) v National Assembly for Wales [2006] EWHC 2167 (Admin.) (whether tender exercise raised issues of public law amenable to judicial review)

R (Jackson) v Attorney General [2006] 1 A.C. 262 (challenge to the validity of the Hunting Act 2004)

R (Quintavalle) v Human Fertilisation and Embryology Authority [2005] 2 A.C. 561 (whether authority could license testing of embryos for implantation to determine if embryo had tissues compatible with existing child suffering genetic disorder)

European Convention on Human Rights

R (SRM Global Fund) v H. M. Treasury [2009] UKHRR 19 (compatibility of nationalisation scheme for Northern Rock with Article 1 First Protocol ECHR).

R (Al Saadoon) v Secretary of State for Defence [2009] 3 W.L.R 957 (CA) and Times Law Reports, 10 March 2010 (ECtHR) (compatibility of surrender of Iraq nationals with the ECHR).

R (Al Sweady) v Secretary of State for Defence [2010] HRLR 2 (disclosure and judicial review procedure in human rights cases);

R (Munjaz) v Merseyside Health Trust and Secretary of State for Health [2006] 2 A.C. 148 (lawfulness of power to seclude mental health prisoners with Article 3 (right not to be treated in degrading or inhuman manner), Article 5 (right not to be unlawfully detained) and Article 8 (right to respect for private life)).

R (Burke) v General Medical Council [2006] Q.B. 1132 (whether withholding artificial nutrition and water would constitute a breach of Article 2 and 3 ECHR)

Barnfather v LB of Islington and Secretary of State for Education and Skills [2003] 1 W.L.R. 2318 (whether strict liability offences in criminal law compatible with the presumption of innocence in Article 6(2) ECHR).

R (O) v Harrow Crown Court and Secretary of State for the Home Department [2003] 1 W.L.R. 2756 (whether restrictions on bail for those charged for the second time with murder or rape compatible with Article 5 and the right not to be unlawfully detained).

Education

R (Chandler) v LB Camden [2009] BGLR 417 (lawfulness of proposal to establish Academy; whether permissible to have a policy on faith schools)

R (Carnell) v Regent's Park College [2008] ELR 268 (judicial review and universities; whether complaint to Office of Independent Adjudicator was an adequate alternative remedy to judicial review)

S v Chapman [2008] ELR 603 (child with special education needs: claims for damages under the Human Rights Act 1998 and for negligence)

R (E) v JFS [2009] ELR 375 (whether subscription criteria for allocating school places discriminatory if preference given to orthodox Jews).

R (P) v Schools Adjudicator [2007] BGLR 346 (power of Schools Adjudicator to approve closure of school to create new Academy)

R (O) v Independent Appeal Panel for London Borough of Tower Hamlets (school exclusion and proper procedure for dealing with related cases)

London Oratory School Governing Body v Schools Adjudicator [2005] ELR 484 (power of Schools Adjudicator to reconsider objections to admissions policy)

European Union Law

LB Harrow v Ibrahim; Teixeira v Lambeth LB ECJ (entitlements of children and spouses of EU nationals to housing)

Patmalniece v Department for Work and Pensions [2009] 4 All E.R. 738 (whether refusal of state pension credit to Latvian present in the UK constituted unlawful discrimination)

Zalewska v Department for Social Development [2008] 1 WLR 2602 (compatibility of registration scheme for Polish workers in the UK with EU law).

R (Gwillim) v Welsh Ministers [2009] EWHC 2946 (Admin) (proper interpretation of hardship provisions in the regulations governing claims for subsidy under the Common Agricultural Policy);

R (IATA) v Secretary of State for Transport [2006] ECR-I 403 (validity of provisions governing compensation for air traffic delays)

R (Intertanko) v Secretary of State for Transport (validity of provisions governing marine pollution)

R (ABNA) v Food Standards Agency [2004] Eu. L.R 88 (test for grant of interim injunction to suspend operation of domestic legislation implementing EU Directive)

R (Bidar) v Ealing LB and Secretary of State for Education [2005] Q.B. 812 (entitlement of EU nationals to student loans)

Asda Stores v Consorzio del Prosciutto de Parma [2003] 2 CMLR 639 (industrial property rights and designation of origin; whether ban on slicing Parma ham in the UK compatible with EU law)

R on the application of Greenpeace Ltd v Secretary of State for the Environment, Food and Rural Affairs [2002] 1 W.L.R. 3004 (obligations under the European Union Regulations implementing the Convention on Trade in Endangered Species)