
Andrew Sharland KC

Andrew specializes in public law, public procurement law, information law and investigations and inquiries. Andrew has a broad public law practice with a particular emphasis on the fields of human rights, health and community care law, local government, planning and environmental law, professional discipline and regulatory law and education law. Andrew acts for individuals, charities, companies NGOs, central and local government bodies and foreign governments in domestic and European courts. Until he took Silk in 2018, Andrew was a long-standing member of the Attorney General's A panel of junior counsel, representing government bodies on some of their most important and difficult cases.

Andrew is ranked by the legal directories as a leading Silk in administrative and public law, local government law, education, community care, and information law. In 2020, Andrew was nominated for 'Public Law Silk of the year' by The Legal 500.

Andrew is a co-author of the leading practitioners' textbook, *Judicial Review: Principles and Procedure* (OUP, 2013)

Andrew is also a contributor to R McManus KC, *Education and the Courts*, P Coppel KC, *Information Rights* and Atkins Court Forms on Human Rights.

Andrew sits part-time as a recorder in the Crown Court.

Specialisms

Public and Local Government

Andrew is a public law specialist. He has over twenty years' experience in litigating complex judicial review claims both on behalf of, and against, public bodies. He is ranked as a leader in public law by both Chambers & Partners and The Legal 500 and, in 2020, was nominated by The Legal 500 as 'Public Law Silk of the year'. Andrew's clients include central and local government, other public sector bodies, companies, NGOs and individuals. He regularly appears in the Administrative Court, the Court of Appeal and the Supreme Court. Andrew has particular expertise in judicial review claims in the fields of local government law, education law, health and community care law, human rights, Town and Village Greens, environmental and planning law, and regulatory law.

Andrew is a co-author of the leading practitioners' textbook on the subject, *Judicial Review: Principles and Procedure* (OUP, 2013).

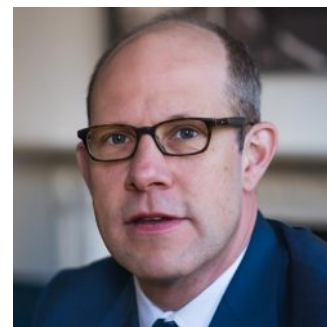
Andrew's recent work includes:

Elliott-Smith v Secretary of State for Business, Energy and Industrial Strategy and others

[2021] EWHC 1632 (Admin), [2021] PTSR 1795, Admin Ct, June 14 2021
UK Emissions Trading Scheme was lawful

R (Durand Education Trust) v Essex County Council

[2020] EWCA Civ 1651, CA (Civ), December 8 2020, [2021] ELR 213
Compensation was not payable to a charity which had been required to transfer land to a local



Professional Summary

Called 1996
Appointed KC 2018

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authority for no consideration

TW Logistics v Essex County Council

[2021] UKSC 4, [2021] 2 WLR 383; Times, March 2 2021, Supreme Court, February 12 2021
Land registered as town or village green – whether registration exposing landowner to criminal liability for continued use of land for commercial purposes.

R (BMA) v Northamptonshire County Council and others

[2020] EWHC 1664 (Admin), QBD, June 25 2020, [2020] PTSR 1693; (2020) 23 CCLR 547
Local safeguarding arrangements published by the defendants were not in breach of the Children Act

R (Bridges) v Chief Constable South Wales Police and others

[2020] EWCA Civ 1058, CA, August 21 2020, [2019] EWHC 2341 (Admin) (Divisional Court)
Andrew acted for the Surveillance Camera Commissioner in the first case on the legality of the use of face recognition technology in the UK. The challenge was brought by a privacy campaigner against the South Wales Police's use of facial recognition technology to identify criminals at public events. This case raises novel and complex issues about the legality of such use under the GDPR and Article 8 ECHR.

R (EU Lotto) v Secretary of State for Digital, Media and Sport

[2019] EWHC 3111 (Admin), [2019] 1 CMLR 41 (Divisional Court)
Andrew successfully represented the Secretary of State in this judicial review of the ban on offshore gambling companies offering bets on the outcome of the EuroMillions draws.

TW Logistics Ltd v Essex County Council

[2019] Ch 243 (Court of Appeal)
Andrew successfully resisted an appeal challenging the Council's decision to register a piece of land in the middle of an industrial port as a Town and Village Green. This matter is listed for hearing before the Supreme Court in April 2020.

R (Irving) v Mid-Sussex District Council

[2019] EWHC 3406 (Admin) (Administrative Court)
Andrew acted for complex legal challenge to Council's decision to grant planning permission for the construction of a house on land that it owns. This claim raised difficult issues in relation to bias

R (Syed) v Secretary of State for Justice

[2019] EWCA Civ 367
Andrew successfully represented the Secretary of State for Justice in a challenge brought by an Al-Qaeda terrorist to his location in the Managing Challenging Behaviour Unit.

R (Jewish Rights Watch) Leicester City Council

[2019] PTSR 488 (Court of Appeal)
Andrew successfully resisted a high profile challenge to the legality of Council's resolutions boycotting goods from the Occupied Palestinian Territories. This case raised complex issues of public, discrimination and public procurement law.

R (Elmes) v Essex CC

[2018] Pen LR 21
Andrew acted for Essex CC in a human rights challenge to the local government pension scheme and its approach to the payment of pensions to non-married partners of deceased members.

R (Cotham School) v Bristol City Council and Others

[2018] EWHC 1022 (Admin)
Andrew acted for a group of local residents in a judicial review challenge to Bristol City Council's decision to register school playing fields as a Town and Village Green.

R (Med Chambers Ltd) v Medco Registration Solutions Ltd

[2017] EWHC 3258 (Admin)

Andrew acted for a group of medical reporting organisations in a challenge to the decision of Med Co (the regulator for MROs for whiplash claims) to suspend the access of the Claimants to the MedCo Portal Scheme. The claim raised issues of procedural fairness both at common law and under Article 6 ECHR, fettering of discretion and a breach of Article 1 of Protocol 1 ECHR.

R (Hussain) v Secretary of State for Justice

[2016] EWCA Civ 1111

Andrew acted for the Secretary of State for Justice successfully resisting a Data Protection Act 1998 claim brought by way of judicial review.

R (Smith) v Department for Work and Pensions

[2016] EWHC 2284 (Admin)

Andrew acted for the Secretary of State for Work and Pensions successfully resisting a challenge to the legality of the Jobseekers Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations 2013.

Health and Community Care

Andrew has a busy healthcare practice acting for CCGs, regulatory bodies and individuals in complex public law, commercial and public procurement disputes. Andrew also has a very diverse community care practice relating to both adults and children. A number of his cases raise complex human rights and immigration issues. He regularly works for claimants and local authorities and central government. Andrew has been instructed by local authorities and the police to carry out safeguarding reviews.

Recent work includes:

R (British Medical Association) v Northamptonshire CC, Nene CCG and others

(2020) Administrative Court

Andrew is acting for two CCGs resisting a challenge brought by the BMA who contend that the local authority and CCGs are required to pay GPs for the provision of safeguarding information.

IICSA Inquiry into organized child sexual exploitation

(2020)

Andrew acts for Warwickshire County Council in a high profile public inquiry into child sexual exploitation by organised networks before IICSA (the Independent Inquiry into Child Sexual Abuse).

R (Randall) v Royal College of Physicians

(2019) (Administrative Court)

High profile challenge by a number of doctors to the Royal College of Physicians' decision to take a "neutral stance" on assisted dying. Andrew successfully resisted the challenge persuading the Court that it was unarguable.

R (Med Chambers Ltd) v Medco Registration Solutions Ltd

[2017] EWHC 3258 (Admin)

Challenge to the decision of Med Co (the regulator for Medical Reporting Organisations for whiplash claims) to suspend the access of the Claimants to the MedCo Portal Scheme. This suspension meant that they were no longer able to commission Whiplash reports which had a catastrophic impact on their business. The claim raised issues of procedural fairness both at common law and under Article 6 ECHR, fettering of discretion and a breach of Article 1 of Protocol 1 ECHR.

R (Care England v Essex Council Council)

(2018) 21 CL Rep 109

Andrew acted for Essex County Council successfully resisting a challenge to the rates that it pays to care homes to look after adults for whom it is responsible. This was the first Care Home Fees challenge under the Care Act 2014.

McDonald v United Kingdom

[2016] 60 EHRR 1

Andrew acted for the United Kingdom Government in the leading Strasbourg case on Article 8 ECHR and community Care provision.

R (Karia) v Leicester City Council

[2015] 141 BMLR 163

Andrew successfully resisted a wide-ranging challenge to a Council's decision to close all its care homes.

R (Q) v Leicestershire County Council

[2016] EWHC 2087

Andrew acted for the Council in a challenge to Council's age assessment of asylum seeking young person.

Operation Falcon

Instructed by the Essex Police and Crime Commissioner carry out an extensive investigation and produce a report relating to the safeguarding issues arising from a case involving a sexual assault by a teenager on a young child and Essex Police's subsequent failure properly to investigate the matter.

Education

Listed in both Chambers & Partners and the Legal 500 as a leading silk in the field, Andrew acts for local authorities, schools, further and higher education institutions and individuals.

Andrew has a very broad education law practice including admissions, exclusions, special educational needs, school transport, academies, employment and contract. He regularly acts for high education institutions in judicial review, contract and discrimination claims. He has recently been involved in a number of disciplinary and regulatory education matters.

Recent work includes:

R (Durand Education Trust) v Secretary of State for Education

(2020) (Administrative Court)

Andrew is acting for the Trust in a challenge to a direction to make an academy land transfer without the payment of any compensation. The claim raises issues under Article 1 of Protocol 1 ECHR and the public sector equality duty.

R (Gibbons) v Hampshire CC

2020 (Administrative Court)

Andrew is acted for Hampshire County Council in a challenge to its 16-18 school transport policy.

R (X School and Y Local Authority) v Ofsted

2018 (Administrative Court)

Successful application on behalf of school and local authority for an injunction restraining Ofsted from publishing a report critical of a Special School.

R (Patrick) v St Olaves' Grammar School

(2017) Administrative Court

Andrew acted for the London Borough of Bromley (an interested party) in a challenge to St Olave's policy of excluding pupils who did not perform sufficiently well in their first year of sixth form.

R (Plumpton College) v East Sussex CC

(2017) (Administrative Court)

Andrew acted for East Sussex Council in a challenge brought by a Further Education College to funding of special educational needs provision.

R (XX) v Avenue Primary School

(2017) (Administrative Court)

Andrew acted for the School and the council in a consultation and public sector equality act

challenge to a decision by a primary school to convert to an academy.

R (PC) v Hampshire County Council

(2017) (Administrative Court)

Andrew acted for Hampshire CC and a school successfully resisting a challenge brought by a parent who alleged that the school had failed to respond lawfully to an allegation of serious sexual assault by an eight year old boy.

Darul Uloom School v Secretary of State for Education

(2017) (Magistrate's Court)

Andrew acted for the Secretary of State for Education before the Chief Magistrate in the first application to close an independent school because of safeguarding issues.

R (Essex County Council) v Secretary of State for Education

[2016] EWHC 1724 (Admin)

Challenge to the Secretary of State for Education's decision to cut funding to Sure Start Capital Funding in Essex. Challenge on basis that the decision was contrary to a substantive legitimate expectation, irrational, in breach of the consultation requirements and contrary to s 149 Equality Act 2010.

Zebaida v Secretary of State for Education

[2016] PTSR 1490

Andrew acted for the Secretary of State for Education in a claim brought by a famous pianist challenging a life-long ban from teaching.

Information

Andrew has an extensive data protection and information law practice. He regularly acts for public authorities (including both central and local government), individuals and companies including, in particular, media organisations such as the Times Newspapers. He is a member of the Attorney General's A panel of counsel and his freedom of information panel. Legal 500, stated that "His knowledge of privacy and data protection law is outstanding" and that "He displays a mastery of freedom of information cases" 2017. Andrew contributed to *Information Rights* (P Coppel KC, editor), the leading information law textbook.

Recent work includes:

R (Bridges) v Chief Constable South Wales Police and others

[2020] EWCA Civ 1058, CA, August 21 2020, [2019] EWHC 2341 (Admin) (Divisional Court)

Andrew acted for the Surveillance Camera Commissioner in the first case on the legality of the use of face recognition technology in the UK. The challenge was brought by a privacy campaigner against the South Wales Police's use of facial recognition technology to identify criminals at public events. This case raises novel and complex issues about the legality of such use under the GDPR and Article 8 ECHR.

Hussain v Secretary of State for Justice

[2017] 1 WLR 761 (Court of Appeal)

Andrew acted for the Secretary of State for Justice successfully resisting a Data Protection Act 1998 claim brought by way of judicial review.

Kennedy v Charity Commission and Ministry of Justice

[2015] 1 AC 455 (Supreme Court)

Andrew acted for Mr Kennedy, an investigative journalist in this landmark case concerning the relationship between Article 10 ECHR (the right to freedom of expression) and the Freedom of Information Act 2000

Department of Work and Pensions v Information Commissioner

[2016] EWCA Civ 758

Appeal by DWP against UT decision requiring the Department to disclose details of organisations providing mandatory work programmes. The information sought concerned very controversial programmes designed to get the long term unemployed back to work

McInerney v Information Commissioner and Department for Education

[2015] UKUT 47 (AAC)

Andrew acted for the Department for Education in a challenge to refusal to disclose Free School applications. UT decision established the right to rely upon late procedural exemptions.

Keane v Information Commissioner and the Home Office

[2016] UKUT 461 (AAC)

Andrew acted for the Secretary of State for the Home Department in a case concerning whether information held by the MOD detailing paid informants in Irish Secret Societies between 1890-1910 was exempt from disclosure on national security grounds.

Human Rights

Andrew has a broad human rights practice. He regularly acts for, individuals, public authorities and NGOs both in domestic courts and before the European Court of Human Rights in Strasbourg. He is currently instructed on behalf of the UK Government in 6 cases pending before the European Court of Human Rights and has previously acted for Liberty in *Appleby and Others v United Kingdom*, the leading case on positive obligations under Article 10 ECHR.

Andrew has appeared in a number of recent important human rights cases including *R (Plantagenet Alliance) v Sec of State and others* concerning the appropriate resting place of the recently discovered remains of Richard III. This case involved a novel Article 8 ECHR (private life argument) He also acted for the Times Newspapers before a seven judge Supreme Court in *Kennedy v Charity Commission*, a landmark case that concerned the interaction between the Freedom of Information Act 2000, the Human Rights Act 1998 and common law rights (this case is currently pending before the European Court of Human Rights)

Andrew is co-author of the leading practitioner work on Judicial Review (*Judicial Review: Principles and Procedure*) (OUP, 2013) where he wrote the Human Rights Act 1998 chapter. He is also co-author of *Media Law and Human Rights* (OUP).

Recent work includes:

R (Bridges) v Chief Constable South Wales Police and others

[2020] EWCA Civ 1058, CA, August 21 2020, [2019] EWHC 2341 (Admin) (Divisional Court)

Andrew acted for the Surveillance Camera Commissioner in the first case on the legality of the use of face recognition technology in the UK. The challenge was brought by a privacy campaigner against the South Wales Police's use of facial recognition technology to identify criminals at public events. This case raises novel and complex issues about the legality of such use under the GDPR and Article 8 ECHR.

Procurement

Andrew has a substantial public procurement practice acting for local authorities, central government bodies and companies in challenges to procurement decisions. Andrew's procurement practice often concerns the overlap between public procurement law and public law. He successfully defended three local authorities in a judicial review challenge to their procurement policy relating to Israel and the occupied territories. Andrew is a Visiting Lecturer in Public Procurement Law at the University of Nottingham where he helps teach the LLM in Public Procurement law.

Andrew's recent work includes:

Marston Holdings v Oxfordshire County Council

(2020) (TCC)

Andrew acts for Oxfordshire County Council in a multimillion pound dispute over the procurement of parking services. The claim is listed for a 10 day expedited trial in 2020.

Cumbria Chamber of Commerce v Allerdale Borough Council

(2020) (TCC)

Andrew is acting for Allerdale Borough Council in a dispute over the procurement of IT services.

R (Jewish Human Rights Watch) v Leicester City Council

[2019] PTSR 488 (Court of Appeal)

Andrew successfully resisted a high profile challenge to the legality of Council's resolutions boycotting goods from the Occupied Palestinian Territories. This case raised complex issues of public, discrimination and public procurement law.

Successful challenge to the Legal Aid Agency's Criminal Legal Aid procurement.

TCC (2017)

Acted in this (and several other) challenges to decisions made by the Lord Chancellor in relation to the Duty Provider Crime Contracts. The challenges were brought pursuant to the Public Contracts Regulations 2006. Instructed by Bindmans and various criminal legal aid firms directly.

R (Bassett Law BC) v Department for Local Government and Communities

(2017) (TCC)

Successful challenge to the Secretary of State's decision to claw back £80,000 for a Works contract on the grounds that the Council had acted contrary to the EU Public Procurement Directive.

DWF v Insolvency Service

[2014] EWCA Civ 900

High profile challenge to the Insolvency Service's procurement of legal services in England, Wales and Scotland. The leading Court of Appeal authority on automatic suspensions.

Countryside Properties v London Borough of Waltham Forest

£30 million challenge to the Council's decision to award a contract for the regeneration works of a large estate. Case settled.

Professional Discipline and Regulatory Law

Andrew regularly acts for regulators and individuals both in disciplinary tribunals and in domestic courts challenging such tribunals' decisions. He has particular experience of the accountancy, healthcare, legal and education sectors. Andrew has acted for and against Ofsted. He has acted for the Institute of Chartered Accountants for England and Wales for over a decade advising them on their disciplinary arrangements and acting in disciplinary matters. Andrew is one of only three KCs appointed to act for the Bar Standards Board in disciplinary cases against barristers.

Recent work includes:

R (X School and Y Local Authority) v Ofsted

2018 (Administrative Court)

Successful application on behalf of school and local authority for an injunction restraining Ofsted from publishing a report critical of a Special School.

R (Med Chambers Ltd) v Medco Registration Solutions Ltd

[2017] EWHC 3258 (Admin)

Andrew acted for a group of medical reporting organisations in a challenge to the decision of Med Co (the regulator for MROs for whiplash claims) to suspend the access of the Claimants to the MedCo Portal Scheme. The claim raised issues of procedural fairness both at common law and under Article 6 ECHR, fettering of discretion and a breach of Article 1 of Protocol 1 ECHR.

Zebedia v Department for Education

[2016] EWHC 1181

Claim brought by a famous pianist challenging a life-long ban from teaching.

Institute of Chartered Accountants for England and Wales

Review of their disciplinary and regulatory processes.

Andrew is currently acting on behalf of the Department for Education in a number of disputes concerning banning staff implicated in the Trojan Horse scandal in Birmingham from the management of schools.

Investigations, Inquests and Inquiries

Andrew has a significant Investigations, Inquests and Public Inquiries practice. He has acted for three different public bodies and the Liberal Democrats in various strands of the Independent Inquiry into Child Sexual Abuse (IICSA).

Recent work includes:

IICSA Inquiry into organized child sexual exploitation

(2020)

Andrew acts for Warwickshire County Council in a high profile public inquiry into child sexual exploitation by organised networks before IICSA (the Independent Inquiry into Child Sexual Abuse).

IICSA investigation into the Nottinghamshire Councils

(2018)

Andrew acted for Nottinghamshire County Council in a three week public inquiry before IICSA. The scope of the inquiry was very broad: it concerned mistreatment of children in the care of the Nottinghamshire Councils from 1945 to the present day.

Mary Farrell v HM Senior Coroner for North East Hampshire

(2020) (Divisional Court)

Andrew acts for the Coroner in an application brought by the mother of a deceased to quash and inquest on the basis that there was insufficient investigation of the death by the Coroner.

Operation Falcon

Instructed by the Essex Police and Crime Commissioner carry out an extensive investigation and produce a report relating to the safeguarding issues arising from a case involving a sexual assault by a teenager on a young child and Essex Police's subsequent failure properly to investigate the matter.

Employment

Andrew regularly advises and represents employers, particularly public bodies and third sector organisations, in employment and disciplinary matters. He has particular expertise in the higher education sector. He advises on the full range of employment law issues, including whistleblowing, discrimination of all kinds, pay issues, disciplinary and grievance procedures, and contract issues.

Andrew has also conducted investigations for employers and public bodies, including acting as independent grievance or disciplinary officer and has also chaired appeal proceedings.

Recommendations

Andrew is ranked by Chambers & Partners and Legal 500 as a leading junior in public and administrative law, local government law, education law, community care law, and information and data protection.

“He is a fantastic advocate with a superb command of the facts and law. He puts his points well and handles challenges from judges skilfully and with good humour.” **Legal 500**

“In advocacy, Andrew has the ability to grasp the most intricate of details and focus on the salient factors without losing his audience. His advice is exceptional and his knowledge base in specific disciplines appears to have no parameter.” **Legal 500**

“An education law guru. He is an exceptional advocate, a brilliant tactician, and gives pragmatic advice.” **Legal 500**

“A hardworking barrister with strong technical knowledge of data protection.” **Legal 500**

“Brilliant with clients and very bright.” **Legal 500**

“He has brilliant client-handling skills and is a pleasure to work with” **Chambers and Partners**

“He is very down-to-earth, bright and incisive. He gives comprehensive and pragmatic advice...” **Chambers and Partners**

He is tactically astute and aggressive in court when you need him to be” **Chambers and Partners**

“An excellent legal brain” **Chambers and Partners**

‘An excellent lawyer and a pleasant opponent’ **Legal 500**

“He has a very personable manner and is also very responsive. Underneath his mild exterior lies a tenacious advocate...” **Chambers and Partners**

“Judges really like him as he is clear and precise” **Chambers and Partners**

“Bright, responsive and highly commercial” **Legal 500**

“Highly knowledgeable and hardworking” **Legal 500**

“He is fearless and his advocacy is punchy” **Chambers and Partners**

“Fantastic, very thorough and able to focus people’s minds on what is required” **Chambers and Partners**

Education

Andrew graduated with a first in law from Queen Mary and Westfield College, University of London. He obtained an LLM from the College of William and Mary, Virginia and the BCL from Worcester College, Oxford.

Other

Andrew was a visiting fellow of constitutional law at Brunel University. He recently acted as a guest lecturer on the Public Procurement LLM at Nottingham University. He was also a Pegasus Scholar at the European Court of Human Rights in Strasbourg.



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