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## Cecilia Ivimy

Cecilia is an experienced public law advocate with particular expertise in judicial review, human rights and information law. She regularly acts in complex public law and human rights challenges to legislation, Government policy, and regulatory action as well as challenges to individual public authority decisions in a wide range of contexts. She is expert in sensitive and contentious information law disputes. She has represented clients at all levels and in multiple appeals in the domestic courts and the European Court of Human Rights. She is a ranked junior in Public and Administrative Law and Civil Liberties.

Cecilia is a member of the Attorney General's A Panel of counsel. She is a CEDR accredited mediator.

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## Specialisms

### Public

Cecilia has appeared in public law litigation at all levels in the domestic courts. She regularly acts in complex, sensitive and politically contentious challenges to legislation and policies on a wide range of topics, as well as more routine challenges to individual public authority decisions. She has particular expertise in challenges based on Convention rights, the Public Sector Equality Duty, constitutional principles and the interaction of domestic and international law.

Cecilia acts for central and local government, regulators, ombudsmen and other public bodies, as well as private clients. She is ranked as a leading junior in administrative and public law.

Some recent significant public law cases have concerned:

- The scope of Civil servants' obligations to comply with international law under the Civil Service Code; acting for the Minister for the Cabinet Office
- Whether the DWP has positive obligations under the ECHR to collect and enforce payment of child maintenance, in particular in cases of domestic violence; acting for the Secretary of State for Work and Pensions
- Whether authorisation by the Financial Conduct Authority of the prospectus of an oil and gas company was unlawful because of a failure properly to disclose climate-related risks; acting for the FCA
- The lawfulness of Government policy on recovery of benefits overpayments; acting for the Secretary of State for Work and Pensions
- The proper meaning of the Ministerial Code and whether the Prime Minister erred in law in concluding that the Home Secretary of State did not breach the Code; acting for the Prime Minister
- The lawfulness of guidance issued by the Office for National Statistics on answering the question "what is your sex" in the Census; acting for the ONS
- Whether COVID isolation requirements for travellers arriving in the UK were irrational, disproportionate, or breached Convention rights; acting for the Secretary of State for Health and Transport
- The lawfulness of public sector "Exit Payment" regulations and their effect on the Local Government Pension Scheme; acting for the claimants including a public sector union

In the first part of her career (Cecilia was non-practising between 2010 and 2020) Cecilia appeared in multiple leading public law appeals, including eight appeals before the House of Lords. Subjects included



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### Professional Summary

Called 1995

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### Contact Details

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**Clerk** Michael Smith

**Clerk** Thomas Belcher

**Clerk** Jake Foote

[Contact Clerks](#)

- The application of the Human Rights Act to private care homes
- Deaths and detention of civilians in Iraq and Afghanistan
- Legality of UK implementation of UN sanctions regimes
- Investigation of deaths of patients in secure hospitals
- Lawfulness of control orders against suspected terrorists

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## Public International Law

Cecilia has experience on the inter-relationship between international and domestic human rights law, including in relation to the ECHR, the ICCPR, the Geneva Conventions and international humanitarian law and resolutions of the UN Security Council. She has represented the United Kingdom in multiple cases before the ECtHR.

She has advised and represented the UK Government in relation to issues arising out of military action in Iraq and Afghanistan and in relation to terrorism, including control orders and sanctions regimes.

Recent advice includes advice on domestic and international law implications of restricting public bodies' powers to act in relation to boycotts, divestment and sanction policies and practices; and advice on legislation governing Article 5 deprivation of liberty rights extra-territorially.

Cecilia co-authored the 2018 report of an inquiry by an All Party Parliamentary Group into the legality and practice of the UK Government's use of lethal drone and its co-operation with other states' use of lethal drones.

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## Human Rights

Cecilia has extensive experience in human rights law and is ranked as a leading junior in civil liberties. She has advised and represented clients on human rights law in a wide range of contexts including: social and adult care, welfare benefits, education, pensions, sanctions, proceeds of crime, prisons and secure hospitals, and military action abroad. She has represented the United Kingdom in multiple appeals before the European Court of Human Rights.

Recent significant cases have concerned:

- Whether benefits legislation concerning support for home owners infringes A1P1 and Article 14; acting for Secretary of State for Work and Pensions
- Whether the non-disclosure of information which led to a prisoner being recalled and not re-released infringed Article 5 rights; acting for Secretary of State for Justice
- Whether non-payment of universal credit to claimants absent abroad due to health reasons infringes A1P1, Article 8 and Article 14; acting for Secretary of State for Work and Pensions
- Whether the DWP has positive obligations under the ECHR to collect and enforce payment of child maintenance, in particular in cases of domestic violence; acting for the Secretary of State for Work and Pensions
- Whether COVID isolation requirements for travellers arriving in the UK were irrational, disproportionate, or breached Articles 5 and 8; acting for the Secretary of State for Health and Transport
- A1P1 compatibility of public sector "Exit Payment" regulations and their effect on the Local Government Pension Scheme; acting for the claimants including a public sector union

In the first part of her career (Cecilia did not practice between 2010 and 2020) Cecilia appeared in multiple leading public law/human rights appeals, including eight before the House of Lords and two before the Grand Chamber of the European Court of Human Rights. Subjects included:

- The application of the HRA to private care homes
- The extension of the HRA and ECHR to deaths and detention of civilians in Iraq and Afghanistan
- Whether detention of civilians in Iraq and Afghanistan complied with Article 5
- Article 2 duty to investigate deaths of patients in secure hospitals

- Compatibility of control orders against suspected terrorists with Articles 5 and 8
- Compatibility of disclosure of spent convictions with Article 8.

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## Information

Cecilia regularly represents central government, local government and other public bodies in sensitive and complex FOIA and EIR appeals. Recent significant appeals concerned:

- Ministerial communications discussing how the Government should respond to the Information Commissioner's report into reform of access to information law; acting for the Cabinet Office
- Communications between HM Treasury and the Financial Conduct Authority about treatment of business grants made during the pandemic; acting for HM Treasury
- Ministerial views on reform of judicial review law; acting for the Ministry of Justice
- Cabinet Office papers and principles relating to the convention of collective responsibility of Ministers of the Crown; acting for the Cabinet Office
- Environmental information relating to a railway development; acting for the local authority
- Application of section 14 FOIA (vexatious requests) in relation to serial requests and harassment of local authority officers; acting for the local authority

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## Cases

### Recent Cases

#### **R (on the application of FDA) v Minister for the Cabinet Office**

King's Bench Division (Administrative Court) | [2024] EWHC 1729 (Admin) | 5 Jul 2024

Proper scope of civil servants' obligation to comply with the law, including international law, under the Civil Service Code. Civil servants would act in accordance with the obligation if they implemented a minister's decision to remove a person to Rwanda notwithstanding that the ECtHR had ruled that the person should not be removed; acting for Minister for the Cabinet Office

#### **Corderoy v Information Commissioner & Cabinet Office**

First-tier Tribunal (General Regulatory Chamber) | [2024] UKFTT 473 (GRC) | 5 Jun 2024

The Cabinet Office was entitled to withhold ministerial communications discussing how the Government should respond to the Information Commissioner's report into reform of access to information law; acting for the Cabinet Office

#### **R (on the application of AA) v Secretary of State for Work and Pensions**

Court of Appeal (Civil Division) | [2024] EWCA Civ 595 | 29 Apr 2024

Permission to appeal against decision that Child Maintenance Service policy did not breach Article 8 positive obligations to protect victims of domestic violence refused; acting for the Secretary of State for Work and Pensions

#### **R (Scott) v Secretary of State for Justice**

King's Bench Division (Administrative Court) | [2024] EWHC 855 (Admin) | 18 Apr 2024

Decision to recall and not to re-release prisoner convicted of serious domestic violence offences and to withhold name of informant and details of information which led to recall was lawful; acting for Secretary of State for Justice

#### **Swindon Borough Council v Abrook**

Court of Appeal (Civil Division) | [2024] EWCA Civ 230 | 8 Mar 2024

Court of Appeal guidance on the definition of "anti-social behaviour" in the Anti-social Behaviour, Crime and Policing Act 2014 and proper approach to making an anti-social behaviour injunction under the Act; acting as advocate to the Court, appointed by the Attorney General

#### **Perrys Motor Sales/Perrys Group Ltd v Information Commissioner & HM Treasury**

First-tier Tribunal (General Regulatory Chamber) | [2024] UKFTT 62 (GRC) | 26 Jan 2024

Discussions between HM Treasury and the FCA concerning legal and policy response to Covid-related business insurance interruption claims exempt from disclosure; acting for HM Treasury

#### **R. (on the application of Ingold) v Secretary of State for Work and Pensions**

King's Bench Division (Administrative Court) | [2023] EWHC 3207 (Admin) | 15 Dec 2023  
Child maintenance service operation and policies not contrary to ECHR Article 8, 14 or A1P1; acting for the Secretary of State for Work and Pensions

**R. (on the application of ClientEarth) v Financial Conduct Authority**

King's Bench Division (Administrative Court) | [2023] EWHC 3301 (Admin) | 13 Dec 2023  
FCA's approval of prospectus of an oil and gas company not unlawful having regard to disclosures of climate-related risks; claim not within the Aarhus Convention; acting for the FCA

**Sloan v Information Commissioner**

First-tier Tribunal (General Regulatory Chamber) | [2023] UKFTT 342 (GRC) | 30 Mar 2023  
Information about Cabinet Committee meetings exempt from disclosure having regard to need to maintain ministerial collective responsibility; acting for the Cabinet Office

**R. (on the application of K) v Secretary of State for Work and Pensions**

King's Bench Division (Administrative Court) | [2023] EWHC 233 (Admin) | 7 Feb 2023  
DWP waiver policy with respect to benefit overpayments lawful; individual decision not to waive unlawful; acting for Secretary of State for Work and Pensions

**South Gloucestershire DC v Information Commissioner**

First-tier Tribunal (General Regulatory Chamber) | [2022] UKFTT 445 (GRC) | 2 Dec 2022  
Information related to new station development project exempt from disclosure under the EIR; acting for South Gloucestershire DC

**Public Law Project v Information Commissioner and Ministry of Justice**

First-tier Tribunal (General Regulatory Chamber) | [2022] 3 WLUK 568 | 25 Mar 2022  
Submissions from 13 Secretaries of State on reform of judicial review law exempt from disclosure, having regard to principles of collective responsibility; acting for the Ministry of Justice

**R. (on the application of FDA) v Prime Minister**

Divisional Court | [2021] EWHC 3279 (Admin) | 6 Dec 2021  
Prime Minister's decision that bullying by the Home Secretary had not breached the Ministerial Code was lawful; acting for the Prime Minister.

**Ministry of Justice v Information Commissioner**

First-tier Tribunal (General Regulatory Chamber) | [2021] 3 WLUK 568 | 7 July 2021  
Information held by Chief Executive of HM Prison & Probation Service about release arrangements for high-profile prisoner exempt from disclosure; acting for the Ministry of Justice

**R. (on the application of Fair Play for Women Ltd) v UK Statistics Authority**

Queen's Bench Division (Administrative Court) | [2021] EWHC 940 (Admin) | 9 Mar 2021  
Interim injunction; lawfulness of guidance on question "what is your sex?" in the 2021 census; acting for the UK Statistics Authority

**R (on the application of British Airways & ors) v Secretary of State for Health**

Divisional Court | July 2020 | (settled at hearing)  
Lawfulness of Covid-19 travel restrictions; acting for the Secretary of State for Health

**Main Cases before Career Break**

**Al-Jedda v United Kingdom (27021/08)**

European Court of Human Rights (Grand Chamber) | (2011) 53 EHRR 23 | 7 Jul 2011  
Compatibility with ECHR Article 5 of internment of citizen in Iraq pursuant to UNSC Resolution; acting for United Kingdom

**Al-Skeini v United Kingdom (55721/07)**

European Court of Human Rights (Grand Chamber) | (2011) 53 EHRR 18 | 7 Jul 2011  
Extra-territorial application of ECHR Article 2 and 3 to killing of Iraqi nationals in Iraq by UK forces; acting for United Kingdom

**Mousa v Secretary of State for Defence**

Divisional Court | [2010] EWHC 1823 (Admin) | 16 Jul 2010

Whether state under duty to conduct public inquiry into alleged mistreatment of Iraqi citizens in Iraq by British military; acting for Secretary of State for Defence

**Chief Constable of Humberside v Information Commissioner**

Court of Appeal (Civil Division) | [2009] EWCA Civ 1079 | 19 Oct 2009

Data protection and ECHR rights did not require police to delete old convictions from the Police National Computer; acting for intervener, Secretary of State for Justice

**R. (on the application of Willcox) v Secretary of State for Justice**

Divisional Court | [2009] EWHC 1483 (Admin) | 1 Jul 2009

ECHR rights did not require release of prisoner transferred from Thai prison; acting for Secretary of State for Justice

**A v United Kingdom (3455/05)**

European Court of Human Rights (Grand Chamber) | (2009) 49 EHRR 29 | 19 February 2009

Compatibility of closed material procedure in Special Immigration Appeals Commission with ECHR Article 6; acting for United Kingdom

**Secretary of State for the Home Department v F**

House of Lords | [2009] UKHL 28 | 10 Jun 2009

Compatibility with ECHR Article 6 of closed procedures in anti-terrorism control order proceedings; acting for Secretary of State for Home Department

**Savage v South Essex Partnership NHS Foundation Trust**

House of Lords | [2008] UKHL 74 | 10 Dec 2008

Obligations under Article 2 ECHR owed to detained mental health patients; acting for intervener Secretary of State for Health

**R. (on the application of JL) v Secretary of State for the Home Department**

House of Lords | [2008] UKHL 68 | 26 Nov 2008

Obligation to investigate suicide of prisoner in custody under Article 2 ECHR; Acting for Secretary of State for Home Department

**R. (on the application of M) v HM Treasury**

House of Lords | [2008] UKHL 26 | 30 Apr 2008

Lawfulness of UK implementation of UN sanctions regime; acting for HM Treasury

**Secretary of State for the Home Department v JJ, E & MB**

House of Lords | [2007] UKHL 45, 46, 47 | 31 Oct 2007

Whether anti-terrorism control order regimes comply with ECHR Articles 5 and 6; acting for Secretary of State for Home Department

**L v Birmingham City Council**

House of Lords | [2007] UKHL 27 | 20 Jun 2007

Whether privately owned care home exercising public functions for the purpose of the HRA; acting for intervener, Secretary of State for Constitutional Affairs

**R. (on the application of Al-Skeini) v Secretary of State for Defence**

House of Lords | [2007] UKHL 26 | 13 Jun 2007

Whether the HRA and ECHR applied extra-territorially to killing of Iraqi nationals in Iraq by UK forces; acting for Secretary of State for Defence

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## Recommendations

*“She is an excellent barrister; she grasps complex matters quickly and provides timely advice. Clients trust her judgement.”* – **Chambers & Partners 2023**

*“A knowledgeable practitioner who comes up with novel arguments in a very tactical way.”* – **Chambers & Partners 2023**

*“Cecilia Ivimy is a sought-after barrister with wide-ranging experience acting in public law challenges on behalf of central government, local authorities and public sector unions. She has extensive experience in judicial review and regulatory proceedings.” – Chambers and Partners 2023*

*“She is very responsive, her drafting is incredible and her advocacy is very strong. She can also identify issues others might miss and narrow cases down to what’s really important.” – Chambers & Partners 2022*

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## Education

Cecilia has a first class degree from Oxford University and a distinction in the diploma in law from City University.

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## Other

Cecilia is an an accredited CEDR mediator. Cecilia also has experience as a mediation advocate in a range of contexts including community care and employment.

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