Jonathan Moffett KC

Silk: 2017 Call: 1996

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Jonathan is an acknowledged expert in public law, and has been described by the legal directories as "one of the best", combining "the perfect blend of razor-sharp intellect, strategic oversight and excellent client skills".

Jonathan's practice has a particular emphasis on the fields of regulatory law, local government law, human rights, education law, environmental law, and health and community care law. He has a huge amount of experience in dealing with claims for judicial review, and he is ranked by the legal directories as a leading silk in administrative and public law, local government law and education law.

Jonathan represents public sector bodies on some of their most important and difficult cases, and he is on the Welsh Government's panel of KCs, the Equality and Human Rights Commission's A panel of counsel, and the NPS panel of counsel instructed by Welsh public bodies. Jonathan sits as a Deputy High Court Judge in the Administrative Court and the King's Bench Division, and as a Recorder in the Crown Court. He is the editor of the sections on judicial review in the White Book, and co-author of the leading public law practitioners' text, *Judicial Review: Principles and Procedure* (OUP, 2nd edition, 2026). Jonathan is a former Chair of the Constitutional and Administrative Law Bar Association.

> ***Jonathan combines technical brilliance and attention to detail with an unsurpassed ability to communicate with the client and reassure them.***
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> **CHAMBERS & PARTNERS**

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Jonathan sits as a Deputy High Court Judge and as a Recorder in the Crown Court. He is also Chair of the Constitutional and Administrative Law Bar Association, the editor of the sections on judicial review in The White Book, and co-author of a leading public law practitioners' text, Judicial Review: Principles and Procedure (OUP), a new edition of which is due to be published in 2024.

Expertise

Public

Jonathan is acknowledged as an expert in public law, and he has extensive experience in litigating claims for judicial review. He is ranked as specialist in administrative and public law by both Chambers & Partners and The Legal 500.

Jonathan acts for central and local government bodies, other public sector bodies, third sector organisations, companies and individuals, and he regularly appears in the Administrative Court, the Court of Appeal and the Supreme Court.

Jonathan has particular expertise in claims for judicial review in the fields of regulatory law, local government law, human rights, education law, environmental law, and health and community care law.

Jonathan's expertise in judicial review is underpinned by the fact that he is the editor of the sections on judicial review in the White Book and a co-author of a leading practitioners' textbook on the subject, *Judicial Review: Principles and Procedure* (OUP, 2nd edition, 2026).

Recent examples of Jonathan's public law cases include:

> ***He has first-rate, strategic judgement with an ability to keep an eye on the big picture of any case, and he is an absolutely top advocate.***
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> CHAMBERS & PARTNERS

R (ATB) v Welsh Ministers

Jonathan successfully represented the Welsh Government on a challenge to the decision to introduce a prohibition on GPs prescribing puberty blockers to children.

R (TW) v Essex County Council

Jonathan successfully represented Essex County Council on a challenge to its decision that a young person who did not have stable accommodation was not a child in need for the purposes of the Children Act 1989.

R (Evans) v Aneurin Bevan University Local Health Board

Jonathan successfully represented the Welsh Air Ambulance on a challenge to a decision to relocate its airbases and change its operating hours.

R (Friends of the Earth) v Secretary of State for Energy Security and Net Zero

[2024] EWHC 995 (ADMIN) (HIGH COURT); [2024] ACD 80

Jonathan represented the Secretary of State on challenges brought by Friends of the Earth, ClientEarth and the Good Law Project to the government's Carbon Budget Delivery Plan, which sets out the United Kingdom's pathway to achieving net zero.

R (Officer W80) v Director General of the Independent Office for Police Conduct

[2023] UKSC 24, [2023] 1 WLR 2300 (SUPREME COURT)

Jonathan represented the College of Policing on this appeal concerning the test to be applied in police misconduct cases involving the use of force, which called into question the meaning and purpose of the College's Code of Ethics.

R (Isherwood) v Welsh Ministers

[2022] EWHC 3331, [2023] PTSR 901 (ADMIN) (HIGH COURT)

Jonathan successfully represented the Welsh Government on this challenge to the introduction of compulsory relationships and sexuality education in schools in Wales.

R (Good Law Project) v Essex County Council and Surrey County Council

(HIGH COURT AND COURT OF APPEAL, 2022)

Jonathan successfully represented Essex and Surrey County Councils on this challenge to various local authorities' compliance with the sufficiency duty, which requires them to take steps towards ensuring that they have sufficient accommodation within their areas to accommodate children in care.

R (Big Brother Watch) v Welsh Ministers

(HIGH COURT, 2022)

Jonathan represented the Welsh Ministers in this challenge to the "Covid Pass" scheme that was adopted in Wales during the pandemic, which restricted access to certain entertainment venues to individuals who could demonstrate that they had been vaccinated or had had a negative Covid test.

R (A) v Secretary of State for the Home Department

[2021] UKSC 37, [2021] 1 WLR 3931 (SUPREME COURT)

Jonathan successfully represented the Home Office at all levels on this challenge to "Sarah's Law", the scheme for the disclosure of information about convicted child sex offenders. He persuaded the Supreme Court to overturn 20 years of Court of Appeal and High Court case law on the test to be applied when challenging the lawfulness of a policy.

R (Thomson) v Secretary of State for Health and Social Care and NHS Commissioning Board

(HIGH COURT AND COURT OF APPEAL, 2021)

Jonathan successfully represented NHS England in defending this claim alleging that it was under a duty to draw up a rationing scheme governing the allocation of intensive care beds should demand outstrip supply during the coronavirus pandemic.

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

[2020] EWCA CIV 1651, [2021] ELR 213 (COURT OF APPEAL)

Jonathan successfully represented the Department for Education in the latest round of litigation relating to Durand Academy, defending an A1P1 challenge to a direction to make an academy land transfer.

R (Chief Constable of Lincolnshire) v College of Policing

(2019, HIGH COURT)

Jonathan successfully represented the College of Policing in this challenge to the introduction of a new nationwide qualifications framework for police officers.

R (Hertfordshire County Council) v Secretary of State for Housing, Communities and Local Government

[2021] EWHC 1093 (ADMIN), [2021] EWHC 1145 (ADMIN), [2021] 1 WLR 3714, [2021] 1 WLR 3742

Jonathan represented the Department for Housing, Communities and Local Government in this test case in relation local authorities' powers to hold remote meetings after the lapse of specific powers to do so during the coronavirus pandemic.

R (Omooba) v Welsh Ministers

(HIGH COURT, 2021)

Jonathan successfully represented the Welsh Government in resisting this challenge to the compulsory closure of places of worship during the coronavirus pandemic.

R (Aspers Stratford City Ltd) v Gambling Commission

(HIGH COURT, 2020)

Jonathan represented the Gambling Commission in this judicial review of the procedure that it had adopted in a statutory review of a casino's gambling licence.

R (Canary Wharf Group) v Mayor of London

(2019, HIGH COURT)

Jonathan represented the Mayor of London on this challenge to the London-wide Mayoral community infrastructure levy, which put in jeopardy the raising of up to £6 billion towards the costs of Crossrail.

R (Hollow) v Surrey County Council

[2019] EWHC 618 (ADMIN), [2019] PTSR 1871 (DIVISIONAL COURT)

Jonathan successfully represented Surrey County Council on this major challenge to its decision to reduce its schools and special educational needs budget by £21 million. This case is now the leading case on challenges to local authority budget-setting decisions.

R (AR) v Greater Manchester Police and Secretary of State for the Home Department

[2018] UKSC 47, [2018] 1 WLR 4079 (SUPREME COURT)

Jonathan successfully led for the Home Secretary in the Supreme Court in this human rights challenge to the disclosure of acquittals on criminal record certificates.

R (TenetConnect Ltd) v Financial Ombudsman Service

[2018] EWHC 459 (ADMIN), [2018] BCLC 726 (HIGH COURT)

Jonathan successfully represented the Financial Ombudsman on this judicial review of a decision that regulated networks of financial advisors could be responsible for the frauds of their appointed representatives.

R (Hysaj) v Secretary of State for the Home Department

[2017] UKSC 82, [2018] 1 WLR 221 (SUPREME COURT)

Jonathan represented the Secretary of State in this judicial review challenging the application of the public law fraud principle in cases where British citizenship had purportedly been granted to persons who had lied about their identity

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

[2018] EWHC 3111 (ADMIN), [2019] 1 CMLR 41 (DIVISIONAL COURT)

Jonathan successfully represented the Gambling Commission in this judicial review of the ban on gambling companies offering bets on the outcome of EuroMillions draws.

R (British Homeopathic Association) v NHS Commissioning Board

[2018] EWHC 1359 (ADMIN), [2018] PTSR 2031 (HIGH COURT)

Jonathan successfully defended this judicial review of NHS England's decision to issue guidance to CCGs recommending that homeopathic treatments should not routinely be prescribed on the NHS.

R (ClientEarth) v Secretary of State for the Environment and the Welsh Ministers

[2018] EWHC 315 (ADMIN), [2018] ENV LR 21 (HIGH COURT)

Jonathan represented the Welsh Ministers on this EU law challenge to the United Kingdom's air quality plan for addressing nitrogen dioxide air pollution.

Achievements

Publications

Editor, The White Book, CPR Part 54

Co-author, *Judicial Review: Principles and Procedure* (OUP, 2nd edition, 2026)

Contributing author, *Education Law Handbook* (LexisNexis, 2021)

Appointments

Deputy High Court Judge (King's Bench Division), 2023

Recorder (Crown Court), 2023

Education

Girton College, Cambridge, BA (Hons), Class I

Girton College Cambridge, LLM, Class I

Major Scholarship, Inner Temple

> ***He has colossal public law experience and always comes up with a winning point.***
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> **CHAMBERS & PARTNERS**

Jonathan is an exceptional barrister: intellectually sharp, strategically astute and a formidable advocate. His drafting is meticulous; his advocacy authoritative and persuasive; and he has an enviable ability to master complex legal and factual issues at speed. He is highly responsive, collaborative and commercial in approach, and clients and instructing solicitors alike place immense confidence in his judgement.

CHAMBERS & PARTNERS

He is a fantastic lawyer.

CHAMBERS & PARTNERS

Jonathan has excellent client-relationship skills, as well as being the best of the best in terms of expertise.

CHAMBERS & PARTNERS

Jonathan is easy to work with, and his advocacy skills are excellent. He is calm, very methodical and clear.

CHAMBERS & PARTNERS

Jonathan is exceptionally bright but personable too. He puts clients at ease and adapts his strategy and advice brilliantly to his audience.

CHAMBERS & PARTNERS

Jonathan is an extremely approachable and personable barrister. Enthusiastic and energetic. Never fazed. Always a pleasure to work with. His advocacy is clear, concise, clever, orderly and ultimately successful.

LEGAL 500, 2026

One of the best.

CHAMBERS & PARTNERS 2023

Jonathan is an outstanding barrister.

CHAMBERS & PARTNERS 2023