James Cornwell

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James practises mainly in public, education, local government, media and data privacy and information law. His work often involves overlap between these areas.

He has acted for a wide range of clients, including government departments and agencies, local authorities, regulators, universities, major companies and third-sector organisations. He is a member of the Attorney General's A Panel of Counsel.

The main legal directories rank James as a leading junior for, variously, administrative and public law (including local government), data protection law and education law.

> ***Imaginative, industrious and full of sound judgement; he will go far.***
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> LEGAL 500

Expertise

Public

James has a wide public law practice and regularly appears in the Administrative Court and Upper Tribunal (Administrative Appeals Chamber) in judicial reviews and statutory appeals, as well as in the Court of Appeal and Supreme Court.

This work has included judicial review in the areas of EU structural funds (including ERDF funds), immigration, asylum support, age assessment, local government funding, local government pensions, human rights, government grants and subsidies, social security, the public sector equality duty, consultation, ombudsman schemes, mental health, judicial review costs, prisons and parole. He has assisted in the drafting of observations for the European Court of Human Rights.

R (DA & DS) v Secretary of State for Work and Pensions

[2019] UKSC 21, [2019] 1 WLR 3289

Social security – human rights – whether revised welfare benefit cap discriminated against lone parents and/or their children contrary to Article 14 ECHR (read with Article 1 of the First Protocol or Article 8).

R (Harpreet Singh) v Secretary of State for the Home Department

[2018] EWCA CIV 2861

Immigration – leave to remain under the Points-Based System – whether the Upper Tribunal was entitled to find that the appellant had not supplied the required documents to the Secretary of State with an application for leave to remain – whether Secretary of State was required to afford an opportunity to correct the omission.

R (Harvey) v London Borough of Haringey & Secretary of State for Housing, Communities and Local Government

[2018] EWHC 2871 (ADMIN)

Local Government Pensions – human rights – whether a local authority had discriminated contrary to Article 14 ECHR (read with Article 1 of the First Protocol) by refusing to grant a pension to the surviving unmarried cohabiting partner of a deceased member of the Local Government Pension Scheme who had not become a member of the 2008 LGPS Scheme.

R (Tawinder Singh) v Secretary of State for the Home Department

[2018] EWCA CIV 1669, [2015] EWHC 3633 (ADMIN)

Immigration – validity of application – whether Secretary of State entitled to treat application for further leave to remain as invalid – whether invalidity decision open to administrative review.

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

[2018] EWHC 1164 (ADMIN)

Judicial review – costs – extent to which a partially successful claimant was entitled to his costs of a compromised claim for judicial review – whether the claimant was to be disallowed his costs due to an erroneous statement in his grounds for judicial review.

JP v Secretary of State for Work and Pensions

[2018] UKUT 161 (AAC)

Social security – EU law – right to reside – scope of Article 12.1 of Directive 2004/38/EC – meaning of "to take early retirement" in Article 17.1(a) of the Directive, and scope of Article 17.1(a).

Secretary of State for the Home Department v VC (Sri Lanka)

[2017] EWCA CIV 1967, [2018] IMM AR 517

Immigration – human rights – whether the First-tier Tribunal was entitled to find that a foreign criminal had "a subsisting parental relationship" for the purposes of paragraph 399(a) of the Immigration Rules with his children who were in foster care pending their adoption.

R (JK (Burundi)) v Secretary of State for the Home Department

[2017] EWCA CIV 433, [2017] 1 WLR 4567, (2018) 21 CCL REP 55

N/A

R (SG, JK & YT) v Secretary of State for the Home Department

[2016] EWHC 2639 (ADMIN), [2016] ACD 133

Immigration – asylum support – Directive 2003/9/EC – ECHR, Articles 8, 14 – whether Secretary of State had discriminated, acted irrationally or failed to have regard to the best interests of children in setting the rate of asylum support payments.

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

[2016] EWHC 1724 (ADMIN)

Education – government grants – whether the Secretary of State had taken an irrational or unfair approach to criteria for allowing carry forward of a grant to a local authority for Early Years childcare – whether the Secretary of State had failed to comply with the public sector equality duty.

Breyer Group plc v Department of Energy and Climate Change

[2015] EWCA CIV 408, [2015] 1 WLR 4559, [2016] 2 ALL ER 220, [2014] EWHC 2257 (QB), [2015] 2 ALL ER 44, [2014] JPL 1346

ECHR, Article 1 of First Protocol – whether goodwill and legitimate expectations not referable to concluded contracts were possessions – whether unimplemented proposal capable of interfering with right to property – whether interference capable of being justified where proposal quashed by Court of Appeal.

R (Vowles) v Secretary of State for Justice & Parole Board

[2015] EWCA CIV 56, [2015] 1 WLR 5131, [2015] 2 CR APP R(S) 6, [2015] CRIM LR 542, [2016] MHLR 66, [2014] EWHC 1495 (ADMIN), [2015] MHLR 29

ECHR, Articles 5(4), 14 – mental health – prisoner subject to transfer direction to hospital – whether failure to hold speedy review of detention by Parole Board following recommendation for conditional discharge by First-tier Tribunal.

ZM & AB v HM Revenue & Customs

[2013] UKUT 0547 (AAC), [2014] AACR 17

Tax credits – whether there is right of appeal in relation to reg.5(8) of the Tax Credits (Claims and Notification) Regulations 2004 – whether s.14 of the Tax Credits Act 2002 had to be 'read down' to be compatible with ECHR, Article 6.

R (Rotherham Metropolitan Borough Council & others) v Secretary of State for Business, Innovation and Skills

[2015] UKSC 6, [2015] PTSR 322, [2015] 3 ALL ER 1, [2015] BLGR 323, [2015] 3 CMLR 20, [2014] EWCA CIV 1080, [2014] PTSR 1387, [2015] 1 ALL ER 242, [2014] BLGR 589, [2014] 3 CMLR 51, [2014] EWHC 232 (ADMIN), [2014] BLGR 389, [2014] ACD 75

EU Structural Funds – whether Defendant's allocation of Structural Funds to regions rational – whether allocation consistent with EU law principles of proportionality and equality.

R (Kerman & Co LLP) v Legal Ombudsman

[2014] EWHC 3729 (ADMIN), [2015] 1 WLR 2081

Legal Services Act 2007, s.132 – Legal Ombudsman – whether claimant solicitors firm was successor to sole practitioner as respondent to complaint.

Achievements

Appointments

2016 Attorney General's A Panel of Civil Counsel
2012 Attorney General's B Panel of Civil Counsel
2008 Attorney General's C Panel of Civil Counse

News, Articles & Publications

Contributor, *Halsbury's Laws of England* (5th Edition), Vol.61 (Judicial Review)

Contributor, *Information Law Reports*

Contributor, *Local Government Law* (Bloomsbury) (chapter on adult social services)

Contributor, *Tolley's Employment Handbook* (chapter on discrimination and equal opportunities enforcement)

Author, *"Local authority duties under the Children Act 1989"*, PLC Public Sector

Author, *"Mount Cook 1: Whatever Happened to Leach?"* [2004] Judicial Review 49

James has given talks and training (including by podcast and webinar) on various topics in public, employment, discrimination, community care, local government, data protection, freedom of information and education law to solicitors, local authority officers, civil servants, school governors, barristers, IRP panel members, data protection officers and others.

Education

2001-2002 Inns of Court School of Law – Bar Vocational Course

2000-2001 City University – Diploma in Law

1995-2000 Brasenose College, Oxford – DPhil in Philosophy

1993-1995 University College London – MPhil in Philosophy Dawes Hicks Scholarship in Philosophy

1990-1993 University College, Oxford – BA (Hons) in Philosophy, Politics & Economics College Exhibition

Other

Queen Mother Major Scholarship, Middle Temple

Sachs Prize for performance on the BVC, Middle Temple

Benefactors CPE Scholarship, Middle Temple

James is a barrister mentor for student representatives on the City University School Exclusions Project.

James is a member of:

- Administrative Law Bar Association
- Education Law Association
- Employment Law Bar Association
- Employment Lawyers Association

> ***Combines meticulous preparation with excellent clarity of understanding of the law***
>
> LEGAL 500

> ***Able to master a huge amount of detailed material in a short timeframe.***
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> LEGAL 500

> ***Clever and very experienced***
>
> CHAMBERS & PARTNERS

> ***He is intellectual, hard-working and thorough, and reads every last page of the case***
>
> LEGAL 500

> ***Imaginative, industrious and full of sound judgement; he will go far***
>
> LEGAL 500

> ***He has a fantastic legal mind. He gets his head around really technical arguments, and is easy to work with***
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> CHAMBERS & PARTNERS

He got to grips with a very difficult project and he was very impressive... It was his great grasp of the complex issues in the case that was really impressive. He had obviously prepared diligently for the hearing and fully understood the arguments and the background

CHAMBERS & PARTNERS

He has a first-class intellect

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Precise and to the point, he focuses on the key facts and issues

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