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

Human Rights

Jonathan has unrivalled expertise in dealing with cases raising human rights issues across a wide range of areas, including the retention and disclosure of information, education, prisons, immigration and asylum, and terrorism and national security. Jonathan also has experience of dealing with such issues in the health sector, and has advised on matters such as the compatibility of policies for the funding of treatment with Convention rights and equalities legislation. Jonathan has been instructed by the UK Government in several cases before the European Court of Human Rights.

Recent examples of Jonathan's human rights cases include:

R (Isherwood) v Welsh Ministers

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

Jonathan successfully represented the Welsh Government on this challenge to the introduction of compulsory relationships and sexuality education in schools in Wales. The challenge alleged breaches of the right to education under Article 2 of the First Protocol, and Articles 8 and 9.

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, which alleged that the scheme was incompatible with Article 8 of the Convention.

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 which alleged that it was a breach of Article 8 not to issue a rationing scheme governing the allocation of intensive care beds should demand outstrip supply during the coronavirus pandemic.

DS and MC v United Kingdom

(EUROPEAN COURT OF HUMAN RIGHTS, 2021)

Jonathan successfully represented the United Kingdom in these Strasbourg applications which alleged that the UK's criminal records certificates scheme was incompatible with Article 8.

R (Omooba) v Welsh Ministers

(HIGH COURT, 2021)

Jonathan successfully represented the Welsh Government in resisting this Article 9 challenge to the compulsory closure of places of worship 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.

Gaughran v United Kingdom

(2020, EUROPEAN COURT OF HUMAN RIGHTS)

Jonathan represented the government in both the Supreme Court and in Strasbourg on this Article 8 challenge to the indefinite retention by police of the DNA profiles of persons who have been convicted of an offence.

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 judicial review of the disclosure of information about acquittals on criminal records certificates, based on an allegation that it was incompatible with the presumption of innocence under Article 6 and the right to respect for private life under Article 8 of the Convention.

McDonald v McDonald

[2016] UKSC 28, [2017] AC 273 (SUPREME COURT)

Jonathan successfully acted for the Secretary of State, who intervened in this case raising the important issue of whether Article 8 of the Convention has horizontal effect in possession proceedings between two private parties.

CP v United Kingdom

[2016] 63 EHRR SE14 (EUROPEAN COURT OF HUMAN RIGHTS)

Jonathan successfully represented the United Kingdom on this Strasbourg application claiming that a pupil's exclusion from school gave rise to a breach of his right to education.

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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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.

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He is a fantastic lawyer.

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

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

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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