

Andrew Sharland KC

Silk: 2018 Call: 1996

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Andrew specializes in public law, public inquiries and investigations, public procurement and information law. 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, public inquiries and inquests, 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) (2nd edn forthcoming in 2025)



He is fearless and his advocacy is punchy

CHAMBERS & PARTNERS

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.

Expertise

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).

R (L) v Hampshire County Council

[2022] ELR 314

Andrew represented the successful defendant resisting a challenge to local authority guidance to schools on teaching of gender and trans issues. This claim raised various issues relating to the right to freedom of religion under Article 9 ECHR and the right to education under Article 2 of Protocol 1.

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

[2020] EWCA CIV 1651, CA (CIV), DECEMBER 8 2020, [2021] ELR 213

Andrew acted for the Academy Trust in a challenge pursuant to Article 1 of Protocol 1 (the right to property) and Article 14 ECHR (the right not to be discriminated against) in relation to a decision to transfer land owned by the Academy to a local authority for no consideration.

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 (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 (Elmes) v Essex CC

[2018] PEN LR 21

Andrew acted for Essex CC in a human rights challenge (Article 1 of Protocol 1 read with Article 14 ECHR) to the local government pension scheme and its approach to the payment of pensions to non-married partners of deceased members.

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

Achievements

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. He also has a post-graduate diploma in Public Procurement law from Nottingham University.

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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Brilliant with clients and very bright.

LEGAL 500

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He has brilliant client-handling skills and is a pleasure to work with

CHAMBERS & PARTNERS

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He is very down-to-earth, bright and incisive. He gives comprehensive and pragmatic advice...

CHAMBERS & PARTNERS

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He is tactically astute and aggressive in court when you need him to be

CHAMBERS & PARTNERS

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An excellent legal brain

CHAMBERS & PARTNERS

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An excellent lawyer and a pleasant opponent

LEGAL 500

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He has a very personable manner and is also very responsive. Underneath his mild exterior lies a tenacious advocate...

CHAMBERS & PARTNERS

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Judges really like him as he is clear and precise

CHAMBERS & PARTNERS

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Bright, responsive and highly commercial

LEGAL 500