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.

> ***Precise and to the point, he focuses on the key facts and issues***
>
> CHAMBERS & PARTNERS

Expertise

European Union

James regularly addresses issues of EU law across a number of areas of his work. He has argued points of EU law before the First-tier Tribunal, Upper Tribunal, High Court and the Court of Appeal and has also appeared in a recent leading case on the EU law principles of equality and proportionality before a seven-justice constitution of the Supreme Court.

His work on EU law has included social security, data protection and electronic privacy, asylum support, discrimination, alternative dispute resolution and legal services, access to environmental information and allocation of EU Structural Funds (including ERDF funds) within the UK.

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).

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).

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

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

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 (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 (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.

Dransfield v Information Commissioner & Devon County Council; Craven v Information Commissioner & Department of Energy and Climate Change

[2015] EWCA CIV 454, [2015] 1 WLR 5316, [2016] 3 ALL ER 221, [2016] ENV LR 9

FOIA, s.14(1) – EIR, reg.12(4)(b) – whether information request vexatious or manifestly unreasonable.

Craven v Information Commissioner & Department of Energy and Climate Change

[2012] UKUT 442 (AAC), [2013] 1 INFO LR 335

FOIA, s.14(1) – EIR, reg.12(4)(b) – whether information request vexatious or manifestly unreasonable.

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.

Information Commissioner v Niebel

[2014] UKUT 255 (AAC), [2015] AACR 1, [2014] 2 INFO LR 162, FIRST-TIER TRIBUNAL (INFORMATION RIGHTS) – [2013] 2 INFO LR 329

DPA, s.55A – Directives 2002/58/EC and 2009/136/EC – direct marketing text messages – whether Commissioner entitled to serve monetary penalty notice – whether contravention of PECR was of a kind likely to cause substantial damage or substantial distress.

JR v Secretary of State for Work and Pensions

[2014] UKUT 0154 (AAC)

Social security – EU law – whether carer who was in receipt of Carer's Allowance was thereby a worker or self-employed person such as to have a right to reside.

VP v Secretary of State for Work and Pensions

[2014] UKUT 0032 (AAC), [2014] AACR 25

Social security – EU law – compatibility of the Accession (Immigration and Worker Registration) Regulations 2004 with the derogation under the A8 Accession Treaty – assessment of self- sufficiency for purposes of Article 7(1)(b) of Directive 2004/38/EC – whether entitlement to NHS treatment constituted Comprehensive Sickness Insurance.

Miskovic & Blazej v Secretary of State for Work and Pensions

[2011] EWCA CIV 16, [2011] 2 CMLR 20, [2012] AACR 11

Social security – EU law – proportionality of Accession (Immigration and Worker Registration) Regulations 2004 – meaning of "legally working" – Directive 2004/38, article 23.

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.

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

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

LEGAL 500

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

CHAMBERS & PARTNERS