Heather Emmerson



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Heather Emmerson practises in the areas of public law, regulatory law, professional discipline, data protection and information law.

Heather has over 15 years' experience advising and acting in litigation spanning all areas of her practice. She is regularly instructed in high profile and complex litigation and has appeared before a wide range of courts and tribunals including the High Court, Court of Appeal and Supreme Court. Heather has considerable advocacy experience including multi-day trials, judicial review claims and appellate litigation. Heather is also frequently instructed to advise on ground-breaking and novel points of law. Heather acts for a wide range of clients from private individuals to multi-national companies, regulatory bodies to local authorities, and charitable organisations to governmental bodies.

She is ranked as a leading junior in Chambers and Partners and Legal 500 across all main areas of her practice and described in the directories as "*truly excellent in the field*", "*an accomplished junior who is the all-round package*", and "*an extremely good advocate*". Clients have commented that Heather is "*all over the detail, incredibly thorough and technically excellent*", "*has an encyclopedic understanding of the law*" and is "*supremely intelligent and also very practical, approachable and easy to deal with*".

> ***An accomplished junior who is the all-round package.***
>
> LEGAL 500

Expertise

Public

Heather is a public law specialist and has a significant advisory and litigation practice in this field. Heather is instructed by both claimants and public authorities to advise on public law issues and is regularly instructed in judicial review claims and appellate cases involving public law issues. Her public law practice spans a broad range of areas including constitutional law, regulation, local government, human rights, housing, immigration, education, healthcare, and environmental law. Heather is featured as a leading public law junior in the legal directories and described as "incredibly bright and combines that with being practical and user-friendly", "extremely good, intelligent and provides clear advice" and "a real rising star, and outstanding for her level of seniority".

Heather is a member of the Attorney General's A Panel of Counsel and the Welsh Government A Panel of Counsel and has appeared in several significant public law cases, including five cases before the Supreme Court. Heather is also regularly instructed by local authorities and regulatory bodies to provide advice and act in relation to public law litigation.

> ***Unfailingly industrious. She is undoubtedly one of the best juniors working in the human rights arena.***
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> LEGAL 500

R (Doncaster MBC) v Doncaster Sheffield Airport Ltd

[2022] EWHC 3060 (ADMIN)

Instructed by South Yorkshire Mayoral Combined Authority as an Interested Party in relation to a judicial review claim challenging the closure of Doncaster Sheffield Airport.

CC v HM Treasury and Secretary of State for Work and Pensions

[2020] EWHC 2817 (ADMIN)

Acting in a judicial review challenge to failure to increase rate of Carer's Allowance during the Covid-19 pandemic. Instructed by the Government Legal Department. Led by Julian Milford KC.

R (Kohler) v Mayor's Office for Policing and Crime

[2018] EWHC 1881 (ADMIN), [2018] ACD 102

Acting in a claim for judicial review of a decision of the Mayor's Office for Policing and Crime to close 37 police stations in London. Led by Jonathan Swift KC.

Nottingham City Council v Parr

[2018] UKSC 51, [2018] 1 WLR 4985, SC, OCTOBER 10 2018

Acting for the Secretary State as an intervener in a Supreme Court appeal concerning the imposition by a local authority of conditions on HMOs. Led by Jonathan Moffett KC.

R (C) v Secretary of State for Work and Pensions

[2017] UKSC 72, [2017] 1 WLR 4127

Acting for the Secretary of State in an appeal before the Supreme Court concerning the DWP's Secretary policies on retaining and accessing gender history information. Led by Charles Bourne KC.

Hotak v Southwark London Borough Council

[2015] UKSC 30, [2015] 2 WLR 1341

Instructed by Mr Hotak in an appeal before the Supreme Court concerning the test for vulnerability in the homelessness context. Led by Paul Brown KC.

R (Stirling) v Haringey London Borough Council

R (STIRLING) V HARINGEY LONDON BOROUGH COUNCIL

Instructed by the London Borough of Haringey in relation to a Supreme Court appeal concerning consulting prior to adopting a Council tax reduction scheme. Led by Clive Sheldon KC.

McDonald v McDonald

[2016] UKSC 28

Acting for the Secretary of State intervening in an appeal before the Supreme Court concerning whether a Court considering a possession claim brought by a private sector owner against a residential occupier must consider the proportionality of eviction. Led by Sir James Eadie KC and Jonathan Moffett KC.

R (Plantagenet Alliance) v Secretary of State for Justice and others

[2015] LGR 172, [2014] EWHC 1662 (QB)

Instructed by the University of Leicester in a judicial review claim concerning the decision to reinter the remains of Richard III in Leicester Cathedral. Led by Anya Proops KC.

Local Government

Heather has particular expertise in local government law and is regularly instructed to advise local authorities on a range of public law issues and has experience bringing and defending claims in this sphere, in particular judicial review claims. Her practice in this area extends to broad range of issues from elections to council tax schemes, from housing and social care obligations to planning and transport matters and governance issues. Heather has also been instructed to conduct confidential investigations on behalf of local authorities.

Nottingham City Council v Parr

[2018] UKSC 51, [2018] 1 WLR 4985, SC, OCTOBER 10 2018

Acting for the Secretary State as an intervener in a Supreme Court appeal concerning the imposition by a local authority of conditions on HMOs. Led by Jonathan Moffett KC.

Hotak v Southwark London Borough Council

[2015] UKSC 30, [2015] 2 WLR 1341

Instructed by Mr Hotak in an appeal before the Supreme Court concerning the test for vulnerability in the homelessness context. Led by Paul Brown KC.

R (Stirling) v Haringey London Borough Council

[2014] UKSC 56, [2014] 1 WLR 3947

Instructed by the London Borough of Haringey in relation to a Supreme Court appeal concerning consulting prior to adopting a Council tax reduction scheme. Led by Clive Sheldon KC.

Professional Discipline & Regulatory

Heather has extensive experience in the field of regulatory law and professional discipline and she acts for both regulatory bodies and regulated individuals and firms. Her experience includes advising on regulatory investigations, enforcement action, prosecuting and defending allegations of professional misconduct in disciplinary tribunals and acting in judicial review claims and statutory appeals both challenging and defending regulatory decisions. Heather has deep sector-specific expertise in relation to professionals providing services in the legal, financial and healthcare spheres and also has a wide range of experience of cases involving industry regulators including bodies such as the Information Commissioner and the Gambling Commission.

> ***She appears in the most high-profile SDT cases.***
>
> LEGAL 500

Heather has particular expertise in legal regulation and is a highly sought after junior in this field. She has extensive experience of acting for both professional disciplinary bodies and regulated individuals and entities. Heather is frequently instructed on behalf of regulated entities and individuals in relation to regulatory investigations and has acted for many individuals (both solicitors and barristers) and l law firms in responding to investigations and appearing in disciplinary proceedings. Heather has also prosecuted disciplinary cases for the SRA and BSB. Heather frequently appears in multi-day hearings before professional disciplinary tribunals and was instructed in the longest trial ever heard by the SDT (*SRA v Day and others*). Heather's expertise in the legal sector covers a wide range of regulatory issues and whilst most of her work is confidential, her recent cases have involved issues ranging from breach of anti-money laundering regulations to breach of client account rules, to sexual misconduct allegations, to litigation conduct and and dishonesty allegations. In addition to disciplinary proceedings, Heather is instructed in relation to a wide range of issues including decisions concerning authorisation, admission, conditions of practice as well as broader compliance issues.

Heather is ranked as a leading junior in Legal 500 and Chambers and Partners in the sphere of professional discipline and described as "hardworking, intelligent and charming to work with", "incredibly bright, practical and user-friendly, "a wonderful advocate" and "a genuine rising star, she is a consummate professional in terms of application, preparation and presentation." Her clients have commented that "she appears in the most high-profile SDT cases" and described her as "very personable, committed and thorough, and has a nice advocacy style. Courts like her and she is a very fair prosecutor."

Whitestone Chambers v BSB

Acting for the BSB in a judicial review claim seeking to challenge their refusal to grant AETO status to a barristers Chambers.

BSB v Sufian

Acting for the BSB in prosecuting a barrister for dishonesty and misleading the Court which resulted in disbarment.

SRA v a Firm

Acting for a global law firm in proceedings before the SDT relating to breach of anti-money laundering obligations.

Bar Standards Board v X

Acting for a barrister charged with allegations of sexual harassment in the Bar Disciplinary Tribunal.

Cook v GMC

[2024] EWHC 1663 (ADMIN)

Acting for the GMC in a claim challenging the imposition of conditions on a doctor following criminal charges relating to child sex offences and publication of obscene material.

MXM v General Medical Council

[2022] EWHC 817 (ADMIN)

Acting for the GMC in defending a challenge to an interim suspension order following allegations relating to undertaking sexual activity in a clinical setting.

Solicitors Regulation Authority v Day and others

[2018] EWHC 2726 (ADMIN)

Acting for the SRA in the longest ever trial before the SDT concerning the conduct of solicitors in relation to the Al-Sweady Inquiry. Instructed by the SRA. Led by Timothy Dutton CBE KC and Andrew Tabachnik KC.

Solicitors Regulation Authority v James

[2018] EWHC 3058 (ADMIN)

Acting for the SRA in a ground-breaking case relating to the test for exceptional circumstances where dishonesty has been proven against a solicitor. Led by Chloe Carpenter KC.

Media & Privacy

Heather is an experienced data protection and privacy practitioner. She advises public bodies, individuals and companies on data protection issues and has extensive experience of advising on regulatory action taken by the Information Commissioner's Office. She also has experience of private law claims in this sphere, including data breach claims and has also been instructed in claims before the European Court of Human Rights relating to the retention of biometric data and conviction information.

Heather has an extensive advisory practice in this field and recent work includes advising on regulatory action taken in respect of cyber-attacks breaches, advising a regulatory body in relation to a pilot project for information sharing overseen by the ICO and advising in relation to claims for damages for breach of confidence and misuse of private information arising from inadvertent disclosure of sensitive information.

Heather is a public law and human rights specialist and is able to apply her experience and knowledge of Article 8 issues to the sphere of data protection. Heather also has a keen interest in media law and was instructed as part of the team of Counsel to the Inquiry on the Leveson Inquiry in relation to the press and the media. She is ranked as a leading junior in this area in Chambers and Partners and described as "fiercely bright."

Bonne Terre Ltd v RTM

[2026] EWCA CIV 488

Acting for the Information Commissioner as intervener in a ground-breaking appeal before the Court of Appeal concerning the meaning of consent under the GDPR.

O'Carroll v Meta

Acting for the Information Commissioner as intervener in civil proceedings in the High Court concerning the right to object to personalised direct marketing on Facebook.

Information

Heather is an experienced information law practitioner who regularly advises and acts for a wide range of clients on information law issues. She has acted for and advised central and local government, regulatory bodies including the Information Commissioner's Office, NGOs and individuals on FOIA/EIR issues and has extensive experience of appearing in both the First-Tier Tribunal and Upper Tribunal in information law cases. Her recent work has included a range of high-profile cases concerning requests for information relating to law enforcement strategies in respect of small migrant boats crossing the English Channel.

Heather's expertise in information law complements her public and regulatory law practice and she is often instructed in cases which involve cross-cutting issues. For example, Heather is frequently instructed to advise public authorities including governmental, regulatory and professional disciplinary bodies on matters involving information law issues, ranging from policy development to responses to individual information requests.

Walawalkar v ICO and His Majesty's Coastguard

[2025] UKUT 105 (AAC)

Acting for HM Coastguard in the Upper Tribunal in relation to the meaning of section 11 FOIA and whether HMCG was required to disclose distress calls from migrant boats in response to a FOIA request.

X v GMC

Acting the GMC in FTT proceedings relating to disclose of information relating to the identify of decision-makers.

X v ICO and Home Office

Acting for the Home Office in FTT proceedings concerning the disclosure of information relating to the effectiveness of French policing operations concerning migrant boats.

Achievements

Education

Before coming to the Bar, Heather graduated from St Catharine's College, Cambridge University with a first class degree in Law.

Appointments

Attorney General's A Panel and Welsh Government A Panel.

Other

Heather is a member of the Administrative Law Bar Association and the Association of Regulatory and Disciplinary Lawyers.

> ***She is really excellent to work with. She is all over the detail, incredibly thorough and technically excellent.***
>
> CHAMBERS & PARTNERS

> ***She provides an excellent level of client service. She is responsive, personable and can cut through to issues in a clear and concise manner.***
>
> CHAMBERS & PARTNERS

> ***Heather Emmerson is very strategic and clever when coming up with points on procedure or substance that are exceptionally helpful to clients. She has a pre-planning brain, is a team player and is brilliant on paper.***
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> CHAMBERS & PARTNERS

> ***an impressive individual involved in some big litigation.***
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> CHAMBERS & PARTNERS

a very strong barrister technically and in formulating case strategies. Her drafting is excellent, and she has an impressive ability to absorb large quantities of evidence and identify the key issues.

CHAMBERS & PARTNERS

She radiates assurance.

CHAMBERS & PARTNERS

Truly excellent in the field. A star of the future if not the present.

LEGAL 500

An accomplished junior who is the all-round package.

LEGAL 500

The full package. She is meticulous in her grasp of the facts and law, and also responsive to the needs of her client and other stakeholders in the litigation.

CHAMBERS & PARTNERS