



Hugh Southey

Called 1996

Admitted as Solicitor 1991

Recorder

Areas of Practice

Specialises in public law in the fields of human rights, prison law, inquests, crime, mental health, terrorism (including control orders and the Special Immigration Appeals Commission), immigration and election law.

Hugh has undertaken a considerable amount of pro bono work on American Death Penalty cases and was twice highly commended for this in the Bar pro bono awards.

Notable Cases

BC v Secretary of State – Application of article 6 to control orders

R (Chester) v Secretary of State (2009) *The Times* 3 November – Challenge to prohibition on prisoners voting

R (F) v Secretary of State (2009) *The Times* 20 August – Sex offender registration is not compatible with art 8

R (Robinson) v Secretary of State [2009] EWHC Admin 2251 – Compatibility of Criminal Justice and Immigration Act 2008 with article 6 of ECHR

R (Betteridge) v Parole Board [2009] EWHC Admin 1638 – Approach of the Admin Court to Parole Board delay

R (Faizovas) v Secretary of State (2009) *The Times* 25 May – Extent to which article 3 is violated by handcuffing a prisoner receiving medical treatment

RB (Algeria) v Secretary of State [2009] 2 WLR 512 – Reliance on diplomatic assurances as protection against a risk of torture

R (Smith) v Secretary of State [2009] EWHC Admin 109 – Art 6 engaged by disciplinary proceedings that do not involve additional days

R (Black) v Secretary of State [2009] 2 WLR 282 – Parole Board proceedings regarding a determinate prisoner do not engage art 5(4)

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- R (Haase) v Independent Adjudicator [2009] 2 WLR 1004 – Whether a right to an Independent Adjudicator
- R (Saunders) v Independent Police Complaints Commission (2008) *The Times* 22 October – Whether article 2 prevents police officers conferring following a shooting
- R (Harris) v Secretary of State [2009] 1 Cr App R 2 – Compensation for wrongful conviction
- R (G) v Nottinghamshire Healthcare NHS Trust [2008] HRLR 42 – Smoking ban and compatibility with ECHR
- Dunn v Parole Board [2008] HRLR 32 – Human Rights Act 1998 limitation
- R (Black) [2008] 3 WLR 845 – Compatibility of Parole Board proceedings with art 5(4)
- AS (Libya) v Secretary of State [2008] HRLR 28 – Reliance on diplomatic assurances to prevent torture in Libya
- R (Walker) v Secretary of State [2008] 1 WLR 1977 – Secretary of State unlawfully failed to provide opportunities for prisoners to progress
- R (Graham) v Secretary of State [2007] EWHC Admin 2940 – Handcuffing of prisoner during chemotherapy violated article 3
- R (Brooke) v Parole Board [2007] HRLR 46 – Parole Board lacks independence for article 5
- R (MH) v Secretary of State [2007] EWHC Admin 2134 – Legality of detaining Iraqi asylum seekers
- R (Cooper) v Parole Board (2007) *The Times* 6 June – Delay in Parole Board review violates article 5
- E v Secretary of State for the Home Department [2007] 3 WLR 1 – Legality of control orders
- R (H) v Mental Health Review Tribunal [2007] EWHC Admin 884 – Whether Tribunal can impose condition requiring treatment
- R (Hindawi) v Secretary of State for the Home Department [2006] UKHL 54 – Discrimination regarding role of Parole Board
- R (Scholes) v Secretary of State for the Home Department [2006] HRLR 44 – Procedural obligations inherent in article 2
- R v Caines (2006) *The Times* 7 December – Whether exceptional progress can be taken into account when setting a minimum term
- R (Begum) v Tower Hamlets [2006] BGLR 674 – Scope for using judicial review to challenge electoral process
- R (Tozhlukaya) v Secretary of State for the Home Department [2006] INLR 354 – Approach to suicide risk in immigration cases
- Roberts v Secretary of State for the Home Department [2006] 1 WLR 843 – Whether damages can be claimed for failure to review recall of prisoner to custody

R (P) v West London Youth Court [2006] 1 WLR 1219 – Standard of proof when determining whether to stay as abuse of process

R (Buddington) v Secretary of State for Home Department (2005) *The Times* 20 October, DC – Whether power of recall abolished when Criminal Justice Act 2003 enacted

R (Tangney) v Governor of HMP Elmley [2005] HRLR 36, CA – Circumstances in which article 6 engaged by prison disciplinary offences

R (Dudson) v Secretary of State for Home Department [2005] 3 WLR 422, HL – No obligation to hold oral hearing when imposing minimum term

Scotcher v Attorney General [2005] 1 WLR 1867, HL – Circumstances in which juror can reveal details of deliberations

R (B) v Ashworth Hospital [2005] 2 AC 278, HL – Limitations upon treatment under Mental Health Act 1983

R (Al-Hasan) v Secretary of State for Home Department [2005] 1 WLR 688, HL – Prison Governor not sufficiently independent when conducting adjudication.

R (Murphy) v Secretary of State for Home Department (2005) *The Times* 28 February, DC – Entitlement to compensation for wrongful conviction

R (Szuluk) v Governor of Full Sutton Prison (2004) *The Independent*, November 4 – Legality of monitoring of legal correspondence.

R (Napier) v Secretary of State for Home Department [2004] 1 WLR 3056, QBD – Obligations on Secretary of State when article 6 of the ECHR violated.

R (S) v Waltham Forest Youth Court [2004] 2 Cr App R 21 – Special measures for defendants in criminal trials

R (PD) v Mental Health Review Tribunal (2003) *The Times* 31 October

R (McFetrich) v Secretary of State for Home Department [2003] 4 All ER 1093

R (D) v Secretary of State for the Home Department [2003] 1 WLR 1315

R (Khan) v Oxfordshire CC [2003] HLR 23

R (Christofides) v Secretary of State for the Home Department [2002] 1 WLR 2769

Svazas v Secretary of State for the Home Department [2002] 1 WLR 1891

R (on the application of Ivanauskiene) v Special Adjudicator (2001) *The Times* 18 September

R (on the application of P and Q) v Secretary of State for the Home Department [2001] 1 WLR 2002

R (on the application of Carroll and others) v Secretary of State for the Home Department [2002] 1 WLR 545

R (on the application of Akhtar (T'Herah)) v Secretary of State for the Home Department (2001) The Times 23 February

R (on the application of Joseph) v DPP [2001] Crim LR 489

Publications

Since being called to the Bar Hugh has written regularly on public law and human rights. He edits (with Mr Justice Fulford) the *United Kingdom Human Rights Reports*. He also wrote (again with Mr Justice Fulford) *A Criminal Practitioners Guide to Judicial Review and Case Stated* and *Judicial Review: A Practical Guide*.

Speaking Events and Training, Seminars

June 2009 – Solicitors Higher Courts Advocates Association – Judicial Review

January 2009 – HJT Training – Judicial Review update

December 2008 – Toops Chambers – Immigration detention

October 2008 – Toops Chambers – Human rights update

May 2008 – Inner Temple – Practical Guide to Appellate Advocacy

October 2007 – Toops Chambers – Sentence calculation

August 2006 - Cambridge University – Parole Board risk assessment

What Others Say

Chambers and Partners Directory states that:

truly exceptional, with a deep base of knowledge.

and

an excellent advocate.

Listed in Chambers and Partners Directory as a leading junior in Administrative and Public Law, Human Rights, Immigration and Police Law. Listed in Legal Business as an expert in Administrative and Public Law and Civil Liberties. On the shortlist for the Administrative and Public Law junior of the year at the Chambers Bar Awards.

Membership and Societies

ILPA, Association of Prison Lawyers, Administrative Law Bar Association, Prisoners Advice Service, Mental Health Lawyers Association, Human Rights Lawyers Association, Legal Action, Liberty, Justice, Amnesty International

Other Relevant Information

Admitted as a solicitor in 1991 but transferred to the Bar in 1996. As a solicitor Hugh headed the immigration and crime department at Glazer Delmar and assisted the firm to become one of the first firms to obtain a Legal Aid franchise.