



Hugh Southey QC

Called 1996 (QC 2010)

Admitted as Solicitor 1991

Called in Northern Ireland

Recorder

Sole barrister shortlisted for Liberty Human Rights Lawyer of the Year 2011

Areas of Practice

Hugh Southey has led at all levels up to and including the Supreme Court.

Hugh 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, discrimination and elections.

Hugh also appears regularly in criminal appeals.

Notable Cases

- R (BB) v Secretary of State [2011] UKHRR 997 – Whether SIAC bail proceedings engage art 6 of the ECHR.
- IR (Sri Lanka) v Secretary of State [2011] 4 All ER 908 – Whether art 8 imposes procedural obligations on SIAC equivalent to art 6.
- R (ES) v DPP [2011] EWHC 1465 (Admin) – Prosecution of child unlawful as a consequence of failure to take account of impact on other children.
- R (Adams) v Secretary of State [2011] 2 WLR 1180 – Circumstances in which compensation payable following a miscarriage of justice.
- ZZ v Secretary of State [2011] EWCA Civ 440 – SIAC procedure referred to ECJ for a ruling regarding its compatibility with fundamental rights.
- R (Faulkner) v Secretary of State [2011] HRLR 23 – Assessment of damages under the Human Rights Act 1998.
- R (BB) v Secretary of State [2011] 3 WLR 958 – SIAC cannot rely on closed judgment when refusing bail.

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- R (Chester) v Secretary of State [2011] 1 WLR 1436 – Legality of prisoner's being banned from voting.
- R (ECCA) v Secretary of State [2010] EWHC 3524 (Admin) – Immigration cap is unlawful.
- Hassan-Daniel v Revenue and Customs [2011] QB 866 – Criminality defence does not apply to claim under Human Rights Act 1998.
- Osborn v Parole Board (2011) *The Times* 14 February – Circumstances in which oral hearing required before Parole Board.
- L-B (Children) [2011] 1 FLR 889 – Extent to which Recorder required to set aside findings following finding of bias.
- R (Webb) v Secretary of State [2011] 1 WLR 774 – Correct application of early release provisions within the Criminal Justice and Immigration Act 2010.
- R v Magro [2010] 2 Cr App R 25 – Powers of Court of Appeal to depart from earlier ruling – Power to impose confiscation order if discharging.
- R (Robinson) v Secretary of State [2010] 1 WLR 2380 – Compatibility of Criminal Justice and Immigration Act 2008 with article 6 of ECHR.
- R (KSS) v Northampton Crown Court [2010] 2 Cr App R 23 – Legality of using closed material when considering bail.
- R (McAlinden) v Secretary of State, HC, 4 May 2010 – Compatibility of recalling prisoner released on Home Detention Curfew with article 5(4).
- R (F) v Secretary of State [2010] 2 WLR 992 – Sex offender registration is not compatible with art 8.
- R v Waller [2010] 2 Cr App R (S) 101 – Unlawfully imposed IPP as no evidence of dangerousness.
- R (K) v Secretary of State [2010] EWHC Admin 82 – Adequacy of material before Secretary of State when a prisoner transferred to hospital.
- BC v Secretary of State [2010] 1 WLR 1542 – 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 (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).
- 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*. Has recently written a chapter in *Human Rights in the Investigation and Prosecution of Crime* OUP

Speaking Events and Training, Seminars

December 2011 – Inner Temple – Prisoners Rights

June 2011 – LexisNexis – Prison law update (webinar)

February 2011 – LexisNexis – Police law

September 2010 – Butterworths – Inquest Law

June 2009 – Solicitors Higher Courts Advocates Association – Judicial Review

January 2009 – HJT Training – Judicial Review update

December 2008 – Tooks Chambers – Immigration detention

October 2008 – Tooks Chambers – Human rights update

May 2008 – Inner Temple – Practical Guide to Appellate Advocacy

October 2007 – Tooks Chambers – Sentence calculation

August 2006 - Cambridge University – Parole Board risk assessment

What Others Say

Legal 500 states that Hugh is a: “brilliant technical lawyer with a thorough knowledge of human rights law at his fingertips”

and that he is: “a brave and creative advocate, with excellent tactical judgment”.

Chambers and Partners Directory states that Hugh: “... is able to formulate well-researched arguments in cases which are uncertain and have no authority or precedence”

and “he has a creative mind and will find a new angle remarkably quickly”

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.