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Called 1983 Silk 2000
Recorder of the Crown Court (2005) Deputy High Court Judge (2010)



Main Areas of Practice

Crime and Regulatory
Public
Human Rights
Police
Sports

Tim is listed as a Leading Silk in five practice areas by Chambers & Partners (2010): administrative and public law; crime; civil liberties; fraud (criminal) and police law. His practice embraces pre-litigation advice, trial and appellate work and he is valued as an advocate with specialist knowledge of the civil, regulatory and criminal law aspects of complex investigations who can provide strategic advice from the earliest stage through to trial and, if necessary, to appeal. He is currently instructed in two major FSA investigations involving allegations of market abuse and insider dealing.

He has appeared in more than 35 appeals to the House of Lords/Supreme Court (6 in the past year) as well as in numerous appeals to the Court of Appeal in both public and criminal law cases, particularly those which raise novel and important human rights issues. He also has extensive experience in miscarriage of justice appeals arising from references by the Criminal Cases Review Commission. He is valued for his team working ability, his approachability, his ability to absorb a mass of complex information, his skills in cross examination and his ability to present difficult arguments to jurors and Judges alike in plain, clear language. He has extensive experience of cases involving an international, cross border dimension and has appeared in the courts of Hong Kong and the Cayman Islands in both civil and criminal cases. He is an Advisory Editor of *Blackstone's Criminal Practice 2010* (OUP, 2010) and the editor/author of numerous publications including *Asset Recovery: Criminal Confiscation and Civil Recovery* (OUP, 2009), *Prison Law*, 4th edition (OUP, 2008) and *Blackstone's Guide to the Serious Organised Crime and Police Act 2005* (OUP, 2005).

Recent cases include *A,K,M v. HM Treasury*, the first appeal to be heard before the Supreme Court in October 2009 and which concerned the legality of enacting anti-terrorist asset freezing regimes by Order in Council pursuant to the UN Act 1946; *R (Thompson and anr) v. Home Secretary*, in which the Supreme Court held that the requirement of lifelong registration on the Sex Offender's Registry was unlawful; *AF, AN and AE v. Home Secretary*, in which the House of Lords quashed terrorist control orders on the basis that they were incompatible with the requirement of fair disclosure under article 6 ECHR; *R v. Horncastle and Blackmore* in which the House of Lords considered the compatibility of the hearsay provisions of the Criminal Justice Act 2003 with Article 6 in the context of sole/decisive evidence; *R (Lee and Wells) v. Secretary of State for Justice*, in which the House of Lords considered whether prisoners serving an indeterminate sentence for public protection were being unlawfully detained as a result of the systemic failure to provide them with offending behaviour courses. His specialist practice in restraint, asset recovery, and criminal confiscation law has seen him appear in three major cases before the House of Lords and Court of Appeal in the past year (*R v. Briggs-Price*, *R v. Paulet* and *R v. Casal/Symeou*) and he recently acted for one of three defendants charged with laundering the proceeds of massive fraud/corruption allegedly committed by former Governor of Delta State, Nigeria, James Ibori.

Notable Cases

[Her Majesty's Treasury v. Mohammed Jabar Ahmed and others \[2010\] UKSC 2](#) This was the first appeal to be heard by the new UK Supreme Court in October 2009 and was selected by the Court because it raised issues of fundamental constitutional importance. Tim appeared for the 3 of the 4 appellants in this complex case which focused on the legality of the Terrorism (UN Measures) Order 2006 and the Al-Qaeda and Taliban Order 2006 whereby financial restrictions are placed on persons reasonably suspected of being terrorists in the absence of any criminal conviction and on the basis

Notable cases

of Orders in Council which received no Parliamentary debate of scrutiny. In a unanimous ruling, the 7 strong Supreme Court allowed the appeals and quashed the Terrorism Order 2006. The speech of Lord Hope contains an important re-assertion of the principle of legality and the need to uphold fundamental human rights principles in the face of the threats posed by international terrorism.

[R \(JF \(by his litigation friend OF\)\) & Anor v Secretary of State for the Home Department \[2010\] UKSC 17 UKSC - 21 Apr 2010](#) Tim acted for the respondent Thompson in this appeal to the Supreme Court. The claimants submitted that to impose notification requirements for an indefinite period without the possibility of review under the Sexual Offences Act 2003, s 82, was a disproportionate interference with their rights under ECHR, art 8. The Supreme Court unanimously dismissed the Secretary of State's appeal and repeated the declaration of incompatibility pursuant to the Human Rights Act 1998, s 4 made by the lower courts. It was obvious that there must be some circumstances in which an appropriate tribunal could reliably conclude that the risk of an individual carrying out a further sexual offence could be discounted to the extent that the continuance of the notification requirements was unjustified.

[Secretary of State for Home Department v. AF \(No 3\) \[2009\] 3 WLR 74](#) Tim appeared for two of the three appellants (AN and AE) in this appeal in which the court was required to determine whether an individual subject to a terrorism control order had a minimum right to know the case against him pursuant to Article 6 of the ECHR. Reviewing its recent decision in *Home Secretary v. MB*, a 7 strong House of Lords Committee allowed the appeals in a ruling with major implications for the viability of the terrorist control order scheme established by the Prevention of Terrorism Act 2005.

[R v Horncastle & Ors \[2009\] UKSC 14](#) Tim appeared for both appellants in this crucial appeal heard before the House of Lords in July 2009 and which concerned the compatibility of the hearsay provisions of the Criminal Justice Act 2003 with the requirements of Article 6 ECHR. The outcome of the appeal had the potential to overturn hundreds of convictions in cases where Judges had permitted the Crown to rely on the evidence of absent or anonymous witnesses even where such evidence was the sole or decisive evidence. The House of Lords refused to follow recent unanimous judgments of the European Court of Human rights on the basis that the House did not accept that the Strasbourg Court had properly understood the domestic law on hearsay evidence or that its own legal principles were sufficiently coherent. An appeal to the Grand Chamber is pending

[R \(James, Lee and Wells\) v. Sec of State for Justice \[2009\] 2 WLR 1149, HL](#) Tim appeared for the appellants Lee and Wells who argued that their post tariff detention pursuant to their indeterminate sentences for public protection (IPP) under the CJA 2003 was arbitrary and in breach of Article 5 (1) ECHR. The litigation affected some 4,000 IPP prisoners and arose from the universally acknowledged catastrophe of the IPP sentence which resulted in the prison system being swamped by life sentence prisoners with no sufficient resources to enable them to do courses designed to address offending behaviour. Applications to the European Court of Human Rights are pending.

[R v. Briggs-Price \[2009\] 1 AC 1026](#) Tim appeared for the appellant in this appeal to the House of Lords which concerned the legality of the Court making a confiscation order in respect of specific, un-indicted criminal activity in circumstances where the Crown had accepted that no benefit was derived from the index offence, where it was also accepted that all the defendant's identified assets were lawfully obtained and where no allegation of hidden assets was made. In the 5 (very different) speeches handed down, the House of Lords made clear their unease at what had occurred at the trial but nonetheless refused to condemn the Court's order as incompatible with Article 6 (2) ECHR. An appeal to Strasbourg is pending.

[R \(Black\) v. Secretary of State for Justice \[2009\] 2 WLR 282](#) in which the House of Lords considered whether it was compatible with the Article 5(4) ECHR right to a fair hearing before an independent tribunal for the Secretary of State, rather than the Parole Board, to be the final decision maker in relation to the release on licence of a long term determinate sentenced prisoner.

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Notable cases

[R v. G \[2009\] 1 AC 92](#) in which the House of Lords considered the compatibility of the strict liability offence of rape in the Sexual Offences Act 2003 with Convention rights.

[R v. Green \[2008\] 1 AC 1053](#) in which the House of Lords considered the proper approach to calculating the criminal benefit from drug trafficking and non-drugs related crime and whether it was necessary to apportion benefit in multi-defendant cases.

[R \(Norris\) v. Govt of USA \[2008\] 1 AC 920](#) in which Tim drafted the written intervention of JUSTICE in this House of Lords appeal which focused on the legality of an extradition request in relation to alleged cartel offences in the USA.

[Van Colle & Anor v. Chief Constable of Hertfordshire \[2008\] 3 WLR 593](#) in which the House of Lords considered the test for establishing the Article 2 ECHR (right to life) liability of police forces in the context of witness protection procedures.

[Secretary of State for the Home Department v. MB \[2008\] 1 AC 440](#) in which the House of Lords considered the compatibility of secret hearings and the use of special advocates with the Article 6 ECHR right to a fair trial in the context of the legislative scheme governing terrorist control orders pursuant to the Terrorism Act 2005.

[R \(Saunders\) v. Independent Police Complaints Commission and Anor \[2009\] 1 All ER 379](#) in which Tim acted for Charlotte Saunders, the sister of deceased barrister Mark Saunders who was shot dead by police marksmen in Chelsea after armed siege. The case concerned the legality of police witnesses being permitted to collaborate in preparing their statements following a fatal incident.

[R \(Clift\) v. Secretary of State for the Home Department \[2007\] 2 WLR 24](#) in which the House of Lords considered whether the involvement of the Home Secretary in release decisions affecting prisoners liable to deportation and those serving more than 15 year fixed term sentences amounted to unlawful discrimination pursuant to Article 14 ECHR read with Article 5.

[R v. Billy Dunlop \[2007\] 1 Cr App R 115](#) in which the Court of Appeal considered the first application by the DPP for a re-trial of an accused previously acquitted of murder pursuant to Part 10 of the Criminal Justice Act 2003 which abolished the common law rule of *autrefois acquit* (double jeopardy) in limited circumstances.

[R \(Scholes\) v Home Secretary \(2006\) CA](#). Whether Home Secretary acted compatibly with Article 2 ECHR in refusing to direct public inquiry into sentencing policy following suicide in custody of highly vulnerable 16 year old, Joseph Scholes, who killed himself in a Young Offender Institute.

[R v Cliff Stanford \(2006\)](#) Prosecution of internet businessman under Regulation of Investigatory Powers Act 2000, (intercepting emails of business rival, John Porter, son of Dame Shirley Porter).

[Assets Recovery Agency v Green & ors \(2006\) Admin Court](#) What ARA must prove as a precondition for making application for recovery orders against properties under the Proceeds of Crime Act 2002.

[R \(Roberts\) v Parole Board \[2005\] 2 AC 738](#) Legality of Parole Board adopting special advocate procedure to resolve release decision of triple police killer Harry Roberts.

[R \(Sharman and Fagan\) v HM Coroner for North London \(2005\) Admin Court/CA](#) Whether verdict of unlawful killing was open to jury in case of London man Harry Stanley shot dead by officers who mistook table leg for sawn off shotgun.

[Ezeh and Connors v UK 15 BHRC 145, ECtHR](#) In which the Grand Chamber held that prison governors' disciplinary hearings engage Article 6 ECHR.

Notable cases

[R v Rogers \[2004\] 1 WLR, CA](#) Whether the extended sentence provisions contained in the Powers of Criminal Courts (Sentencing) Act 2000 in relation to sex offenders are in breach of Article 6 ECHR. Instructed as an advocate to the court by the Attorney General.

[O'Brien v Chief Constable of South Wales The Times, 22/8/03](#) In which the Court of Appeal held that a claimant who had had a conviction for murder quashed and who wished to bring a claim for police malpractice could on occasions adduce similar fact evidence of incidents of similar malpractice by the same police officers.

[R \(IH\) v Home Secretary & ors \[2003\] 3 WLR 1278 HL](#) Whether the discharge provisions of the Mental Health Act 1983 in relation to restricted patients are compatible with ECHR and whether community psychiatrists are individual functional public authorities for the purposes of the HRA.

[Attorney General's Reference No 4 of 2002 \[2003\] 3 WLR 1153](#) Whether or not s11 of the Terrorism Act 2000 infringes the presumption of innocence contained in Article 6(2) ECHR. Appeal to the House of Lords in June 2004.

[Stafford v UK, 46295/99, 31st May 2002, ECtHR](#) in which the Grand Chamber held that the Home Secretary's involvement in release decisions affecting mandatory life sentence prisoners was incompatible with Article 5 ECHR. This landmark decision has finally achieved the complete judicialisation of the indeterminate sentence in domestic law (see the Criminal Justice Act 2003).

[R v Lambert \[2001\] 3 WLR 206 HL](#) Whether s28 (3) of Misuse of Drugs Act 1971 is compatible with Article 6 (2) of the ECHR; whether Human Rights Act 1998 is retrospective in relation to criminal trials which took place before 2nd October 2000.

[R \(Daly\) v Secretary of State for the Home Department \[2001\] 2 AC 532 HL](#) Prison Service's cell searching policy declared unlawful - landmark decision concerning proper approach to reviewing decisions, which engage Convention rights - distinction drawn between proportionality test and Wednesbury review.

[In re A \(Minors\) \(Conjoined twins: medical treatment\) \[2001\] 2 WLR 480](#) Acted for the surviving twin, Jodie, in this historic case concerning the legality of a proposed operation to separate conjoined twins in circumstances where the inevitable consequence of separation surgery was the death of one twin but where both would die if nothing was done.

[Keenan v UK \[2001\] 33 EHRR 913](#) UK found in breach of Articles 3 and 13 ECHR in respect of the death of the mentally ill prisoner in Exeter prison - whether inquest constituted effective remedy - relevance of non-availability of civil action for damages for wrongful death.

[R v Benjafield and Rezvi \[2001\] 3 WLR 75](#) Whether confiscation proceedings under the Drug Trafficking Act 1994 and the Criminal Justice Act 1988 are compatible with Article 6(2) ECHR.

[Orange v Chief Constable of West Yorkshire \[2001\] 3 WLR 736](#) Whether police owe duty to take reasonable care to prevent suicide in custody to all prisoners to only those identified as at risk of self-harm / suicide.

[R v Home Secretary ex parte Simms & O'Brien \[2000\] 2 AC 115 HL](#) Successful challenge to Prison Service policy restricting visits to prisoners by journalists - freedom of expression - Article 10 ECHR.

[R v Home Secretary ex parte Myra Hindley \[2000\] 1 All ER 385 HL](#) Challenge to the Home Secretary's decision to impose a whole life tariff on Moors murderer, Myra Hindley.

[Reeves v Metropolitan Police Commissioner \[1999\] 3 WLR 363 HL](#) Landmark case in tort law. House of Lords held that the estate of a man who committed suicide in police custody at a time when he was sane but identified as a suicide risk could recover damages in the tort of negligence. Consideration of defences of novus actus, contributory negligence, volenti non fit injuria and public policy.

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Publications

Prison Law, 4th edition (OUP, 2008)

Asset Recovery: Criminal Confiscation and Civil Recovery (OUP, 2010) co-editor

Blackstone's Criminal Practice 2010 (Advisory editor)

Halsbury's Laws, vol 36(2), Prisons and Prisoners (Butterworths, 1999)

Criminal Proceedings, Police Powers and the Human Rights Act 1998 (OUP, 2000) contributing author

Directory recommendations

Legal 500 2009 recommends Tim Owen QC as "one of the most intelligent and incisive public law advocates", describing him as "awesome, and excels at appellate cases." In Chambers and Partners 2010 Tim Owen QC is ranked as a Leading Silk in five areas including crime, fraud (criminal), civil liberties and police law. He is described as "absolutely fantastic," combining as he does "a friendly manner with effective advocacy."

Chambers and Partners 2009 recommend Tim Owen QC as a leading silk in crime, police law ("a very big player...receives widespread praise for his polished performances and excellent track record"), civil liberties (ranked in Band 1 - "excellent - great on his feet and easy to work with"), administrative and public law ("a gifted trial lawyer...who is extremely well-respected in the Administrative Court").

Chambers & Partners 2008 recommend Tim Owen QC as a leading silk in civil liberties (ranked 1st), administrative and public law ("fantastic advocate who gets on top of issues and presents extremely well"), crime ("exceptional knowledge of the law") and police law: mainly claimant (ranked 1st) ("terribly committed, easy to work with and clever").

Legal 500 2007/2008 recommend Tim Owen QC as a leading silk in administrative and public law, civil liberties and human rights law, fraud: crime and criminal law.

Chambers and Partners 2007: Tim Owen QC ranks as a leading Silk in human rights (ranked 1st), police law (ranked 1st), administrative and public law, and crime. Tim "is an advocate of the highest order." "Clever, punchy and quick on his feet", his inquiry expertise forms another highly regarded element of his "supreme" practice. He is well recognised as a "polished all-rounder" boasting "extensive experience" in prison, police, public and inquest law. He is rated as a "leading light" and is seen as a "first choice in any major police action or inquest." Tim is a "star in the field of prisoners' rights and civil liberties." He "knows his subject absolutely wonderfully" and "makes sure people understand what can be done within the law."

Legal 500 2007: Tim is a leading Silk in administrative and public law, civil liberties and human rights, crime, and fraud: crime. An "extremely bright" practitioner, Tim Owen QC is heavily involved in the human rights aspects of criminal cases. Tim Owen QC possesses "a superb brain and is an unrivalled defence expert in confiscation matters."

Chambers & Partners 2006: A leading silk in human rights (joint 1st), Crime, public and administrative law, police law (mainly Claimant) and "one of the specialists at the Bar in prison law." His public law practice also draws in domestic and international human rights, criminal law and civil litigation involving abuse of power by public bodies. Described as a "great advocate with a fabulous practice and superb court manner" who comes highly recommended for his inquiry expertise. Also described as "very calm, very measured and very effective." Tim is hailed as "an extremely knowledgeable big hitter" who is one of the first choices on meaty cases. "A good cross-examiner always up with the law", he has acted on behalf of bereaved families in many inquests into deaths in custody.