

T. 020 7404 3447 (Practice manager, Jason Housden 020 7611 9404)  
E. helenmountfield@matrixlaw.co.uk

Year of call: 1991. Silk: 2010.



## Main Areas of Practice

European Community Law and Law of the European Convention on Human Rights  
Public and Administrative Law (including Education, Local Government, Housing, Social Security, Community Care, Environmental, Planning, EU / International aspects and Commercial / Regulatory Work)  
Employment Law (including Discrimination)  
Election Law

Helen focuses primarily on public law, particularly judicial review, but also has a substantial practice in employment law, election law and information law. Issues of human rights, discrimination and EU law intersect across her whole practice. She likes to work collaboratively with solicitors and clients, so that advice and, if appropriate, litigation, meet the client's strategic objectives. She is happy to discuss a case ahead of instructions.

She edits the White Book on human rights, is co-author of *Blackstone's Guide to the Human Rights Act* (4th edition, 2007) and is an editor of the *Education Law Reports*. She has given papers at Harvard, New York University Law School, UCL, Oxford and Cambridge, and for the Judicial Studies Board. Helen is a member of the RSA Commission on Illegal Drugs, Communities and Public Policy.

In judicial review her particular areas of expertise and experience are education, health and social care, welfare, and the environment, but her practice covers many other areas, including judicial review of commercial decisions.

Discrimination law plays a key part in Helen's practice and cuts across her other fields. As well as employment law (eg *R v DTI ex parte TUC*), Helen has wide experience of discrimination issues in goods and services provision and public law. Notable cases include *Carson v Secretary of State for Work & Pensions* in the House of Lords (discrimination against pensioners), and *Young v UK* (treatment of disabled prisoners).

Human rights issues also feed into Helen's entire practice. She has been involved in many leading human rights cases for example, *Hatton v UK*, *Matthews v MOD*, *Pinochet*, *Ahmed v Secretary of State for the Home Department* (POAC).

## Helen represents individual claimants and commercial organisations, but also acts for:

Governments (she is on the Attorney General's Treasury 'A' Panel and the Treasury Solicitors' Freedom of Information Panel; she represented the Kingdom of Belgium in the Pinochet litigation; the government of Argentina at ICSID; the South African Government in *Lubbe v Cape*; and the Attorney General of Gibraltar);

Public authorities (clients include the Equalities Commissions, the Electoral Commission, the Office of the Rail Regulator, the Information Commissioner, the Environment Agency);

Professional bodies (including the General Medical Council and the Royal College of Veterinary Surgeons);

Trade unions (including TGWU, GMB, Unison, NASUWT, NUT, and the Trades Union Congress); and

Voluntary sector bodies / campaign groups (such as Liberty, Help the Aged, Age Concern, Child Poverty Action Group and the Burma Campaign)

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## Notable cases

### Public & Administrative Law (including EC and Convention issues)

Currently instructed as a special advocate before SIAC

[G v X \[2010\] EWCA Civ 1](#) CA (Civ Div) Jan 2010 Application of Article 6 ECHR to linked sets of proceedings where one proceeding would be determinative of civil rights; application of Article 6 in context of employment disciplinary proceedings.

[YL v Birmingham CC & Ors \[2007\] UKHL 27](#) Public function – meaning of public authority under HRA 1998, s 6(3)(b) – private care homes – breach of ECHR

[R\(Kaur & Shah\) v London Borough of Ealing \[2008\] EWHC \(Admin\) s71](#) Race Relations / Public law

[Wilkinson and Kitzinger v Lord Chancellor \[2006\] EWHC 2022 \(Fam\)](#) Recognition of same-sex marriage.

[GNER v Office of the Rail Regulator \[2006\] EWHC 1942 \(Admin\)](#) Challenge to the rail regulator's decision to allow another company to compete on the east coast main line

[Advice to Rail Regulator on Track Access Charges Review \(2003\)](#)

[R \(Kwikfit \(UK\) Limited\) v Central Arbitration Committee & Transport & General Workers' Union CA \[2002\] EWCA Civ 512](#) Definition of bargaining unit for balloting purposes

[Matthews v Ministry of Defence QB \[2002\] EWHC 13; CA \[2002\] 1 WLR 2621](#) Asbestosis, armed forces, compatibility of Crown Proceedings Act 1947 with article 6 ECHR

[R \(Carson\) v Secretary of State for Work & Pensions \[2005\] UKHL 37](#) Pensions and discrimination

[R \(PKK, PMOI and Nisar Ahmed\) v Secretary of State for the Home Department \[2002\] LTL 17/4/2002](#) Forum for challenge to legality of proscription of organisations under the Terrorism Act 2000

[R \(\(1\) WB \(2\) KA\) v Leeds School Organisation Committee](#) Admin Court [2002] *The Times* 22 October 2002

[R \(Ryder\) v Registrar of Births, Marriages & Deaths ex parte Paula Whileimina Ryder](#) Admin Court [2002] LTL 21/6/2002 Application to amend birth certificate to reflect gender reassignment

[Stafford & Banks v Chief Adjudication Officer](#) HL [2001] UKHL 33 Meaning of Jobseekers' Allowance Regulations

[R \(Joanne Richards\) v General Medical Council](#) QBD [2000] [2001] Lloyd's Rep Med 47 Disciplinary procedure, role of preliminary proceedings committee in screening procedures

[R \(Carton & Larrad\) v Coventry City Council](#) Admin Court [2001] ACD 80 Community care

[R v Headteacher of Alperston Community School & others ex parte B](#) Admin Court [2001] EWCH Admin 229 Education - compatibility of exclusion procedures with article 6 ECHR

[R v Secretary of State for Trade & Industry ex p Trades Union Congress](#) Div Court [2001] CMLR 5 Parental leave entitlement compatibility of parental leave regulations with EC law

[R v Criminal Injuries Compensation Board ex parte Kay \(and Bramall & Leatherland\)](#) [2001] ACD 13 Procedural propriety and natural justice in award of criminal injuries compensation

[R v Secretary of State for the Home Department ex parte Kingdom of Belgium; R v Secretary of State for the Home Department ex parte Amnesty International & others](#) CA [2000] LTL 15/2/2000 Pinochet litigation - fair procedure in exercise of Secretary of State's discretion required medical reports on Senator Pinochet should be disclosed to requesting states

[R v Department of Health ex parte Source Informatics Ltd & \(1\) Association of the British Pharmaceutical Industry; \(2\) General Medical Council; \(3\) Medical Research Council; \(4\) National Pharmaceutical Association Ltd \(Intervenors\)](#) CA [2000] 2 WLR 940 Confidentiality of medical data

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## Notable cases

[R v Inland Revenue Commissioners ex p Michael Bishopp \(for Price Waterhouse Coopers\), & Jeremy Allan \(for Ernst & Young\) QBD \[1999\] STC 531](#) Declaratory relief, challenge to failure to afford pre-transaction ruling on taxation status of a limited liability partnership

### Public & Administrative Law (including EC and Convention issues) continued...

[R v Leeds City Council ex parte N CA \[1999\] ELR 324](#) Education - consultation - school closures

[C v Special Educational Needs Tribunal & Greenwich LBC QBD \[1999\] ELR 5](#) Education - special educational needs

[R v Birmingham City Council ex parte B QBD \[1999\] ELR 305](#) Education - admissions appeals

[R v Sefton MBC ex parte Help the Aged & Others CA \[1997\] 4 All ER 532](#) Community care - charging for residential care

[R v Harrow LBC ex parte M QBD \[1997\] ELR 62](#) Education - special educational needs

[Brown v Chief Adjudication Officer CA \[1997\] ICR 266](#) Statutory sick pay entitlement

[Alan Burgoine & Ronald Cooke v London Borough of Waltham Forest & James McWhirr Ch D \[1997\] 2 BCLC 612](#) Local government officers' duties

[R v North Staffordshire AHA ex parte Worthington & anor \(Div Court\) \*The Times\*, 24 December 1996](#) pharmacists/doctors

[R v Gloucester County Council ex parte Barry & others & R v Lancashire County Council ex parte RADAR CA \[1996\]](#) Community care criteria

[R v Secretary of State for Transport ex parte Richmond upon Thames \(No 4\) CA \[1996\] 1 WLR 1460](#) Night flights over Heathrow

[R v Horserace Totalisator Board ex parte William Hill Admin Court \[1996\] \*The Times\*, 5 February 1996](#)

[R v Bolsover District Council ex parte Ashfield District Council Admin Court \(1995\) 70 P & CR 507](#) Local government law

[R v HM Inspector of Taxes ex parte Caglar Admin Court and Income Tax Commissioners \[1995\]](#) Whether Turkish Republic of North Cyprus a state for income tax purposes

[R v Council for Legal Education ex parte Eddis CA \*The Times\*, 11 August 1994](#) Legality of entry criteria

[R v Secretary of State for the Environment ex parte Friends of the Earth CA \[1996\] Env LR 198](#) Compliance of UK standards with EC Drinking Water Directive

[R v University of Hong Kong ex parte Spruce PC \[1993\] Hong Kong LR 271](#) - university disciplinary procedures

[R v Lord Chancellor ex parte the Law Society \(No 1\) CA \*The Times\*, 1 August 1993](#) Legality of introduction of standard fees in the magistrates' court

[R v Lord Chancellor ex p the Law Society \(No 2\) CA \[1994\] 6 Admin LR 833](#) Legality of cuts in eligibility for legal aid

### European Court of Human Rights

[Stec v UK](#) Established that all statutory pecuniary entitlements are possessions within the ambit of Article 14

[Hatton v UK](#) Night flights over Heathrow, Grand Chamber

[Faulkner v UK](#) Article 6 and court process in Guernsey

[Veale v UK](#) Article 8 and paternal registration

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## Notable Cases

Several cases forthcoming in the European Court of Human Rights including on prisoners' rights, disability, widowers' benefits, discrimination and social security, and bankruptcy procedures

### European Court of Justice

[R v Secretary of State for Trade & Industry ex parte Trades Union Congress](#) (2001) Maternity & Parental Leave Regulations - reference withdrawn

[Hepple, Kimber & others v Chief Adjudication Officer](#) [2000] ECR I-3701 Sex discrimination and social security - Directive 79/7.

[Snares v Chief Adjudication Officer](#) [1997] ECR I-6057 Free movement of persons - Directive 1408/71

### Education Law

[R \(E\) v Governing Body of the JFS and ors](#) [2008] EWHC 1535 (Admin) Criteria governing admission to the Jews' Free School (JFS)

[Re B \(Children\) \(FC\)](#) [2008] UKHL 35 Why should not a real possibility that harm has been suffered in past be basis of finding that it is likely that such harm will be suffered in future

[R \(Sarika Singh\) v Governing Body of Aberdate Girls' School](#) [2008] EWHC (Admin) Race relations, s71 Race Relations Act, public law, education

[R \(G\) v Tower Hamlets London Borough Council](#)[2008] All ER (D) 182 (May) Special educational needs – assessment for purposes of updating statement of special educational needs

[\(S\) v Birmingham Independent Appeal Panel & R\(B\) v Birmingham Independent Appeal Panel](#) Whether the IAP acted fairly in upholding a drug-related exclusion in circumstances where the exclusion was contrary to national guidance.

[W & Anor v Lewisham LBC & Anor](#) [2006] EWHC 1853 (Admin) Special educational needs - whether tribunal giving adequate reasons.

[R v Leeds School Organisation Committee ex parte \(1\) WB \(2\) KA](#) (Admin Court) [2002] *Times*, 22 October 2002

[E v X LBC](#) (Admin Court) [2002] (CA); [2002] EWHC 915 SEN - degree of specificity required in statements

[R v Headteacher of Alperton Community School & Others ex parte B](#) (Admin Court) [2001] ELR 359 (CA) Compatibility of school exclusion procedures with article 6 ECHR

[R v Leeds City Council ex parte N](#) (CA); [1999] ELR 324; [1999] Ed CR 949 Education - consultation - school closures

[C v Special Educational Needs Tribunal & Greenwich London Borough](#) (Admin Court) [1999]; [1999] ELR 5; [1999] Ed CR 625 Education - special educational needs

[R v Birmingham City Council ex parte M](#) (QBD) [1998]; [1999] ELR 305; [1999] E CR 573 Education - admissions appeals

[R v Harrow LBC ex parte M](#) (Admin Court) [1996]; [1997] ELR 62 Education - special educational needs

[R v Council for Legal Education ex parte Eddis](#) (CA) [1994] Legality of entry criteria

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## Notable Cases

[R v University of Hong Kong ex parte Spruce \(PC\)](#) [1993]; [1993] Hong Kong LR 271 University disciplinary procedures

### Environmental Law

[Hatton v United Kingdom](#) (Grand Chamber, European Court of Human Rights) [2002] Night flights over Heathrow

[R v Secretary of State for Transport ex parte Richmond upon Thames \(No 4\)](#) (CA) [1996]; [1996] 4 All ER 908; [1996] 1 WLR 1460 Night flights over Heathrow

[R v Secretary of State for the Environment ex parte Friends of the Earth](#) (CA) [1994]; [1996] Env LR 198; (1995) 7 Admin LR 793; [1996] COD 35 Compliance of UK drinking water standards with EC Drinking Water Directive

[Camden LBC v McDonalds' Restaurants](#) (CA) [1993]; [1993] JPL 360 Siting of a McDonalds in Hampstead

### Employment & Discrimination Law

[Willow Oak Developments Ltd v Silverwood \(EAT\)](#) Fair reasons for dismissal - restraint of trade clauses

[Silverwood v Windsor Recruitment](#) Concerning whether and in what circumstances refusal to sign a restraint of trade clause could constitute a potentially fair reason for dismissal

[R \(Kwikfit\) v Central Arbitration Committee](#) (CA) [2002]; [2002] ICR 1212; [2002] IRLR 395, *The Times*, 29 March 2002  
Definition of bargaining unit for balloting purposes

[Re Gabler](#) (Tribunal of Social Security Commissioners) [2002] Discriminatory impact of reg 51(2)(c) Jobseekers' Allowance Regulations, incompatibility with Directive 79/7

[R \(Carson\) v Secretary of State for Work & Pensions](#) (Admin Court) [2002] Discrimination in relation to retirement pensions against pensioners living abroad

[Hepple, Kimber & others v Chief Adjudication Officer](#) (2000); [2000] ECR I-3701; [2000] 3 CMLR 271; [2000] All ER (EC) 531 Sex discrimination and social security - Directive 79/7

[R v Secretary of State for Trade & Industry ex parte Trades Union Congress](#) (Div Court) [2000]; [2001] CMLR 5; [2000] Eu LR 698; [2000] IRLR 565 Compatibility of parental leave regulations with EC law

[Humphreys v University of Oxford](#) (CA) [1999]; [2000] 1 All ER 996; [2000] 1 CMLR 647; [2000] ICR 405; [2000] IRLR 183; [2000] Ed CR 246 Wrongful dismissal; repudiation of employment by detrimental change to conditions; opting out of a transfer of an undertaking

[Kimber v Chief Adjudication Officer](#) (ECJ) [2000] Discrimination and Reduced Earnings Allowance/Retirement Allowance

[Holland v Glendale Industries](#) (EAT) [1998]; [1998] ICR 493 Constructive dismissal

[Adams v Lancashire County Council](#) (CA) [1997]; [1997] ICR 834; [1996] IRLR 154 Pensions and Transfers of Undertakings regulations - compatibility with Acquired Rights Directive

[Brown v Chief Adjudication Officer](#) (CA) [1996]; [1997] ICR 266 Statutory sick pay entitlement

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## Notable Cases

[Alan Burgoine & Ronald Cooke v London Borough of Waltham Forest & James McWhirr](#) (Ch D) [1996]; [1997] 2 BCLC 612, *Times Law Reports* 7 November 1996 Local government officers' duties

### Employment & Discrimination Law continued...

[Meade-Hill v British Council](#) (CA) [1995]; [1995] ICR 847; [1996] 1 All ER 79 Section 77 Sex Discrimination Act 1975 - indirectly discriminatory clauses in contracts of employment

[Yorkshire Blood Transfusion Service v Plaskitt](#) (EAT) [1994]; [1994] ICR 74 - Equal Pay Act 1970

### Media law

[Secretary of State for Defence v \(1\) Times Newspapers Limited \(2\) John Witherow](#) (QBD) [2001]; LTL 29/3/2001; Independent Law Reports, 14/5/2001 Principle of open justice being balanced against national security

### Crime & Criminal Due Process

[Nisar Ahmed v Secretary of State for the Home Department](#) PC-1/2002 [2002] Fairness and legality of proscribing a terrorist organisation - first case before the Proscribed Organisations Appeal Commission

[R v Secretary of State for the Home Department ex parte Kingdom of Belgium; R v Secretary of State for the Home Department ex parte Amnesty International & others](#) (CA) [2000]; LTL 15/2/2000 Pinochet litigation - fair procedure re extradition required medical reports on Senator Pinochet should be disclosed to requesting states

[Nottingham City Council v Amin](#) (Div Court) [1999]; [2000] 1 WLR 1071; [2999] 2 All ER 946; [2000] 1 Cr App R 426; [2000] HRLR 280; [2000] UKHRR 134; [2000] Crim LR 174 Police entrapment, admissibility of evidence, right to a fair trial

[R v Burt & Adams Limited](#) gaming acts (HL) (1998); [1999] 1 AC 247; [1998] 2 WLR 725; [1998] 2 All ER 417

### Election Law

Acted for the successful petitioners in the Bordesley Green (Birmingham) election petition (2005)

Appeared in the High Court in [matter of the Representation of the People Act 1983](#) and in the [matter of Local Government Election for the Belle Vale & Hasbury Ward of the Metropolitan Borough of Dudley](#) [2003] EWHC 3177 The case raised issues about the postal voting system and Protocol 1 Art.3 of the ECHR under the Human Rights Act 1998

Also appeared in the Essex Boundary Commission Enquiry (1995), counsel in the Winchester general election, concerning the outcome of the 1 May 1997 election, and several other election petition cases (including the Illogan Ward election petition, 2002), has also advised two major political parties on their candidate selection procedures, and a number of returning officers.

### Public International Law & International Arbitration

[R v Secretary of State for the Home Department ex parte Amnesty International & Kingdom of Belgium](#) (CA) [2000] The Pinochet litigation

[Lubbe v Cape plc](#) [2000] - intervention for Government of South Africa in House of Lords

[R v HM Inspector of Taxes ex parte Caglar](#); and [Caglar v Billingham](#) (Inspector of Taxes) (Admin Court & Special Commissioners) (1995); [1995] STC 741; [1996] STC (SCD) 150 - status of Turkish Republic of North Cyprus in international law

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## Publications and conferances / speaking appearances

Two international arbitrations arising from losses following the Iraqi invasion of Kuwait

### International Practice

*Grell Taurel v Caribbean Home Insurance & Others* (High Court of Trinidad & Tobago, and Privy Council)

*Moroccan Workers Association v HM Attorney General of Gibraltar* (EC Association Agreement with Morocco and effects on workers' rights) (High Court of Gibraltar) [1995]; [1995] 1 LRC

### Books

Co-author, with John Wadham & Anna Edmundson, of *The Blackstone Guide to the Human Rights Act 1998* (4th edition, Oxford University Press, 2007)

Author of 'European Court of Human Rights Procedure' in the *American Bar Association's International Litigation Manual* (2003, new edition forthcoming)

Author of 'The Concept of a Lawful Interference with Fundamental Rights' in *Understanding Human Rights Principles* (eds Jowell & Cooper) (Hart, 2001)

Author of section on EC law, in Child Poverty Action Group's *Migration and Social Security Handbook*, 2nd edition (1997)

### Journals

Helen is editor of *Education Law Reports*, and a member of the editorial advisory boards of the *European Human Rights Law Review* & the *Education Law Journal*.

### Articles

'Rights Turn' article on public authorities in *The Lawyer* (22 March, 2004)

'Spare the Rod & Spoil the Child: A Philosophical Conviction? Corporal Punishment in Schools and the Human Rights Act 1998' [2002] *Education Law* 9

'The Implications of the Human Rights Act 1998' for the Law of Education [2000] *Education Law* 146

'Unconventional Behaviour? Judicial Uses of the European Convention on Human Rights' [1996] *EHRLR* 467

Large number of practice notes in *Judicial Review* on Administrative Court practice, including in [2004] JR 26, [1999] JR 143, [1998] JR 119, [1997] JR 131, [1997] JR 61, [1996] JR 65

### Speeches

2004 - Morning plenary speech at Justice Human Rights Conference (forthcoming, October 2004)

2004 - "Dignity as a Legal Value" (with Rabinder Singh QC, Anglo-Israeli Judicial Exchange, House of Lords).

2004 - Human Rights Law Association - The effect of section 3 HRA (with Conor Gearty)

2003 - "Health Care and Human Rights" (13th Henry Hardy Bioethics Lecture, Harvard University)

2003 - "Pinochet and Privacy" (Carr Center for Human Rights, Kennedy School of Government, Harvard)

2002 - "Regulatory Expropriations in International Law" (New York University)

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## Directory Recommendations

### Speeches continued...

- 2000 - "Comparative Human Rights Principles" (New York University)
- 2000 - "Regulatory Expropriations - a European Perspective (with Professor James Crawford and Philippe Sands QC at the International Center for the Settlement of Investment Disputes (ICSID)
- 2000-02 - Training lawyers and judges on Human Rights Principles for the Slynn Foundation, Hungary and Lithuania
- 1998-2000 - Trainer for the Judicial Studies Board, participating in the training given to all the judiciary of England and Wales on the Human Rights Act. Also provided HRA training for immigration adjudicators, magistrates, employment tribunal members, and the Foreign and Commonwealth Office
- 1997 - Participant in Administrative Law Panel, EU-China Law Congress, Beijing

### Directory Recommendations

Chambers and Partners 2009 recommends Helen Mountfield as a leading junior in Admin and Public Law "great at driving things forward", Civil Liberties and Human Rights and Education "fearless and tactical".

The Legal 500 2008/9 recommends Helen Mountfield as a leading junior in Admin and Public Law "impressive and engaging advocate", Education "thorough", Employment and Human Rights and Civil Liberties "impressive".

Chambers and Partners 2008 recommend Helen Mountfield as a leading junior in Administrative and Public Law "a talented academic lawyer", Civil Liberties law, Education "very popular with the courts and a reliable junior" and in Employment Law.

Legal 500 2007/2008 recommend Helen as a leading junior in Administrative and Public Law, Civil Liberties and Human Rights Law, Education Law and Employment Law.

Ranked as (joint second) Leading Junior in Administrative Law and Public Law: "Very thorough, very experienced and very knowledgeable," Helen Mountfield focuses primarily on public law, and particularly judicial review, but also has a substantial practice in employment law, election law and information law. She is praised as a good public law practitioner and "someone who understands policy issues as well as the law." Also recommended as a Leading Junior in Education law: "Hard-working and committed" Helen Mountfield is "a very tenacious advocate" who clients find "sympathetic and accessible." Ranked as a Leading Junior in Employment and in Human Rights (joint second), Helen Mountfield is a "fantastic advocate who is very gutsy in court." (Chambers & Partners - 2006)

### Other information

Holker Scholar and Reid Senior Scholar of Gray's Inn;  
Pupillage at 4-5 Gray's Inn Square 1991-1992  
(pupil to Cherie Booth QC, Robert Griffiths QC and Peter Village)

Delivered 13th Henry Hardy Memorial Bioethics Lecture on 'Health Care and Human Rights' at Harvard Medical School, 2003

Presentation at the Carr Center of the Kennedy School of Government about the Pinochet litigation, 2003

### Professional memberships

Administrative Law Bar Association  
Employment Law Bar Association  
Planning & Environment Bar Association