



## HUGH SOUTHEY QC

### MAIN AREAS OF PRACTICE:

Civil actions against the police  
Community care law  
Crime and regulatory  
Discrimination and equality  
Election law  
EU law  
Extradition and mutual assistance  
Healthcare, mental health and mental capacity  
Human rights law  
Immigration, asylum and free movement  
Inquests and Inquiries  
International law  
Media and Information law  
Prison law  
Public law  
Sports law

Called to the Bar 1996

Appointed to Silk 2010

### CONTACT:

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Hugh Southey has led at all levels up to and including the Supreme Court as well as in the European Court of Justice and the European Court of Human Rights. In particular he has led in 20 hearings before the Supreme Court. These hearings have covered topics as diverse and important as European Union citizenship, the system of disclosure of criminal convictions and the extent of the common law right to a fair hearing.

Hugh specialises in public law in a wide range of fields including [human rights](#), immigration, [crime](#), [extradition](#), [mental health](#), terrorism (including TPIMs and the Special Immigration Appeals Commission), inquests, [discrimination](#) and [elections](#). Hugh litigates public law and human rights arguments both in judicial review proceedings and civil claims. Hugh also appears in criminal appeals and Court of Protection matters. Hugh's human rights practice has expanded so that it includes a number of cases regarding privacy.

Hugh advises a range of clients including national institutions, corporate clients, trades unions and individuals.

Hugh has litigated in a number of jurisdictions outside England and Wales including Northern Ireland, the United States of America, Jamaica, the Cayman Islands and the Turks and Caicos.

Hugh is an A-Panel member of the Equality and Human Rights Commission's Panel of Preferred Counsel.

Hugh is a Recorder who sits in the Crown Court. He is also an Acting Judge of the Grand Court of the Cayman Islands.

Hugh is called in Northern Ireland.

Hugh is an author of *Judicial Review: A Practical Guide* (Jordans) as well as founding editor of the *United Kingdom Human Rights Reports*.

Hugh accepts instructions under the Bar Council Standard Contractual Terms, details of which can be found [here](#).

### RECENT NOTABLE CASES INCLUDE

**R (P, G & W) v Secretary of State for the Home Department; R (P) v Secretary of State for the Home Department [2019] UKSC 3** The Supreme Court concluded that the automatic disclosure of multiple convictions was disproportionate.

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## DIRECTORIES' RECOMMENDATIONS

Hugh is listed as a leading practitioner in both Chambers and Partners (in which he is listed in 4 areas) and Legal 500 (in which he is also listed in 4 areas).

Legal 500 states that Hugh "has phenomenal advocacy skills, especially in the Supreme Court."

Chambers and Partners Directory states that Hugh is "very sharp, responsive and always on top of his brief." It also states Hugh "[v]ery impressive and very hard-working, he's clever with time and knows how to do things quickly."

**R (Stott) v Secretary of State for Justice [2018] UKSC 59** Supreme Court considers the compatibility of extended sentences with article 14 of the European Convention on Human Rights.

**Rhuppiah v Secretary of State for the Home Department [2018] 1 WLR 5536** Supreme Court considered correct approach to immigration appeals relying on article 8 of the European Convention on Human Rights in light of s 117B of the Nationality Immigration and Asylum Act 2002.

**Hemmati & Ors v SSHD [2018] EWCA Civ 2122** Court of Appeal rules that historic detention of asylum seekers under Dublin III was unlawful in light of lack of adequate legal rules.

**Coroner for the Birmingham Inquests (1974) v Hambleton & Ors [2018] EWCA Civ 2081** Court of Appeal considered whether alleged perpetrators of Birmingham pub bombings should be identified in inquest.

**R (AR) v Chief Constable of Greater Manchester Police & Anor [2018] 1 WLR 4079** The Supreme Court decided whether disclosure of an acquittal within a criminal records check was compatible with article 8 of the ECHR.

**A Local Authority v X & Ors [2018] 2 FLR 1329** The Family Division considers the limits of diplomatic immunity.

**Connor & Ors v Public Prosecutor's Office Augsburg, Germany [2018] EWHC 829 (Admin)** Consideration of approach a court considering extradition should take to changed indictments.

**R (P) v Secretary of State for the Home Department [2018] 1 WLR 3281** Court of Appeal concludes that system for disclosure of criminal records is incompatible with art 8.

**R (Duggan) v Her Majesty's Assistant Deputy Coroner for the Northern District of Greater London [2017] 1 WLR 2199** Court of Appeal consider whether direction to jury accorded with the obligations imposed by Article 2 of the ECHR.

**N v ACCG & Ors [2017] AC 549** Supreme Court rules on the powers of Court of Protection.

**XH & AI v Secretary of State for the Home Department [2018] QB 355** Leading case considering powers of Secretary of State to withdraw a citizen's passport.

**AZ v Secretary of State for the Home Department [2017] EWCA Civ 35** Court of Appeal considered challenge to decision to refuse refugee travel document arguing that breach of fundamental EU rights.

**R (Johnson) v Secretary of State for the Home Department [2017] AC 365** Supreme Court concludes that the rules on illegitimacy and citizenship violate article 14 of the ECHR.

**R (O) v Secretary of State for the Home Department [2016] 1 WLR 1717** The Supreme Court holds that immigration legislation does not prevent detention becoming unlawful where there has been a failure to comply with policy.

**Armani Da Silva v UK (App no. 5878/08)** European Court of Human Rights considers the legality of UK response to police shooting of John Charles de Menezes.

**R (King) v Parole Board for England & Wales [2016] 1 WLR 1947** The Court of Appeal decides the test to be applied when considering the recall of determinate prisoners.

**R (Roberts) v Commissioner of Police [2016] 1 WLR 210** Supreme Court considers the legality of stop and search without a reasonable suspicion.

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Commissioner of Police for the Metropolis v Abdulle [2015] EWCA Civ 1260  
Kiani v Secretary of State [2015] IRLR 837 Court of Appeal decides whether art 47 of the Charter of Fundamental Rights entitles a litigant to a minimum level of disclosure.

Pham v Secretary of State [2015] 1 WLR 1591 The Supreme Court considers the extent to which citizenship engages European Union law.

Polish Judicial Authorities v Celinski & Ors [2016] 1 WLR 551 Divisional Court provided guidance on standard of review in extradition cases.

**Zenati v Commissioner of Police of the Metropolis & Anor [2015] 2 WLR 1563** The Court of Appeal holds that delay in a criminal investigation resulting in continued detention may violate article 5 of European Convention on Human Rights.

**R (Richards) v Teeside Magistrates' Court & Anor [2015] 1 WLR 1695** The Court of Appeal considered the extent to which a Sexual Offences Prevention Order could include a positive obligation to wear an electronic monitoring device.

**R (Vowles) v Secretary of State [2015] 1 WLR 5131** The Court of Appeal considers whether article 5 of the European Convention on Human Rights is violated by requiring both the Parole Board and the First-tier Tribunal to consider eligibility for release.

**Bright & Anor v Secretary of State [2015] 1 WLR 723** Court of Appeal consider whether the absence of policy for gay and lesbian prisoners violates article 8 of the ECHR.

**R (Haney, Kaiyam & Massey) v Secretary of State [2015] AC 1344** Supreme Court finds that there is duty that arises by reason of article 5 of the ECHR to rehabilitate prisoners.

## PUBLICATIONS

Since being called to the Bar Hugh has written regularly on public law and human rights. He recently wrote (with Amanda Weston, Jude Bunting and Raj Desai) *Judicial Review: A Practical Guide* (3rd Edition). He also edited (with Lord Justice Fulford) the *United Kingdom Human Rights Reports*. He wrote (again with Lord Justice Fulford) *A Criminal Practitioners Guide to Judicial Review and Case Stated*. He has recently written a chapter in *Human Rights in the Investigation and Prosecution of Crime and Judicial Review: Law and Practice*.

## SPEAKING EVENTS AND TRAINING, SEMINARS

8 November 2018 – Matrix – Sports immigration following Brexit

24 May 2018 – Human Rights Lawyers Association – Immigration detention

21 March 2017 – Defence Extradition Lawyers' Forum – Extradition and Immigration Law

## 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

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Delmar and assisted the firm to become one of the first firms to obtain a Legal Aid franchise.

## 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.

Hugh accepts instructions under Standard Contractual Terms, details of which can be found on our website under Our Service.