



## HELEN MOUNTFIELD KC

### RECENT/NOTABLE CASES

**Secretary of State for Work and Pensions v Gubeladze [2019] UKSC 31**

Leading counsel for respondent, concerning EU nationals and unlawful scheme

**HM Chief Inspector of Education, Children's Services and Skills v Interim**

**Executive Board of Al-Hijrah School [2017] EWCA Civ 1426** Leading counsel for Ofsted, establishing that gender based segregation without statutory excuse is discrimination.

**Miller v Secretary of State for Exiting the EU [2017] UKSC 5, [2017] 2 WLR**

**583** Lead counsel for the People's Challenge parties in the 'Article 50' case.

**Brewster v DENI & NILGOSOC [2017] UKSC 8, [2017] 2 WLR 519**

Successful challenge to discrimination against unmarried partners in local government pension scheme.

**R (A & B) v Secretary of State for Health** Counsel for BPAS and Birthrights

in challenge to residence rules which preclude Northern Irish women from access to NHS abortions. Please click [here](#) for case details.

**MA & Carmichael v SSWP [2016] UKSC 58, [2016] 1 WLR 4550** Counsel for

the Equality & Human Rights Commission in the 'bedroom tax' challenges to application of size criteria for housing benefit to disabled people and victims of domestic violence.

**R (Tigere) v Secretary of State for Business, Innovation & Skills [2015]**

**UKSC 57, [2015] 1 WLR 3820** Acting for successful claimant challenging discriminatory criteria for award of student loans.

**R (Cornwall County Council) v Secretary of State for Health [2015] UKSC**

**46; [2015] 3 WLR 213** Representing South Gloucestershire County Council, successful interested party in case concerning allocating of responsibility for community care provision between public authorities on the basis of ordinary residence.

**R (Johnson, Hotak & Kanu) v London Borough of Southwark [2015] UKSC**

**30; [2015] 2 WLR 1341** Supreme Court, representing the successful claimant (Mr Kanu) and establishing the Bracking approach to the public sector equality duty.

**Smith v Ministry of Defence [2013] UKSC 41** Counsel for the Equality & Human Rights Commission; territorial scope of the Human Rights Act 1998.

**Bracking v Minister for Disabled People [2013] EWCA Civ 1345, [2014]**

**EqLR 60** Representing Equality & Human Rights Commission in case confirming applicability of Brown and Elias line of cases on public sector equality duty: Helen was also advocate in most of the significant earlier PSED cases, including Brown v SSBIS [2008] EWHC 3158 (Admin) and [2009] PTSR 1506, Kaur & Shah v London Borough of Ealing [2008] EWHC 2062 (Admin), Harris v London Borough of Haringey [2010] EWCA Civ 703

#### MAIN AREAS OF PRACTICE:

Commercial and corporate law  
Community care law  
Competition and regulation  
Education law  
Election law  
Employment law  
Environment law  
EU law  
Healthcare, mental health and mental capacity  
Human rights law  
Immigration, asylum and free movement  
International law  
Called to the Bar, 1991  
Local government law  
Appointed to Silk, 2010  
Media and information law  
Mediation

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and [2010] BLGR 713 and *Elias v Secretary of State for Defence* [2006] EWCA Civ 1293 and [2006] 1 WLR 3213.

**R (Woolas) v Parliamentary Election Court** [2010] EWHC 3169 (Admin); [2012] QB 1 Amenability to judicial review of a parliamentary election court.

**R (G) v Governing Body of X School** [2010] 1 WLR 2218 Counsel for the Equality & Human Rights Commission; ambit of Article 6 ECHR.

**R (E) v Governing Body of JFS** [2009] UKSC 15, [2010] 2 AC 728 Acting for successful claimant in 9-judge Supreme Court in case concerning race discrimination and faith school entry criteria.

**Elias v Secretary of State for Defence** [2006] EWCA Civ 1293, [2006] 1 WLR 3213

**YL v Birmingham City Council & Others** [2007] UKHL 27; [2008] 1 AC 95

**R (RB (Algeria) and Othman (Jordan) v Secretary of State for the Home Department** [2009] UKHL 10; [2010] 2 AC 110

**Stec v UK (65731/01) (2006) 43 EHRR 47 (Grand Chamber)** Established broad ambit of protection of property in Article 1 Protocol 1

**Hatton v United Kingdom (Grand Chamber) (36022/97) (2003) 37 EHRR 28** Environmental nuisance – night flights from Heathrow and duty to provide effective remedy under Article 13

**Big Brother Watch, Open Society Institute, English PEN and Kurtz v UK** Ongoing challenge to compatibility of regulation of mass internet interception with Article 8 ECHR.