

## Jude Bunting

Year of Call: 2006

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### Profile

Jude is a human rights and administrative law specialist. He has acted in nine Supreme Court cases and numerous claims in the European Court of Human Rights. He appears regularly before the Administrative Court, Court of Appeal, and international human rights courts and panels.

Jude's expertise spans both public and private law. He is equally at home in complex and lengthy trials and inquests, which require mastery of large amounts of evidence and expert witness handling, as he is arguing specialist points of law. His practice includes cases involving open justice, national security, prisons, police, surveillance, inquests, international law, and discrimination.

Jude is called to the bar in Northern Ireland. In 2012, Jude was shortlisted for young barrister of the year in the Legal Aid Lawyer of the Year awards.

### What the Directories say

Jude is listed as a leading junior in both Chambers and Partners and the Legal 500.



In Chambers and Partners (2017), Jude is recommended as a leading junior in four practice areas (police law, inquests and public inquiries, civil liberties and human rights, and administrative and public law). He is described as, “*very intelligent, exceptionally hard-working*” and as a “*clever advocate*”. He is “*a really innovative thinker*” who is “*extremely diligent and effective*” and “*absolutely brilliant with clients*”. He also attracted praise for his “*excellent attention to detail*” and his “*intuitive and skilled*” cross-examination skills.

In the Legal 500 (2016), Jude is recommended in administrative and public law, civil liberties and human rights, and inquests and inquiries. He is described as, ‘*impressively intelligent*’ and as, ‘*An absolutely excellent advocate, who wins over even the most difficult of judges.*’

## Publications

- Joint author: “*Judicial Review: A Practical Guide*”, Jude Bunting, Hugh Southey QC, and Amanda Weston (Jordans, 2012)
- Contributing author: “*Halsbury’s Laws, Volume 88A: Rights and Freedoms*” (Butterworths, 2013)
- Contributing author: “*Supperstone, Goudie & Walker: Judicial Review*” (Lexis Nexis, 2014)
- Contributing author: “*Livingstone, Owen, and Macdonald on Prison Law*” (Oxford, 2015)

## Administrative and Public Law

Jude is a public law expert. He appears for and advises claimants, companies, public interest groups, and media organisations. He has acted in public law claims at every level including in open justice, prison, national security, community care, national security and criminal justice cases.

Key cases include:

**R (A and B) v Secretary of State for Health [2016] 1 WLR 331.** Court of Appeal judgment on the legality of a scheme that requires women from Northern Ireland to pay hundreds of pounds for an abortion in England and Wales. The appeal is currently pending before the Supreme Court, where Jude acts for five interveners, Alliance for Choice, the British Pregnancy Advisory Service, Birthrights, the Family Planning Association, and Abortion Support Network.

**R (C) v Secretary of State for Justice [2016] 1 WLR 444.** Jude acted, alone, for the Media Lawyers Association in this Supreme Court appeal about anonymity for mental health litigants.

**Lucas, Jones and another v Security Services [2015] UKIPTrib 14\_79-CH.** Jude acted for Green



Party MP, Caroline Lucas, and member of the House of Lords, Baroness Jenny Jones, in this in Investigatory Powers Tribunal claim about the 'Wilson doctrine' preventing surveillance of members of Parliament.

**R (Haney and others) v Secretary of State for Justice [2015] AC 1344.** The Supreme Court held that the Secretary of State owes a duty of rehabilitation to individual prisoners. Jude acted for the lead appellant.

**Richardson and another v DPP [2014] AC 635.** Statutory interpretation of the crime of aggravated trespass. Novel protest law claim.

**Faulkner v Parole Board [2013] 2 AC 254.** Key Supreme Court authority on the correct approach to damages under the Human Rights Act 1998.

### International Law

As well as his busy domestic practice, Jude regularly appears before international human rights tribunals. Recent cases include:

**Catt v United Kingdom (app. no. 43514/15).** Pending Strasbourg challenge to database of “*domestic extremists*”. Jude is instructed, alone, by an intervener, Privacy International.

**Ibrahim and others v United Kingdom (app. nos 50541/08, 50571/08, 50573/08 and 40351/09).** Grand Chamber decision on whether those convicted of 21/7 bombs received a fair trial.

**Faulkner v United Kingdom (app. no. 68909/13).** Key Article 5(1) decision on when procedural breaches of the Convention render a detention unlawful.

**Mon Balaj v UNMIK (case no. 04/07).** This case arose out of a major protest in Pristina in support of Kosovar autonomy. The UN police who had been deployed to maintain order lost control and used rubber bullets resulting in the death of two protestors and causing injury to many others. The Human Rights Advisory Panel found that the UN breached the right to life of the demonstrators, failed to carry out a prompt and effective independent investigation into the incidents of 10 February 2007, and breached the demonstrators' right to freedom of assembly.

**Hill v United Kingdom (app. no. 22853/09).** Successful Article 5(4) challenge in the prison law context.

**Aydan v Turkey (app. no. 16281/10).** European Court of Human Rights found breaches of Articles 2 and 6 and awarded €80,000 in damages, following the death of a man at a protest in Turkey.

### Actions Against the Police and Public Authorities



Jude is instructed in a number of the most important civil claims against public authorities, including challenges to the police, security services, and government departments. Recent claims include:

**R (Catt) v Association of Chief Police Officers [2015] AC 1065.** Supreme Court challenge to police retention of data. Jude acted for the intervener, Netpol.

**Zenati v Commissioner of Police of the Metropolis [2015] QB 758.** Landmark judgment of the Court of Appeal, holding that prosecuting authorities can be liable in damages claims for delay in criminal investigations.

**Michael and others v Chief Constable of South Wales Police and another [2015] AC 1732.** Landmark appeal on police liability in negligence and under Article 2 of the European Convention on Human Rights.

**Amnesty International v Security Services [2015] 3 All ER 142.** Jude acted for a leading international NGO in this challenge to the unlawful interception and surveillance of its communications by the UK security services - see [The Guardian](#).

**Copeland v Commissioner of Police of the Metropolis [2015] 3 All ER 391.** Key Court of Appeal authority on the correct identity of a prosecutor for the purposes of malicious prosecution.

Jude's recent cases have included actions for false imprisonment, assault, malicious prosecution, misfeasance in the public office, discrimination, and breach of human rights. He is a leading expert in protest, privacy and Convention claims.

### **Media Law and Defamation**

Jude is an expert in open justice issues and regularly represents the media in challenges to reporting restriction orders. Recent work includes:

**Re C (A Child) (Publicity) [2016] EWCA Civ 798.** Final judgment of Lord Dyson MR. Key decision on access to court materials in family law proceedings.

**R v F [2016] 2 Cr. App. R. 13.** Contempt of court in the internet age. Landmark decision on media responsibility for comment threads on social media.

**R (C) v Secretary of State for Justice [2016] 1 WLR 444.** Jude acted, alone, for the Media Lawyers Association in this Supreme Court appeal about anonymity for mental health litigants.

**R v Hoare and others.** Jude acted for a number of media organisations in an open justice challenge in the Becky Watts murder trial.

**Gulati and others v MGN Ltd [2015] EWHC 1482 (Ch).** Jude acted for a number of media



organisations in successfully challenging proposed reporting restriction orders in the *Mirror* phone-hacking trial.

**Compass Group Plc v Guardian News and Media Ltd [UKEAT/0441/14/DA]**. Jude acted for the *Guardian* in this employment challenge about access to evidence in a court file.

Jude has provided pre-publication advice to national newspapers and broadcasters since 2007. He currently advises the *Guardian*, the *Observer*, and the BBC. He has provided expert media law advice to film-makers, publishers, and non-governmental organisations, and has acted in a number of defamation claims.

### Equality and Discrimination

Jude provides regular advice in all areas of the law of discrimination, including on grounds of sex, race, disability, religion or belief, sexual orientation and other grounds, whether in the field of employment, education or goods and services. He is an expert in Article 14 challenges and in the developing law relating to the public sector equality duty. He is frequently instructed in lengthy trials and has acted in a number of novel and complex cases, including:

**R (A and B) v Secretary of State for Health [2016] 1 WLR 331**. Court of Appeal judgment on the legality of a scheme that requires women from Northern Ireland to pay hundreds of pounds for an abortion in England and Wales. The appeal is currently pending before the Supreme Court, where Jude acts for five interveners, Alliance for Choice, the British Pregnancy Advisory Service, Birthrights, the Family Planning Association, and Abortion Support Network.

**R (H) v Secretary of State for Justice [2015] EWHC 1550 (Admin)**. Jude acted for a transgender prisoner who sought to challenge a lack of access to offending behaviour coursework.

**R (Bright) v Secretary of State for Justice [2015] 1 WLR 723**. Court of Appeal judgment on legality of prison service practice of separating gay prisoners who are in relationships from each other.

**B v Secretary of State for Defence [2010] I.C.R. 54**. Lead authority on the use of closed evidence in national security claims in the employment tribunal.

**Tradition Securities and Futures SA v Times Newspapers Ltd [2009] I.R.L.R. 354**. Lead authority on the use of restricted reporting orders in the employment tribunal. Jude's clients are reported to have settled their claim for a **record payment**.

**AB v C**. Allegations of assault and racial harassment by a soldier serving in Afghanistan.



## Inquiries and Inquests

Jude regularly represents families in inquests which raise concerns about the failures of state agencies. His human rights, public and private law expertise means that he is also well-placed to act in related judicial review and civil claims. Recent high-profile cases include:[]

The inquest into the death of Mark Duggan. Jude acted for Witness B, an independent witness who gave dramatic eyewitness evidence in the final days of the inquest. Coverage in the [Daily Mail](#).

Inquest into the death of Steven Davison. Damning narrative verdict in a prison death inquest, which led to a national press campaign about prison conditions. Coverage in The Guardian - [here](#) and [here](#).

**R (Birks) v Commissioner of Police of the Metropolis [2014] EWHC 3041 (Admin)**. Jude acted for the family of Sean Rigg in this judicial review challenge to the suspension of an officer who was involved in Sean Rigg's death and who was seeking to leave the police pending a disciplinary investigation. Coverage in [The Guardian](#).

## Prison Law and Criminal Justice

Jude has considerable experience in representing prisoners at every level, from the Parole Board to the European Court of Human Rights. He has appeared in a number of the most important prison law claims of recent years, including:

**R (Haney and others) v Secretary of State for Justice [2015] AC 1344**. The Supreme Court held that the Secretary of State owes a duty of rehabilitation to individual prisoners. Jude acted for the lead appellant.

**Hill v United Kingdom (app. no. 22853/09)**. Successful Article 5(4) challenge following a lengthy delay to a Parole Board hearing.

**Faulkner v Parole Board [2013] 2 AC 254**. Key Supreme Court authority on damages under the Human Rights Act 1998.

**Mackay v Secretary of State for Justice**. Jude acted for the appellant in this Supreme Court appeal, which settled a few weeks before the hearing when the Secretary of State agreed to introduce a new national policy on procedural fairness in prison security category reviews.

Jude has also significant experience in challenging decisions of criminal courts, prosecutors, and investigators before the appellate courts. Recent cases have included:

**R v Johnson (Lewis) [2016] EWCA Crim 1613**. Key Court of Appeal authority on the correct



approach to out-of-time appeals in change-of-law cases.

**Jogee v DPP [2016] 2 W.L.R. 681.** Landmark Supreme Court decision in which the Supreme Court overturned the common law of joint enterprise. Jude acted for the intervener, JENGBA.

**R (Campbell-Brown) v Central Criminal Court [2015] 1 Cr App R 34.** – Divisional Court gives new guidance in custody time limit judicial review challenge.

**Richardson and another v DPP [2014] AC 635.** An appeal by way of case stated in a protest law prosecution. Statutory interpretation of the crime of aggravated trespass.

**Commissioner of Police of the Metropolis v Bangs [2014] EWHC 546 (Admin).** An appeal by way of case stated brought by the police against a decision of the Magistrates' Court in relation to the application of public interest immunity in search warrant applications.

### **Freedom of Information and Data Protection**

Jude has acted in a number of claims testing the boundaries of information law in contexts such as prison law, public law, and civil actions against state bodies.

Jude is also an expert on the law of surveillance and data retention. He has acted in a number of the claims brought in relation to the mass surveillance programmes uncovered by Edward Snowden in June 2013. Recent work includes:

**Edward Malnick v Information Commissioner (EA/2016/0055).** First-tier Tribunal over-rules decision to refuse investigative journalist access to advice given to Tony Blair on post-office employment.

**Lucas, Jones and another v Security Services [2015] UKIPTrib 14\_79-CH.** Jude acted for Green Party MP, Caroline Lucas, and member of the House of Lords, Baroness Jenny Jones, in this Investigatory Powers Tribunal claim about the 'Wilson doctrine' preventing surveillance of members of Parliament.

**R (Catt) v Association of Chief Police Officers [2015] AC 1065.** Supreme Court challenge to police retention of data. In the Supreme Court, Jude acted for the intervener, Netpol. Jude now acts for Privacy International in an ongoing Strasbourg claim.

**Amnesty International v Security Services [2015] 3 All ER 142.** Jude acted for a leading international NGO in this challenge to the unlawful interception and surveillance of its communications by the UK security services - see [The Guardian](#).

### **Education**

Hertford College, Oxford - B.A., Modern History and French, First Class.



Institut d'Etudes Politiques, Paris - Diplôme international de sciences politiques et sociales

Nottingham Law School - GDL and BVC.

Gray's Inn -

- David Karmel Memorial Scholarship (2004).
- Bedingfield Scholarship (2005).
- "Special award for achievement" during pupillage (2006).
- Ellenbogen prize for advocacy (2007).

### **Memberships**

Association of Prison Lawyers

Police Action Lawyers Group

Human Rights Lawyers Association

Administrative Law Bar Association

### **Languages**

French (fluent)