

Caragh Nimmo



Call: 2020 (2016 – Solicitor, Scotland)

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Profile

She is currently instructed as Junior Counsel to the UK Covid-19 Inquiry.

Prior to coming to the Bar Caragh practised as a solicitor (Scots law qualified) and was a Kennedy Scholar at Harvard Law School where she specialised in International Human Rights.

Education

LLB, University of Glasgow (First Class Honours)

Diploma in Professional Legal Practice, University of Glasgow (Merit)

LLM, Harvard University (Kennedy Scholar)

Bar Transfer Test, BPP Law School (Pass)

Related practice areas

Administrative & Public Law

Discrimination

Court of Protection & Mental Health
Community Care and Health
Children's Rights Group
Actions Against the Police and Public Authorities
Inquests and Public Inquiries
Education

ADMINISTRATIVE AND PUBLIC LAW

Caragh has assisted in respect of a number of public law matters including:

- a legal challenge to a local authority's decision that an individual was not entitled to high priority for social housing due to 'deliberately' causing their family to be statutorily overcrowded (with Jamie Burton QC in *R (Milton Laines Roman) v London Borough of Southwark* [2022] EWHC 1232 (Admin));
- a legal challenge to the compatibility of primary legislation with Convention rights (with Caoilfhionn Gallagher QC);
- advising on the application of COVID-19 regulations to individuals detained under the Mental Health Act 1983 (with Sophy Miles).

Caragh assisted Liam Walker QC in a high criminal damage trial which raised issues concerning the right to protest arising from the case of *DPP v Ziegler and others* (*R v SW* [2021]).

Caragh advises in relation to claims on behalf of individuals whose rights have been breached, for example individuals who have been unlawfully detained, or those right to a private life has been violated.

In 2016-17, Caragh was a judicial assistant to Lord Wilson and Lord Hodge at the Supreme Court, where she was involved in assisting the Justices on many leading public law appeals including *R (Miller) v Secretary of State for Exiting the European Union* [2017] UKSC 5; *R (UNISON) v Lord Chancellor* [2017] UKSC 51 and *R (A and B) v Secretary of State for Health* [2017] UKSC 41.

Caragh has an excellent understanding of the inner workings of government having supported Ministers in the passage of primary legislation and prepared international litigation at the World Trade Organization on behalf of the UK while working as a solicitor at the UK Government Department for International Trade.

Caragh has also taught public law and administrative law tutorials at the University of Glasgow and has particular expertise in constitutional issues relating to devolution.

PUBLIC INQUIRIES

Caragh is instructed as Junior Counsel to the UK Covid-19 inquiry.

EQUALITY AND DISCRIMINATION

Caragh has been involved in work relating to equality and discrimination throughout her legal career and she has a particular interest in the rights of women and children and individuals with disabilities.

She advises individuals and organisations on the Equality Act 2010, including on claims under the Act. Caragh has recently been seconded to a public body where she has advised on the application of the Act, including complying with the public sector equality duty, and the specific duties in Regulations.

Caragh has also assisted in an inquiry concerning the compliance with the Act of the equality and access policies of a University, and recently advised an NGO on the interplay between the ECHR and UNCRPD in an intervention before the European Court of Human Rights concerning involuntary treatment of persons with disabilities (with Aswini Weeraratne QC).

Caragh previously worked as a solicitor at the Equality and Human Rights Commission where she led a project concerning the Commission's strategic litigation and enforcement work in Scotland and developed a detailed understanding of the Equality Act 2010. Caragh has also worked on gender equality projects at the Clinton Global Initiative in New York and led a project at Capability Scotland on the impact on social welfare reform on disabled individuals.

COURT OF PROTECTION

Caragh accepts instructions in Court of Protection proceedings. She regularly acts in section 21A applications and health and welfare proceedings, including urgent applications. Caragh has acted for litigation friends including the Official Solicitor. She also acts for local authorities and family members.

Caragh recently acted as junior counsel (led by Aswini Weeraratne QC) for RESPOND in its intervention before the Supreme Court in a case which confirmed the test for capacity to engage in sexual relations under the Mental Capacity Act (*A Local Authority v JB (by his Litigation Friend, the Official Solicitor) (AP)*).

Caragh was involved in drafting a resource on the Mental Capacity Act 2005 for an NGO supporting individuals with learning disabilities.

COMMUNITY CARE AND HEALTH

Caragh advises on the provision of support and accommodation under the Children Act 1989 and care and support under the Care Act 2014.