

Jude Bunting KC



Call: 2006

Silk: 2022

Email: j.bunting@doughtystreet.co.uk

Profile

Jude specialises in media law, judicial review, and human rights. He is an expert in defending the rights of the media and in arguing novel and high-profile points of law. He has acted in 18 cases before the Supreme Court. His practice includes cases involving surveillance, national security, prisons, police, international law, and women's rights.

Jude took silk in 2022 and he was shortlisted as public sector KC of the year by the Legal 500 in his first year in silk. In 2020, he was named "Public Law Junior of the Year" at the Legal 500 Bar Awards, "Human Rights and Public Law Junior of the Year" at the Chambers and Partners Bar Awards, and "Lawyer of the Week" in The Times. He was also shortlisted for barrister of the year in The Lawyer awards.

He is called to the bar of Northern Ireland and is a member of the Equality and Human Rights Commission panel of counsel.

What the directories say

Jude is listed in six practice areas in Chambers and Partners and in five practice areas in the Legal 500.

In *Chambers and Partners* (2023), Jude is highly ranked in administrative and public law, civil liberties and human rights, defamation and privacy, police law, protest law, and inquests and public inquiries. Feedback includes:

"He is a really brilliant orator. He is able to take really complex cases and make them come alive."

"He is highly intelligent and very tenacious."

"Jude is brilliant and a delight to work with."

"a top-tier advocate who also rolls up his sleeves."

In *Legal 500* (2023), Jude is ranked in administrative and public law, civil liberties and human rights, inquests and inquiries, defamation and privacy and data protection. Client quotes include:

"The go-to barrister for any family concerned about the actions of the state. Jude is bright, delightful and a ruthless opponent."

"Jude is a star. He can pick up a brief and provide advice very quickly. Urgent instructions are no issue. He is a great advocate in court and gets on well with both his opponents and judges."

"Extremely knowledgeable and quick on his feet. Top of his game."

Publications

- Joint author: "Judicial Review: A Practical Guide", Jude Bunting, Hugh Southey QC, Amanda Weston, and Raj Desai (Lexis, 2017)
- Contributing author: "Patterson & Karim on Judicial Review" (Lexis, 2019)
- Contributing author: "Supperstone, Goudie & Walker: Judicial Review" (Lexis, 2017)
- Contributing author: "Livingstone, Owen, and Macdonald on Prison Law" (Oxford, 2015)
- Contributing author: "Halsbury's Laws, Volume 88A: Rights and Freedoms" (Butterworths, 2013)

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).

Languages

French

Related practice areas

Actions Against the Police and Public Authorities

Inquests and Public Inquiries

Media, Defamation and Freedom of Expression

Data Protection and Information Law

International Law

International Media Law

Administrative & Public Law

Business Crime

Immigration Detention Group

Climate and Environmental Justice

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, women's rights, national security and criminal justice cases.

Recent cases include:

- **Wolverhampton City Council and others v London Gypsies and Travellers** (judgment pending) - Supreme Court guidance on the correct approach to “persons unknown” injunctions.
- **Cummings v Coroner in the Inquest of Dillon** [2023] NICA 44. Northern Ireland Court of Appeal gives guidance on the meaning of a “properly interested person” in an inquest.
- **R (Motherhood Plan) v HM Treasury** [2022] 3 All ER 727. Court of Appeal guidance on indirect discrimination following challenge to COVID-19 support payments for self-employed workers.
- **R (Jalloh) v Secretary of State for the Home Department** [2021] AC 262. An unlawful immigration curfew amounts to false imprisonment.
- **R (A) v Secretary of State for the Home Department** [2021] 1 WLR 3931. Supreme Court guidance on correct approach to policy challenges.
- **R (Maughan) v HM Senior Coroner for Oxfordshire** [2021] AC 454. Supreme Court changes the law on the correct approach to the standard of proof in inquests.

Media Law and Defamation

Jude is a specialist in all areas of media law including defamation, privacy, breach of confidence, data protection, open justice, the protection of source material, and contempt. Described as a “splendid defender of press freedom” by *Chambers and Partners*, he represents media outlets, journalists and those seeking to uphold free speech.

Recent cases include advising national media organisations on high-profile urgent injunction and defamation matters, acting for a group of media organisations in the Independent Inquiry Relating to Afghanistan, and defending a broadcaster in a production order application in ongoing high-profile criminal proceedings.

Key authorities include:

- **YSA v Secretary of State for the Home Department** [2023] UKUT 75 (IAC). Significant guidance from Upper Tribunal as regards applications for contempt of court against a media organisation. Jude successfully defended a national media

organisation against contempt proceedings arising from allegations of breach of an anonymity order.

- **R (Marandi) v Westminster Magistrates' Court** [2023] EHC 587 (Admin). Key Divisional Court guidance to anonymity applications in court proceedings.
- **Re the Will of His late Royal Highness, Prince Philip** [2023] 1 WLR 1193. Court of Appeal guidance on correct approach to open justice in proceedings involving Royal wills.
- **R (AAA) v Secretary of State for the Home Department** [2022] EWHC 2191 (Admin). Successful PII challenge on behalf of media organisations in Rwanda scheme judicial review challenge.
- **Barclay v Barclay** [2022] EWHC 2026 (Fam). Guardian News and Media successfully challenge application to hold contempt proceedings in private.
- **Timis v BBC and another** [2021] – Junior counsel for the second defendant in a claim for libel and breach of confidence. The claimants sought damages of more than US\$450m arising out of a BBC Panorama investigation into the acquisition of oil and gas concessions in Senegal.
- **Goodley v The Hut Group Ltd** [2021] EWHC 1193 (Comm). Journalist obtains Court material seven years after a commercial trial.
- **R (Rai) v Crown Court at Winchester** [2021] EMLR 21. Key Court of Appeal guidance on the correct approach to reporting restrictions in criminal trials.
- **Cokaj (Anonymity Orders: Jurisdiction and Ambit)** [2021] UKUT 202 (IAC). Upper Tribunal guidance on anonymity in immigration proceedings.
- **R (Liberty) v Secretary of State for the Home Department** [2020] 1 WLR 243. Are the bulk surveillance powers in the Investigatory Powers Act 2016 inconsistent with the rights of journalists? Pending before the Court of Appeal.
- **Cape Intermediate Holdings Ltd v Dring** [2020] AC 929. Landmark Supreme Court authority on third-party applications for Court material. Jude was instructed, alone, for the Media Lawyers Association.

Freedom of Information and Data Protection

Jude acts in claims testing the boundaries of information law in contexts such as national security, prison law, public law, and civil actions against state bodies. Jude is also an expert on the law of surveillance and data retention, having acted in a number of landmark claims brought in relation to mass surveillance programmes.

Recent cases include:

- **R (Liberty) v Secretary of State for the Home Department** [2020] 1 WLR 243. Are the bulk surveillance powers in the Investigatory Powers Act 2016 inconsistent with the rights of journalists? Pending before the Court of Appeal.
- **Privacy International v Information Commissioner** (2019). Appeal against refusal to provide information relating to “IMSI catchers”, a covert police surveillance technique.
- **Malnick v Information Commissioner** (2018). First-tier Tribunal allows appeal against refusal of access to advice given to Tony Blair relating to post-office employment.
- **Blowe v Information Commissioner** (2018). Successful appeal against refusal to provide information relating to referrals of anti-fracking protesters to the Prevent programme.
- **Information Commissioner v Advisory Committee on Business Appointments** [2018] UKUT 72 (AAC). Upper Tribunal clarifies correct approach to the exemption under s.36 Freedom of Information Act 2000.
- **Google (France)** (C-507/17). Court of Justice for the European Union gives guidance on the global application of the “right to be forgotten”. Jude acted for 13 NGOs which specialise in the defence of human rights and online freedom of expression in Africa, Asia, Latin America and Europe.

Actions Against the Police and Public Authorities

Jude is regularly instructed in cutting-edge civil claims against public authorities, including the police, security services, and government departments. He has acted in many of the highest-profile legal challenges of recent years, including the “Child Q” damages claim.

Over the years, Jude’s cases have set the legal benchmarks in false imprisonment, malicious prosecution, and human rights claims, such as:

- **In re Ferguson’s application for judicial review** [2023] NIKB 6. Guidance on the correct approach to the provision of reasons in stops under Schedule 7 of the Terrorism Act 2000.
- **R (Jalloh) v Secretary of State for the Home Department** [2021] AC 262. Supreme Court clarifies the law on what amounts to an imprisonment for the purposes of the tort of false imprisonment.
- **Zenati v Commissioner of Police of the Metropolis** [2015] QB 758. Court of Appeal finds that prosecuting authorities can be liable in damages claims for delay in criminal investigations.
- **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.

Prison Law and Criminal Justice

Jude is one of the leading prison law experts at the bar. He has acted for 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 (Somers) v Parole Board** [2023] EWHC 1160 (Admin). Key guidance on oral hearings in parole proceedings involving indeterminate sentence prisoners.
- **R (Dich) v Parole Board** [2023] EWHC 945 (Admin). Divisional Court quashed Parole Board policy guidance as unlawful.
- **R (Simpson) v Secretary of State for Justice** [2023] 1 WLR 1505. High Court quashed decision of Secretary of State to keep imprisoned a high-profile offender.
- **R (Austin) v Parole Board** [2022] 1 WLR 2489. Guidance on the power of the Parole Board to withhold information from a prisoner in high-profile cases.
- **R (Huxtable) v Secretary of State for Justice** [2022] 1 WLR 813. Court of Appeal challenge to Parole Board “reconsideration” scheme.
- **R (Zaman) v Secretary of State for Justice** [2022] EWHC 188 (Admin). High Court orders an oral hearing of a Category A review.

- **Dickins v Parole Board** [2021] 1 WLR 4126. Guidance on meaning of *functus officio* and powers of the Parole Board to re-visit its decisions.
- **R (Stott) v Secretary of State for Justice** [2020] AC 51. Supreme Court judgment on the human rights-compliance of extended sentences.
- **R (Haney and others) v Secretary of State for Justice** [2015] AC 1344. Supreme Court holds that the Secretary of State owes a duty of rehabilitation to individual prisoners. Jude acted for the lead appellant.
- **Faulkner v Parole Board** [2013] 2 AC 254. Key Supreme Court authority on damages under the Human Rights Act 1998.

Jude has also significant experience in challenging decisions of criminal courts, prosecutors, and investigators before and in arguing complex points of criminal law in the appellate courts. He has a particular specialism in cases relating to the law of protest.

Recent cases have included:

- **Attorney General's Reference (No. 2 of 2022)** [2023] KB 37. Court of Appeal clarifies law on protest prosecutions in the "Colston 4" case.
- **Pwr v Director of Public Prosecutions** [2022] 1 WLR 789. Supreme Court judgment on whether it is a terrorism offence to fly a flag at a protest.
- **Bennett v DPP** [2022] EWHC 1822 (Admin). Divisional Court challenge to protest prosecution.
- **R v Thacker (Edward)** [2021] QB 644. The "Stansted 15" appeal. Jude acted for Liberty.
- **R v Richards (Tony)** [2020] 1 WLR 3344. Filming a sexual partner without their consent amounts to voyeurism.
- **R v Roberts (Richard)** [2019] 1 WLR 2577. Successful appeal against sentence in high-profile protest case.
- **R v Johnson (Lewis)** [2017] 1 Cr App R 12. Key Court of Appeal authority on the correct approach to out-of-time appeals in change-of-law cases.
- **Jogee v DPP** [2017] AC 387. Supreme Court overturns the common law of joint enterprise. Jude acted for the intervener, JENGBA.

Inquiries and Inquests

Jude acts for the families of the deceased in judicial review and civil claims arising out of inquests.

Recent authorities include:

- **Cummings v Coroner in the Inquest of Dillon** [2023] NICA 44. Northern Ireland Court of Appeal gives guidance on the meaning of a “properly interested person” in an inquest.
- **R (Maughan) v HM Senior Coroner for Oxfordshire** [2021] AC 454. Supreme Court changes the law on the correct approach to the standard of proof in inquests.
- **R (Birks) v Commissioner of Police of the Metropolis** [2018] ICR 1400. 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.
- **In re Hughes’ application for judicial review** [2018] NIQB 30. Successful challenge to the refusal of the First Minister for Northern Ireland to permit funding of legacy inquests.

Jude also represents families in high-profile inquests which raise concerns about failures on the part of state agencies. Recent cases include a number of inquests in Troubles-related deaths, the inquest into the death of Rashan Charles, the inquest in the terrorist attack at Fishmonger’s Hall, and the neglect verdict following the death of Duncan Tomlin.

Jude has regular experience in public inquiries. He is currently instructed by the BBC in the Brook House inquiry and by a group of media organisations in the Independent Inquiry Relating to Afghanistan, the Undercover Policing inquiry and the Manchester Arena inquiry.