

Jude Bunting



Call: 2006

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Profile

Jude specialises in judicial review, human rights and media law. He is an expert in arguing novel and high-profile points of law and has acted in 14 cases before the Supreme Court. His practice includes cases involving open justice, surveillance, national security, prisons, police, international law, and women's rights.

In 2019, Jude was shortlisted for "Public Law Junior of the Year" at the Legal 500 Bar Awards and appointed to the Equality and Human Rights Commission panel of counsel. Jude is also called to the bar in Northern Ireland.

What the Directories say

Jude is listed as a leading junior in five practice areas in Chambers and Partners and in three practice areas in the Legal 500.

In Chambers and Partners (2019), Jude is highly ranked in administrative and public law, civil liberties and human rights, defamation and privacy, police law, and inquests and public inquiries. Feedback includes: *“extremely bright”, “amazing energy”, and “A barrister you can really trust never to let you down in his analysis of complex points of law. He is brilliant, committed and approachable.”*

In Legal 500 (2019), Jude is ranked in administrative and public law, civil liberties and human rights, and inquests and inquiries. Client quotes include: *“Thoroughly impressive and detailed in his analysis”* and, *“extremely intelligent, passionate, and a phenomenal advocate.”*

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 Media Defence

Administrative & Public Law

Business Crime and Investigations

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.

Key cases include:

- **R (Liberty) v Secretary of State for the Home Department** [2019] EWHC 2057 (Admin). Divisional Court challenge to bulk surveillance powers in the Investigatory Powers Act 2016. Jude acts for the National Union of Journalists.
- **R (Maughan) v HM Senior Coroner for Oxfordshire** [2019] 3 WLR 365. Pending Supreme Court appeal on the correct approach to the standard of proof in suicide inquests.
- **R (British Pregnancy Advisory Service) v Secretary of State for Health and Social Care** [2019] 1 WLR 5029. Pending Court of Appeal challenge to decision to re-interpret the upper time limit for lawful abortions.
- **R (Jollah) v Secretary of State for the Home Department** [2019] 1 WLR 394. Whether an immigration curfew amounts to false imprisonment. Pending before the Supreme Court.
- **Re Northern Ireland Human Rights Commission** [2019] 1 All ER 173. Supreme Court finds that criminal law of abortion in Northern Ireland breaches human rights.

Jude acted for seven reproductive rights charities.

- **Re McGuigan** [2019] Northern Ireland Court of Appeal holds that a police decision not to investigate evidence that Ministers authorised the torture of the ‘Hooded Men’ was unlawful. Jude represents Amnesty International.

Media Law and Defamation

Jude is an expert in open justice issues and regularly represents the media in challenges to reporting restriction orders, in contempt issues, and in applications to obtain Court material. Jude is one of a small number of barristers who specialise in issues relating to the protection of journalists and their source material.

Recent first-instance challenges include acting for **The Sun** on the prosecution of Carl Beech, for **The Guardian** on the Undercover Policing Inquiry, for The Sunday Times in the Iran tank arbitration, and for a group of media organisations in the Hillsborough criminal trials and Operation Tendersea.

Key authorities include:

- **Cape Intermediate Holdings Ltd v Dring** [2019] 3 WLR 429. Landmark Supreme Court authority on correct approach to third-party applications for Court material. Jude was instructed, alone, for the Media Lawyers Association.
- **Re Fine Point Films** (2019). Successful judicial review challenge to a search warrant imposed on two investigative journalists in Northern Ireland. Jude acted for Index on Censorship and the Englis PEN.
- **R (Liberty) v Secretary of State for the Home Department** [2019] EWHC 2057 (Admin). Jude acted for the National Union of Journalists in article 10 challenge to bulk surveillance powers in the Investigatory Powers Act 2016.
- **R (Segalov) v Chief Constable of Sussex** [2018] EWHC 3187 (Admin). Jude successfully challenged the refusal of security accreditation to a political journalist to permit him to attend the Labour Party conference.
- **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.

- **Re C (A Child) (Publicity)** [2016] 1 WLR 5204. Final judgment of Lord Dyson MR. Application of open justice principles in high-profile family law proceedings.
- **R v F** [2016] 2 Cr App R 13. Contempt of court in the internet age. Court of Appeal 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.

Jude provided pre-publication advice to national newspapers and broadcasters (including **The Times**, **The Guardian**, and the **BBC**) between 2007 and 2017.

Freedom and Information and Data Protection

Jude has acted in a number of 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 the claims brought in relation to mass surveillance programmes.

Recent cases include:

- **Privacy International v Information Commissioner** (2019). Pending appeal against refusal to provide information relating to “IMSI catchers”, a covert police surveillance technique.
- **R (Liberty) v Secretary of State for the Home Department** [2019] EWHC 2057 (Admin). Jude acted for the National Union of Journalists in an article 10 challenge to bulk surveillance powers in the Investigatory Powers Act 2016.
- **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.
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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.

Key authorities include:

- **R (Jollah) v Secretary of State for the Home Department** [2019] 1 WLR 394. What amounts to an imprisonment for the purposes of the tort of false imprisonment? Pending before the Supreme Court.
- **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.
- **Michael v Chief Constable of South Wales Police** [2015] AC 1732. Landmark Supreme Court judgment on police liability in negligence.
- **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 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 (Stott) v Secretary of State for Justice** [2019] 1 Cr App R (S) 47. Supreme Court judgment on the human rights-compliance of extended sentences.
- **R (Hopkins) v Secretary of State for Justice** [2019] EWHC 2151 (Admin). High Court orders an oral hearing of a Category A review. **Hopkins and R (Rose) v Secretary of State for Justice** [2017] EWHC 1826 (Admin) are the only two successful oral hearing challenges in the last five years. Jude acted in both claims.
- **R (McShane) v Secretary of State for Justice** [2018] EWHC 2049 (Admin). Breach of legitimate expectation in transfer of prisoner from Portugal to the UK.
- **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 the appellate courts. Recent cases have included:

- **R v Pwr** (pending). Divisional Court appeal against conviction of s.13 Terrorism Act 2000 offence.
- **R v Roberts (Richard)** [2019] 1 WLR 2577. Successful appeal against sentence in high-profile protest case. Jude acted for Liberty.
- **R v Grant-Murray** [2018] Crim LR 71. Court of Appeal gives guidance on the legality of the mandatory life sentence for murder on children and on the participation of vulnerable defendants in criminal trials.
- **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:

- **R (Maughan) v HM Senior Coroner for Oxfordshire** [2019] 3 WLR 365. Pending Supreme Court appeal on the correct approach to the standard of proof in suicide 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, and the neglect verdict following the death of Duncan Tomlin.