



The Chambers of
Harendra de Silva QC



Alan Newman QC: Public Law / Human Rights CV

Alan Newman QC has an extensive public law practice, often raising human rights concerns, and involving a wide range of issues. In addition to the English jurisdiction, he has appeared in Caribbean courts and the courts of Bermuda in high-profile constitutional cases, and has been instructed in Privy Council work in this field from a variety of jurisdictions.

He is recommended as a leading silk in the civil liberties / human rights section of the Legal 500.

Notable Cases

House of Lords

Darker v Chief Constable of the West Midlands Police (HL)

Extent of police immunity from civil suit as regards claims of misfeasance in public office and conspiracy to injure.

R v Horseferry Road Magistrates Court ex parte Bennett (HL) [1994] 1 AC 42; [1993] 3 All ER 138

Circumvention of proper extradition procedure into UK. Abuse of process jurisdiction.

R v Central Criminal Court ex parte Francis & Francis (HL)

Solicitors resisting DTOA Order. Meaning of "items subject to legal privilege".

Pountney v Griffiths (HL)

Mental patient. When leave to institute proceedings required.

Pickering v Liverpool Daily Post & Echo Newspapers plc (HL) [1991] 2 AC 370; [1991] 1 All ER 622

Contempt of Court. Mental Health Review Tribunal. Freedom to name mental patients seeking discharge.

R v Secretary of State for the Environment ex parte Hammersmith & Fulham, LBC & Others (HL)

Community Charge. Power of Secretary of State to charge-cap local authorities.

Court of Appeal

Electoral Commission v UKIP (CA)

Forfeiture of political donations. Donor not a permissible donor within Political Parties, Elections and Referendums Act 2000.

R v Sec. Of State for Culture, Media & Sport ex parte Danish Satellite TV (CA)

Power of Secretary of State to issue proscription order to ban pornographic material lawfully transmitted under licence from Denmark.

Awan v Law Society (CA)

Adjournment of SDT hearing refused. Matter heard in absentia. Solicitor struck off.

Hughes v Customs & Excise Commissioners (CA)

Restraint Order. Receiver's entitlement to recover costs from assets. Compatibility with ECHR

In re Piper (CA)

Restraint order under section 26 Drugs Trafficking Act 1994. Limited power of Receiver to sell assets prior to conviction.

R v Criminal Injuries Compensation Board ex parte Cook (CA)

Murdered husband's criminality precludes compensation award to widow of blameless character

R v Commissioner of Police for the Metropolis ex parte Bennett (CA)

Act of Union with Scotland 1706. Justiciability of Scottish proceedings in English Courts.

R v Khan (CA)

Whether certain provisions of Drugs Trafficking Act 1994 conflict with European Human Rights Convention.

R v Horseferry Road Magistrates's Court ex parte Bennett (No 2) (CA)

Public Interest Immunity. Extent of voluntary disclosure permitted.

R v Secretary of State for Home Department ex parte K (CA)

Mental health patient. Secretary of State's powers of recall.

Coin Street Community Builders Limited v Barking & Dagenham LBC & Others (CA)

Abolition of GLC. Succession of London Boroughs to certain liabilities.

R v Secretary of State for Home Department ex parte Herbage (No 2) (CA)

Prisoner's rights. Detention in breach of Bill of Rights 1688.

Harrington v North London Polytechnic (CA)

Power to order discovery against servant or agent not party to proceedings.

R v Secretary of State for Home Department ex parte Dannenberg (CA)

Impact of EEC Directive on deportation order.

In Re S (a barrister) (CA)

Visitatorial jurisdiction. Nemo iudex in sua causa.

Nicholls v British Broadcasting Corporation (CA)

Injunction. Confidentiality. Balancing important public interest in administration of justice against personal danger to Plaintiff.

Marcel v Metropolitan Police Commissioner (CA)

Documents seized by police under statutory powers. Subpoena duces tecum. Right of owner to object to production.

Derbyshire County Council v Times Newspapers Limited (CA)

Impact of European Convention on Human Rights on defamation law. Right of local authority to sue in libel.

Administrative Court

R (KeyCabs) v Plymouth Crown Court (DC)

Regulatory regime for applying for taxi licences under Town Police Clauses Act 1847. Whether actual carriage had to be identified before licence was granted.

R v Southwark Crown Court ex parte Sorsky Defries (DC)

Accountants's offices. Search warrants. Seizure of documents outside scope of warrant.

R v Lloyd's of London ex parte Briggs and others

Amenability of Lloyds to judicial review proceedings.

R (Wembley Field Ltd) v Brent LBC (DC)

Failure of planning authority to comply with the letter of the law as to notice period. Whether necessarily fatal, or whether substantial compliance sufficient.

R (Payne) v Attorney General (DC)

Challenge to legality of Iraq war

Attorney-General v Observer Limited

"Spycatcher" litigation. Statutory duties of library authorities.

R(Lonergan) v Lewes Crown Court and Ors (DC)

ASBO: legality of including a curfew provision

Considine v Didrichsen & Anr (DC)

Election Petition: To prevent election being declared void, it must have been conducted substantially in accordance with election law, and breaches must not have affected result.

R (on the application of Bulger) v Secretary of State for Home Department (DC)

Challenge by parents of James Bulger to LCJ decision on the setting of tariffs for Thompson and Venables.

R(Palmer) v Secretary of State for Home Department (DC)

Categorisation of prisoner. Financial resources and widespread publicity in press irrelevant factors. No right in prisoner to make prior representations.

R (O) v Crown Court at Harrow (DC)

Custody time limit regime. Compatibility of s25 CJPOA 1994 (presumption against bail) with ECHR Article 5

R (Maud) v Castle Point B.C. (DC)

Taxi licensing. Whether Authority can impose conditions limiting where taxi can ply for hire.

R (H) v Inland Revenue Commissioners (DC)

Tax. IR authority to seize and image computer hard drives off the searched premises.TMA 1970 s20C

R (Van Hoogstraten) v Governor of Belmarsh Prison (DC)

Lawyer qualified in EC Member State. Right to act as legal adviser to prisoner. Compatibility of Prison Rules with EC Directive.

Gough v Chief Constable of Derby Constabulary (DC)

Football banning orders. Compatibility with Human Rights and with EU Treaty.

R v Islington LBC ex parte Okocha (DC)

Homelessness. Local Authority powers and duties. Racist slogans.

Connolly v Dale (DC)

Contempt of Court. Police action in seeking to prevent solicitors from interviewing potential prosecution witnesses.

R v Sheffield Housing Benefits Review Board ex parte Smith

Housing benefit. Applicants living within religious community. Test of commercial tenancy.

R v Rugby HBRB ex parte Harrison (DC)

Test for commercial tenancy under Housing Benefit Regulations.

R v Leeds Magistrates' Court ex parte Dumbleton (DC)

Powers of police exercising search warrant.

R v Derbyshire County Council ex parte Times Supplements Limited (DC)

Improperly motivated local authority decision-making.

R v Derbyshire County Council ex parte Noble (DC)

Judicial review. Public/private law distinction.

R v Secretary of State for Education & Science ex parte Hardy

School re-organisation proposals.

R v Governor of Small Heath School ex parte Khan (DC)

School application for grant maintained status. Balloting procedure. Consultation.

R v Secretary of State for Home Department ex parte Herbage

Whether jurisdiction to grant interlocutory injunction against Crown.

References before the European Court of Justice, Luxembourg

Henn & Derby v DPP (ECJ) (Article 30 EEC Treaty. Prohibition on importation of pornography from EEC country); R v Secretary of State for Home Department ex parte Santillo (ECJ) (Ambit of Article 9 of EEC Directive 64/221. Whether recommendation for deportation valid); R v Pieck (ECJ) (Article 48 EEC Treaty. Whether UK entry formalities complied with EEC law); R v Bouchereau (ECJ) (Whether recommendation for deportation is a "measure" within EEC Directive 64/221. Public policy); Van Duyn v Home Office (ECJ) (Article 48 EEC Treaty. Ambit of public policy exception to free movement).

Privy Council

Trinidad: Johnson & Balwant v Attorney General of Trinidad and Tobago (whether sex discrimination provisions in breach of the Constitution are saved as being "existing law"); Sanatan Dharma of Trinidad and Tobago Inc v Attorney General of Trinidad and Tobago (whether the Trinity Cross, the highest honour awarded, discriminates against Hindus and Muslims); Central Broadcasting Services Ltd v Attorney General of Trinidad and Tobago [2006] 1 WLR 2891 (State delay in granting broadcasting licence abusive conduct. Constitutional rights. Equality. Freedom of expression); Cooper & Balbosa v Director of Personnel and Administration (Separation of powers. Obliging police officers who seek promotion to take exams set by Public Services Examination Board, a

body set up by Cabinet, is unconstitutional); **Sharma & Ors v Attorney General of Trinidad and Tobago** (Any MP who was willing to take an oath of allegiance, but was denied such opportunity, had an enforceable right, implied into the Constitution, to salary from the day after the general election); **Panday v Attorney General of Trinidad and Tobago** (Whether High Court should have acceded to Constitutional Motion issued pursuant to s14(4) of the Constitution. Consequence of repeal of Integrity in Public Life Act 1987 by 2000 Act).

Mauritius: **Bissonauth v Sugar Fund Insurance Board** (Unjustified dismissal. Right to fair hearing); **Bishop of Roman Catholic Diocese of Port Louis v Tenghur** (Whether retaining 50% of places in private Catholic Schools maintained by the State breaches the anti-discrimination provisions of the Constitution); **Matadeen v Pointu [1999] 1AC 98** (Mauritius Constitution. Fundamental rights. Equality before the law)

Bermuda: **Thompson v Bermuda Dental Board** (Racial discrimination. Meaning of expression national origins); **Burgess v Stevedoring Services Ltd (PC)** (Employment. Essential services. Validity of injunction against officers and members of Union)

Singapore: **Wee v Law Society of Singapore (PC)** (Disciplinary proceedings against ex-President of Singapore Law Society. Abuse of process. Double jeopardy); **Haw Tua Tau v Public Prosecutor (PC)** (Constitutionality of inference of guilt from failure to give evidence); **Ong Ah Chuan v Public Prosecutor (PC)** (Constitutionality of mandatory death sentence)

Trinidad Court of Appeal and First Instance

Dhanraj Singh v Attorney General of Trinidad and Tobago (Government Minister charged with murder. Main State witness granted immunity from prosecution. Constitutional Motion. Breach of right to fair trial. DPP's power to grant such immunity).

Bermuda Court of Appeal and First Instance

Various cases, before the Court of Appeal and at first instance, including Election Petition challenging City of Hamilton elections; action on behalf of lobster fishermen, mounting Constitutional challenge to fishing ban; Constitutional validity of injunction against members of BIU undertaking essential services.