



Jeremy practises in the areas of public law, human rights (domestic and international) and civil liberties, police and prison law, immigration and asylum, social security, employment and malfeasance claims (assault, false imprisonment, malicious prosecution and misfeasance).

He was appointed as a QC in 2011, a Recorder of the Crown Court in 2009 and a Deputy High Court Judge in 2016. He was Junior Counsel to the Crown between 2000 and 2011 (A Panel from 2007), a member of the Welsh Assembly Panel of Counsel, editor of the Police Law Reports, and Consultant Editor of Halsbury's Laws Volume 36 (Police).

Recent cases include:

- Appeals to the Supreme Court concerning the retention of personal data by the police
- Supreme Court hearing concerning the duty of care owed to a person making a 999 call
- Supreme Court hearing concerning police powers of stop and search
- Litigation arising out of the murder of Lynette White
- The Al Sweady public inquiry
- The Hillsborough inquests
- Legal proceedings arising out of "plebgate"
- Litigation arising out of the murder of Daniel Morgan in 1987
- Judicial review concerning schedule 7 Terrorism Act 2000

#### **Public / Administrative Law:**

Jeremy acts for both claimants and defendants in all areas of public and administrative law, but particularly in relation to claims concerning human rights and civil liberties, criminal law and public protection, immigration and asylum and police/prisons.

*Recent Public/Administrative Law cases:*

***R (Roberts) v Commissioner of Police of the Metropolis*** [2016] 1 WLR 210, Supreme Court

Whether the power of stop and search conferred by s60 Criminal Justice and Public Order Act 1994 is compatible with Arts 5 and 8 ECHR (and whether its use breached Art 14 ECHR)



#### **Practice Areas**

POLICE LAW  
INQUESTS  
PERSONAL INJURY LAW  
PUBLIC / ADMINISTRATIVE LAW  
PUBLIC INQUIRIES

#### **Clerks**

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***R (Catt) v Association of Chief Police Officers (and another), and related case*** [2015] AC 1065, Supreme Court

Whether the retention of intelligence relating to the claimant's participation in demonstrations breached Art 8 ECHR. And whether the retention of a police warning letter sent to another claimant breached Art 8 ECHR.

***R (XX) v Secretary of State for the Home Department and another*** [2015] ACD 72

Whether the Child Sex Offender Disclosure Scheme is compatible with Art 8 ECHR

***R (TD) v Commissioner of Police of the Metropolis and another*** [2014] ACD 7, Court of Appeal

Whether the continued retention of records relating to an unfounded allegation of sexual assault made nine years earlier was unlawful

***TW v London Borough of Enfield*** [2013] EWHC 1180 (QB)

Whether restriction on bringing proceedings imposed by s139 Mental Health Act 1983 is compatible with Arts 6 and 14 ECHR

***R (MA and others) v Director of HMYOI Ashfield*** [2013] EWHC 438 (Admin)

Whether treatment of young offenders in a YOI was unlawful

***R WL (Congo) and KM (Jamaica) v Secretary of State for the Home Department*** [2012] 1 AC 245, Supreme Court

Challenge to the Secretary of State's policy for the detention of foreign national prisoners pending deportation. Heard before a panel of 9 Supreme Court Justices in November 2009

***R (Naik) v. Secretary of State for the Home Department*** [2011] EWCA Civ 1546 Court of Appeal

Whether the exclusion of a high profile Muslim writer and public speaker from the United Kingdom was lawful.

***R (F and Thompson) v Secretary of State for the Home Department*** [2011] 1 AC 331 Supreme Court

Whether the regime requiring sex offenders to comply with notification obligations for an indefinite period without a right of review was compatible with article 8 of the European Convention on Human Rights.

***Seal v United Kingdom*** [2012] 54 EHRR 6 European Court of Human Rights

Whether the requirement to obtain the leave of the High Court under section 139(2) of the Mental Health Act 1983 before commencing civil proceedings is compatible with articles 6 and 14 of the European Convention on Human Rights.

***R (Purdy) v Director of Public Prosecutions*** [2010] 1 AC 345 House of Lords

Whether the Code for Crown Prosecutors was sufficient to satisfy the legality requirement of article 8 of the European Convention on Human Rights in assessing how prosecutorial discretion was likely to be exercised in cases of assisted suicide under the Suicide Act 1961.

***Secretary of State for the Home Department v AF*** [2010] 2 AC 269 House of Lords

Whether the system of special advocates in control order proceedings, and the linked disclosure regime, complied with article 6 of the European Convention on Human Rights.

**R v G** [2009] 1 AC 92 House of Lords

Whether the offence of rape under section 5 Sexual Offences Act 2003 was compatible with article 8 of the European Convention on Human Rights.

**Seal v Chief Constable of South Wales Police** [2007] 1 WLR 1910 House of Lords

Whether a failure to obtain the leave of the High Court under the Mental Health Act 1983 s.139(2) before commencing civil proceedings rendered those proceedings a nullity.

**R (Laporte) v Chief Constable of Gloucestershire** [2007] 2 AC 105 House of Lords

Whether preventing protestors from attending a demonstration had been a breach of article 10 of the European Convention on Human Rights.

**R (Misick) v Secretary of State for Foreign & Commonwealth Affairs** [2009] EWHC 1039 (Admin) Court of Appeal

Whether it was contrary to domestic and international human rights law to suspend democratic institutions in the Turks and Caicos Islands.

**R (MK (Iran)) v Secretary of State for the Home Department** [2010] EWCA Civ 115 Court of Appeal (and permission application to Supreme Court)

Whether unlawful delay in determining an asylum claim gives rise to a right to damages under EU or ECHR law

**R (Naik) v Secretary of State for the Home Department** [2010] EWHC 2825 (Admin) High Court

Whether the exclusion of a high profile Muslim writer and public speaker from the United Kingdom was lawful

**Timbrell v Secretary of State for Work and Pensions** [2010] ICR 1369, Court of Appeal

Whether a transgender person who had undergone male to female gender reassignment was entitled to a pension from age 60

**R (Bektas) v Secretary of State for Justice** [2009] EWHC 2359 (Admin) High Court

Whether the regime for release under section 225A(5) of the Criminal Justice Act 2003 was compatible with article 5 of the European Convention on Human Rights.

**R (I) v (1) City of Westminster Magistrates' Court (2) Chief Constable of Greater Manchester Police (Defendants) & Crown Prosecution Service (Interested Party)** [2008] EWHC 2146 (Admin) High Court

Whether the power contained in section 41 of the Terrorism Act 2000 to detain without warrant was compatible with article 5 of the European Convention on Human Rights.

### **Public Inquiries**

Jeremy acts both for individuals/families and public authorities, and has acted in many public inquiries over the last 10 years. He has also acted in a number of cases where decisions not to hold public inquiries are challenged.

He has acted in a number of significant public inquiries (and large scale inquests) in recent years, including:

- The Al Sweady Inquiry
- The Billy Wright Inquiry (for the Northern Ireland Office, the Northern Ireland Prison Service and a number of senior officials)
- The Hutton Inquiry (junior counsel for the Kelly family)
- The Inquests into the deaths of Diana, Princess of Wales and Dodi Al Fayed (for the Secret Intelligence Service, the Security Service and Government Communications Headquarters)
  
- The Scott Review (for the Northern Ireland Office, the Secretary of State for Northern Ireland and a number of officials)
- The Hillsborough Inquests
- The Birmingham Pub Bombings Inquests

#### **Police Law:**

Jeremy acts for claimants, chief constables, police and crime commissioners and the Independent Police Complaints Commission in all cases involving the police, including public law claims, malfeasance cases, employment claims, disciplinary proceedings and Data Protection/Freedom of Information. He regularly provides advice on policy and operational issues, including in relation to counter-terrorism investigations, the use of covert techniques, the Regulation of Investigatory Powers Act 2000, Special Police Services, Data Protection and Freedom of Information.

#### ***Police Law cases include:***

***R (Roberts) v Commissioner of Police of the Metropolis*** [2016] 1 WLR 210, Supreme Court

Whether the power of stop and search conferred by s60 Criminal Justice and Public Order Act 1994 is compatible with Arts 5 and 8 ECHR (and whether its use breached Art 14 ECHR)

***R (Catt) v Association of Chief Police Officers (and another), and related case*** [2015] AC 1065, Supreme Court

Whether the retention of intelligence relating to the claimant's participation in demonstrations breached Art 8 ECHR. And whether the retention of a police warning letter sent to another claimant breached Art 8 ECHR.

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Whether the Child Sex Offender Disclosure Scheme is compatible with Art 8 ECHR

***R (TD) v Commissioner of Police of the Metropolis and another*** [2014] ACD 7, Court of Appeal

Whether the continued retention of records relating to an unfounded allegation of sexual assault made nine years earlier was unlawful

***AJA and others v Commissioner of Police of the Metropolis and others*** [2013] EWCA Civ 1342

Claims brought by women alleging that they had been deceived into having sexual relationships with undercover police officers

***TW v London Borough of Enfield*** [2013] EWHC 1180 (QB)

Whether restriction on bringing proceedings imposed by s139 Mental Health Act 1983 is compatible with Arts 6 and 14 ECHR

***Abu Hamza and others v Secretary of State for the Home Department*** [2012] EWHC 2736 (Admin)

Challenge to decision of deportation of terrorist suspects to the United States

***Michael v Chief Constables of South Wales and Gwent*** [2012] EWCA Civ 981

Whether failure to respond to a 999 call in time to prevent a murder gave rise to a viable claim in negligence or under Art 2 ECHR

***R (RMC and FJ) v Commissioner of Police of the Metropolis*** [2012] EWHC 1681 (Admin)

Whether retention of custody photographs amounted to a breach of Art 8 ECHR

***R (T and R) v Commissioner of Police of the Metropolis*** [2012] EWHC 1115 (Admin) Divisional Court

Whether the issue and retention of harassment warning notices breached Art 8 ECHR.

***R (Salimi) v Secretary of State for the Home Department and Independent Police Complaints Commission*** [2012] EWCA Civ 422 Court of Appeal

Whether the IPCC had jurisdiction to investigate complaints of a failed asylum seeker that he had been assaulted during his removal from the United Kingdom.

***R (W) v Chief Constable of Warwickshire*** [2012] EWHC 406 (Admin) Administrative Court

Whether the issue of an enhanced criminal record certificate (where an Employment Tribunal had effectively acquitted the claimant of the underlying allegation) breached Art 8 ECHR.

***R (Minter) v Chief Constable of Hampshire*** [2011] EWHC 1610 (Admin) Divisional Court

Whether the appropriate registration period for a sex offender sentenced to an extended sentence depended on the whole term or just the custodial term.

***Williams v Chief Constable of Dyfed Powys Police*** [2010] EWCA 1627 Court of Appeal

Whether the issue and execution of a search warrant breached Art 8 ECHR

***Seal v United Kingdom*** [2012] 54 EHRR 6 European Court of Human Rights

Whether the requirement to obtain the leave of the High Court under section 139(2) of the Mental Health Act 1983 before commencing civil proceedings is compatible with articles 6 and 14 of the European Convention on Human Rights.

***R (F and Thompson) v Secretary of State for the Home Department*** [2011] 1 AC 331 Supreme Court

Whether the regime requiring sex offenders to comply with notification obligations for an indefinite period without a right of review was compatible with article 8 of the European Convention on Human Rights.

***R (Purdy) v Director of Public Prosecutions*** [2010] 1 AC 345 House of Lords

Whether the Code for Crown Prosecutors was sufficient to satisfy the legality requirement of article 8 of the European Convention on Human Rights in assessing how prosecutorial discretion was likely to be exercised in cases of assisted suicide under the Suicide Act 1961.

***Secretary of State for the Home Department v AF*** [2010] 2 AC 269 House of Lords

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***Seal v Chief Constable of South Wales Police*** [2007] 1 WLR 1910 House of Lords

Whether a failure to obtain the leave of the High Court under the Mental Health Act 1983 s.139(2) before commencing civil proceedings rendered those proceedings a nullity.

***R (Laporte) v Chief Constable of Gloucestershire*** [2007] 2 AC 105 House of Lords

Whether preventing protestors from attending a demonstration had been a breach of article 10 of the European Convention on Human Rights.

***Ministry of Justice v Scott*** [2009] EWCA Civ 1215 Court of Appeal

Whether the right to bring an action for malicious prosecution against a complainant was confined to cases in which there was a single prosecution witness with exclusive knowledge of the facts.

***Barracks v John Coles and Commissioner of Police of the Metropolis*** [2007] ICR 60 Court of Appeal

Whether, having regard to section 17 of the Regulation of Investigatory Powers Act 2000, the police were entitled to withhold disclosure of documents on the grounds that there was a statutory prohibition on disclosure which the police were not permitted to identify.

***R (I) v (1) City of Westminster Magistrates' Court (2) Chief Constable of Greater Manchester Police (Defendants) & Crown Prosecution Service (Interested Party)*** [2008] EWHC 2146 (Admin) Administrative Court

Whether the power contained in section 41 of the Terrorism Act 2000 to detain without warrant was compatible with article 5 of the European Convention on Human Rights.

***R (Hodgson) v Chief Constable of South Wales Police*** [2008] EWHC 1183 (Admin) Administrative Court

Whether it was lawful to require officers who had served for more than 30 years to retire.

***R (Independent Police Complaints Commission) v Assistant Commissioner Hayman*** [2008] EWHC 2191 (Admin) Administrative Court

Standard of proof in police disciplinary proceedings

***R (Independent Police Complaints Commission) v Chief Constable of West Mercia and David Walton*** [2007]  
EWHC 1035 (Admin) Administrative Court

Whether it was an abuse of process (double jeopardy) to discipline a police officer on charges which had been determined in the officer's favour in the context of a coroner's inquest.

***Miller and others v Chief Constable of South Wales Police*** 2009 High Court

Settlement of major malicious prosecution claim – amount claimed in the region of £3M.

***Butterworth v Information Commissioner*** 2009 Freedom of Information Tribunal

Test case in the Information Tribunal on whether the names of police informants from 100+ years ago should still be kept secret.

***Ahmad v Commissioner of Police*** 2009 High Court

High Court trial of assault claim against a prominent terrorist suspect.

#### **Legal directories:**

"He is a genuine police law specialist" and "an extremely good barrister." (*Police Law*) Chambers UK, 2017

"He is a first-rate, efficient, clear-thinking silk of the highest quality" who is "super-clever, seems to know everything, and has a brain the size of a planet." (*Police Law*) Chambers UK, 2017

"A brilliant academic mind, he knows all the arguments that can be raised to get the best result for clients. He has the respect of courts and is very calm when faced with difficult situations." (*Inquests and Inquiries*) Chambers UK, 2017

"He is an extremely clever lawyer and a quality performer." (*Inquests and Inquiries*) Chambers UK, 2017

"His understanding of the subject matter is immense." (*Admin and Public Law*) Chambers UK, 2017

"Has a huge appetite for work and a practical insight that is appreciated by clients." (*Admin and Public Law*) Chambers UK, 2017

"If Jeremy's on your team you know you're going to be well looked after." (*Immigration*) Chambers UK, 2017

"He has a formidable intellect and is well tipped for the judiciary when the time comes." (*Inquests & Public Inquiries*) Chambers UK 2016

"He is well prepared, polished and understated. He dominates this area of the law from the defendant side." (*Police Law*) Chambers UK 2016

"He is renowned as a hugely talented lawyer and a safe pair of hands." (*Inquests & Public Inquiries*) Chambers UK 2016

"He lives up to his reputation as a very good and knowledgeable barrister." (*Administration & Public Law*) Chambers UK 2016

"He is a very fair and decent opponent, who is persuasive and has a nice manner in court." (*Immigration*) Chambers UK 2016



“You have to be on top of your game with him because he will not let you get away with anything.” *(Immigration) Chambers UK 2016*

“He has acted on a wide range of high-profile inquests, and is a very robust advocate.” *(Inquests & Public Inquiries) Chambers UK 2015*

He is a pleasant person to be against, and is phenomenally successful.” *(Administrative & Public Law) Chambers UK 2015*

“He is a very effective opponent, who is focused and prepares his cases very well.” “He is logical and calm.” *(Police Law) Chambers UK 2015*

“He is an attractive advocate who is able to put an unattractive point persuasively.” *(Administrative & Public Law) Chambers UK 2014*

“He is very able. He has a huge appetite for work and a practical insight that is appreciated by clients.” *(Administrative & Public Law) Chambers UK 2014*

“He is clever, sensible and a good advocate.” “He is very confident and sure of his arguments.” *(Inquests and Public Inquiries) Chamber UK 2014*

“When you ask him a very complicated legal question his response is quick and impeccable. He can tackle huge and very complex cases, and sometimes breaks new law” *(Police Law) Chambers UK 2014*

“He’s very good to be against – he is fair and puts across difficult cases from the government’s point of view.” *(Immigration) Chambers UK 2014*

“He is a class act, as he is both principled and a wonderful opponent.” *(Immigration) Chambers UK 2014*

“The “phenomenal” Jeremy Johnson QC is “a tireless forensic analyst who has a capacity to turn around paperwork in the shortest of timescales.” “Very knowledgeable,” he is “a good team player and an excellent tactician” who is “able to undertake cases of any size and complexity.” Praised for his advocacy skills, Johnson is also “good at distilling difficult points.” He recently appeared on behalf of the Commissioner of Police of the Metropolis and the Chief Constables of Greater Manchester, West Midlands Police and Lancashire Police in challenges against stop and search legislation.” *(Police Law) Chambers UK 2013*

“Jeremy Johnson QC of 5 Essex Court has successfully defended the government in the higher courts on multiple occasions. In MS (Jamaica), facing an intervention from the UNHCR, he fought off a claim that the State’s fast track detention policy was unlawful. Those that have faced him in court are highly complimentary of his abilities.” *(Immigration) Chambers UK 2013*

“Jeremy Johnson QC of 5 Essex Court is instructed by the MoD in the Al Sweady inquiry, and is “very well regarded on the public law education and police side.” He is “good at distilling difficult points, and is measured in his advocacy.” *(Public Law / Inquires) Chambers UK 2013*

“extremely intellectual” Jeremy Johnson QC is the number-one choice of counsel for many in this sector. He is a “good team player and an excellent tactician,” who is “able to undertake cases of any size and complexity.” Those that instruct him appreciate the fact that he is “very prompt in his turnaround of work.” *(Police Law) Chambers UK 2012*



“extremely convincing and compelling advocate,” whose court style is “succinct, clear and punchy – he doesn’t go on for a minute longer than is necessary, but gets his point across effectively.” (*Immigration) Chambers UK 2012*

**Lectures:**

Jeremy provides CPD lectures to solicitors on all aspects of his practice. Recently he has lectured on the Police Reform and Social Responsibility Act 2011, public inquiries, the Regulation of Investigatory Powers Act 2000, false imprisonment and judicial review.

**Education:**

Inns of Court School of Law, 1993-1994; Common Professional Examination, 1992-1993

Corpus Christi College, Oxford, 1989-1992 (Mathematics and Philosophy)