

Ivan Hare QC

“A huge intellect and a beguiling advocacy style.”

– LEGAL 500, 2021

Year of call: **1991**
Appointed to silk: **2017**
Degree: **LLB (London) First Class**
Languages: **French (fluent)**



Ivan Hare was taken on as a tenant at Blackstone Chambers in October 2003 and started practice in 2004. He specializes in Public Law and appears in a wide range of judicial review cases, statutory appeals against regulatory decisions, Human Rights Act claims, freedom of information applications, discrimination and employment proceedings. His clients include all major departments of central government, local authorities, many statutory bodies, non-governmental organisations, corporate bodies, charities and individuals. He appears frequently in the High Court and the Court of Appeal and in front of a range of Tribunals. He has also appeared in the House of Lords, the Supreme Court and the Privy Council. He has advised many foreign governments and overseas corporations on matters of constitutional law in Hong Kong, Malaysia, Singapore and the Commonwealth Caribbean.

Before taking Silk, Ivan was on the Attorney General's Panel of Counsel.

His Public Law work builds on his expertise in domestic and comparative constitutional law. He was a Fellow of Trinity College Cambridge from 1991 until 2003 and is one of the editors and authors of the leading practitioners' text: De Smith's Judicial Review (8th ed, 2018, Second Supplement 2020) along with many other publications.

Ivan is recognised as a leading silk in the latest editions of both the main legal directories, Chambers UK 2019 and Legal 500 2018, for his expertise in administrative and public law, civil liberties and human rights, police law and professional discipline and regulatory law.

EXPERIENCE

Public & Regulatory

Ivan has an in-depth knowledge of public law. He appears frequently in the High Court and the Court of Appeal in proceedings under the Human Rights Act, the Equalities Act and the Freedom of Information Act. He acts in cases involving prisons, immigration, health services, welfare, policing, asset-freezing, education and the media. He also appears frequently in High Court challenges to regulatory proceedings on behalf of the General Medical Council, the Independent Police Complaints Commission and others. He often advises on policy development and implementation. He has advised a number of universities on their responsibilities to foster free speech and on a range of individual disciplinary cases.

“He is careful, well-reasoned and has the ear of the court.”

– LEGAL 500, 2018

Cases

General Medical Council v Zafar

[2020] EWHC 846 (Admin); [2020] 4 WLR 82

Appeared successfully in this important Divisional Court case on contempt of court by expert witnesses and on the admissibility of fresh evidence on appeals against sanction by the GMC. The Divisional Court substituted erasure for the sanction of suspension.

Schulze-Allen v RCVS

[2020] IRLR 136; [2019] UKPC 34

Appeared in this Privy Council appeal concerning whether a conviction for an infraction in California constituted criminal proceedings which needed to be declared when seeking readmission to the RCVS Register. Dr Schulze-Allen was initially removed from the Register for failure to disclose his conviction. The Privy Council decided that the RCVS had not proved that the convictions were criminal to the required standard. The question of sanction was remitted to the RCVS in relation to failure to disclose any adverse findings. On remittal, the RCVS imposed a three-month suspension.

Office for Product Safety and Standards (Whirlpool)

Acted as Legal Adviser to the Expert Panel consisting of the Chief Scientific Advisers from the Home Office, the Health and Safety Executive and the Department of Business, Energy and Industrial Strategy leading to the product recall issued by Whirlpool UK Appliances Ltd in July 2019.

R (X) v General Medical Council

(2019) 169 BMLR 177; [2019] EWHC 493 (Admin)

Appeared in this judicial review application which decides that the GMC's proposal to publish the outcome of Dr X's fitness to practice proceedings in a redacted form would breach Dr X's right to life as protected by Article 2 of the ECHR. The circumstances were that there was evidence that Dr X would commit suicide rather than have family (and the wider public) find out about the conduct. In fact, Dr X had been communicating with a member of a paedophile vigilante group. Soole J accepted that the GMC was entitled to balance Dr X's Article 2 rights against the public interest in maintaining the integrity of the medical register, but held that on the facts, the balance came down in favour of anonymity.

Spencer v Information Commissioner and MHRA

[2018] UKUT 349 (AAC); [2019] UKFTT 2016/0283 (GRC)

Appeared successfully in this long-running Freedom of Information case (which had previously been to the Upper Tribunal) on the meaning of a “vexatious” information request.

R (BA) v Secretary of State for Health

[2019] 1 WLR 2979; [2018] EWCA Civ 2696

Appeared successfully in the Court of Appeal in defence of the Secretary of State’s policy which requires those with no legal right to remain in the country to be placed on a separate list for allocating transplant organs, irrespective of clinical need. Appeared successfully in the Divisional Court below ([2018] EWHC 2815 (admin); [2018] 4 WLR 2).

Bawa-Garba v General Medical Council

[2019] 1 WLR 1929; [2019] 1 All ER 500; [2018] EWCA Civ 1879; (2018) 163 BMLR 43

Appeared in the Court of Appeal in this case arising from the death of 6 year-old Jack Adcock at Leicester Royal Infirmary. Dr Bawa-Garba and the main treating nurse were convicted of gross negligence manslaughter and given (suspended) prison sentences. Despite this, the Medical Practitioners Tribunal (MPT) suspended Dr Bawa-Garba’s registration because of the systemic failings in the hospital and other mitigating circumstances. The Divisional Court (before which Ivan had also appeared) had substituted erasure from the register on the GMC’s appeal on the basis that the MPT had improperly relied on mitigation which had been fully considered and weighed in the criminal trial ([2018] EWHC 76 (Admin); [2018] 4 WLR 44). The Court of Appeal allowed Dr Bawa-Garba’s appeal and reinstated the MPT’s decision. Her case has prompted a number of official reviews into gross negligence manslaughter.

Raychaudhuri v General Medical Council

[2018] EWCA Civ 2027; ; [2019] 1 WLR 324; [2018] Med LR 535

Successfully defended this appeal in relation to the scope of the GMC’s right of appeal against sanctions which are insufficient to protect the public. The Court of Appeal reinstated the MPT’s decision on the substance.

R (British Medical Association) v General Medical Council

[2017] EWCA Civ 2191; [2018] 4 WLR 31

Successfully defended the appeal in this challenge to the GMC’s new statutory Rules on when a legally qualified chair of a Medical Practitioners Tribunal (formerly Fitness to Practise Panel) must offer legal advice in the presence of the parties.

Michalak v General Medical Council

[2017] UKSC 71; [2017] 1 WLR 4193; [2018] 1 All ER 463; [2018] ICR 49; [2018] IRLR 60; (2018) 159 BMLR 1

Appeared (with John Bowers QC) in this Supreme Court appeal which determined whether or not the availability of judicial review (as well as statutory appeals) fell within the ouster of the Employment Tribunal’s jurisdiction in relation to Qualifications bodies in proceedings under the Equality Act 2010. The Supreme Court also set out the common law basis of judicial review.

UB (Sri Lanka) v Secretary of State for the Home Department

[2017] EWCA Civ 85; [2017] Imm AR 1182

Appeared for the Secretary of State in this appeal about returning individuals to Sri Lanka after the end of the Civil War and since a number of terrorist organisations were proscribed. The case addresses the Secretary of State's duties to draw the Tribunal's decision to relevant country guidance.

Secretary of State for the Home Department v Ize-Iyamu

[2016] EWCA Civ 118; [2016] Imm AR 771

Appeared successfully for the Secretary of State in this appeal against a decision of the Upper Tribunal relating to the complex area of the right of abode in nationality law.

R (Cunliffe) v Secretary of State for Justice

[2016] EWHC 984 (Admin); [2016] ACD 84

Appeared successfully before the Divisional Court in this challenge to the Secretary of State's policy on reviewing the tariff of prisoners detained during Her Majesty's Pleasure. The case concerned one of the defendants convicted of the murder of Garry Newlove.

Adeogba and Visvardis v General Medical Council

[2016] EWCA Civ 162; [2016] 1 WLR 3867; [2016] Med LR 221; (2016) 150 BMLR 57

Appeared successfully for the GMC in these two appeals which set out general guidance on when fitness to practise tribunals can proceed in the absence of the registrant (in compliance with Article 6 of the ECHR) and on the admissibility of fresh evidence on statutory appeals.

R (Whapples) v Birmingham Crosscity Clinical Commissioning Group and Secretary of State for Health

[2015] EWCA Civ 435; [2015] PTSR 1398; (2015) 18 CCL Rep 300

Appeared successfully on behalf of the Secretary of State for Health in this appeal which establishes that NHS bodies are entitled to take account of the fact that accommodation may be provided from other sources (such as local authorities) in cases where accommodation may form part of a patient's continuing health needs.

R (Goldsmith) v General Medical Council

[2015] EWHC 3991 (Admin)

Appeared in this substantive judicial review concerning the interpretation of the GMC's Registrar's powers to review decisions of the Investigation Committee. Permission has been granted to appeal to the Court of Appeal.

Secretary of State for Justice and Others v Sir David Barclay and Sir Frederick Barclay

[2014] UKSC 54; [2015] AC 276; [2014] 3 WLR 1142

Appeared (with Michael Beloff QC) as an Advocate to the Supreme Court in this important case on the constitutional relationship between the United Kingdom and the Channel Islands. The principal issue was whether the courts of England and Wales can review legal advice about international agreements and the compatibility of legal reforms on Sark with the ECHR. The Supreme Court held, save in exceptional cases, such challenges should be brought before the local courts, but in principle the advice was justiciable.

Department of Health v Information Commissioner and Lewis

[2015] UKUT 159

Appeared (with James Eadie QC) before the Upper Tribunal (Charles J) in this appeal against the First-tier Tribunal's decision to require disclosure of parts of the ministerial diaries of Andrew Lansley MP when he was Secretary of State for Health in the run-up to the enactment of the Health and Social Care Act 2012. The Department successfully argued that the authorities on public interest immunity were relevant by analogy and that decisions to disclose withheld information required a clear articulation of the public interest arguments in favour of disclosure. The Court of Appeal judgment (in which Ivan did not appear) is at [2017] EWCA Civ 374; [2017] 1 WLR 3330.

R (Chief Constable of West Yorkshire) v Independent Police Complaints Commission

[2014] EWCA Civ 1367; [2015] PTSR 72; [2015] ICR 184

Appeared for the IPCC in the Court of Appeal in this important appeal about the scope of the IPCC's powers, in particular, whether it is entitled to arrive at a conclusion on the legality of the use of force or of an arrest in investigating a complaint against the police.

R (Dale) v Secretary of State for Health

[2014] EWHC 3031 (Admin)

Acted successfully (with Clive Sheldon QC) for the Secretary of State in this judicial review of the decision to implement the recommendations of the Trust Special Administrators at Mid Staffordshire NHS Foundation Trust.

Sears v Secretary of State for Work and Pensions

[2014] UKUT 0298 (AAC)

Appeared successfully for the Secretary of State in this appeal to the Upper Tribunal concerning the legality of the 2011 Regulations which restricted the availability of the Sure Start Maternity Grant to the claimant's first child in a challenge based on the public sector equality duty. The 2011 Regulations were part of the Coalition Government's austerity measures and designed to save several million pounds. The Upper Tribunal granted permission to appeal to the Court of Appeal.

R (BAPIO Action Ltd) v (1) Royal College of General Practitioners; (2) General Medical Council

[2014] EWHC 1416 (Admin); [2014] Eq LR 409

Appeared successfully (with John Bowers QC) in this challenge to the RCGP's and GMC's compliance with their public sector equality duties in relation to the examinations required to proceed with training as a General Practitioner (which were alleged to be racially discriminatory).

Trust Special Administrator and Secretary of State for Health v Lewisham Borough Council and Save Lewisham Hospital Campaign

[2013] EWCA Civ 1409; [2014] 1 WLR 514; [2014] PTSR 273; (2014) 135 BMLR 78

Appeared (with Rory Phillips QC) for the Appellants in this challenge to the first use of the Secretary of State's powers under the National Health Service Act 2006 to appoint a Trust Special Administrator to take over a failing NHS Trust and make recommendations for its services and those of neighbouring Trusts.

R (Lawson) v City of Westminster Magistrates' Court

[2013] EWHC 2434 (Admin); [2014] 1 WLR 2085; (2013) 177 JP 577

Successfully defended this challenge to the application of the regime for confiscation orders relating to criminal assets. The Divisional Court provided general guidance on the scope of the court's powers in such cases to issue warrants for arrest, carry out a means inquiry and impose payment terms.

Asset Recovery from Arab Spring countries

(2013)

Advised the Home Office (with Michael Beloff QC) on improvements which could be made to UK asset recovery provisions in relation to the assets of former heads of state and their families from the Arab Spring countries.

Department of Health v Information Commissioner and Healey

(First-Tier Tribunal, 5 April 2012) (2012) 126 BMLR 110

Appeared (with James Eadie QC) on behalf of the Department in this appeal against the Information Commissioner's decision that the Department was required to disclose two risk registers it had produced in relation to the reforms to the National Health Service, now contained in the Health and Social Care Act 2012. The appeal was successful in relation to the Department's Strategic Risk Register. In relation to the Transition Risk Register, the Government exercised its veto over the Information Commissioner's decision on 8 May 2012.

Mental Health

(Approved Functions) Act 2012

Advised (with James Eadie QC) on this legislation which retrospectively validated the appointment of certain approved medical practitioners for the purposes of authorizing compulsory detention.

Civil Liberties & Human Rights

Ivan appears frequently civil liberties cases in the High Court and the Court of Appeal in proceedings under the Human Rights Act, the Equalities Act and the Freedom of Information Act. He acts in cases involving prisons, immigration, health services, welfare, policing, asset-freezing, education and the media.

“Exceptionally charming and brilliant at judicial review work.”

– LEGAL 500, 2021

Cases

R (X) v General Medical Council

(2019) 169 BMLR 177; [2019] EWHC 493 (Admin)

Appeared in this judicial review application which decides that the GMC's proposal to publish the outcome of Dr X's fitness to practice proceedings in a redacted form would breach Dr X's right to life as protected by Article 2 of the ECHR. The circumstances were that there was evidence that Dr X would commit suicide rather than have family (and the wider public) find out about the conduct. In fact, Dr X had been communicating with a member of a paedophile vigilante group. Soole J accepted that the GMC was entitled to balance Dr X's Article 2 rights against the public interest in maintaining the integrity of the medical register, but held that on the facts, the balance came down in favour of anonymity.

Dr Godfrey-Faussett v British Psychological Society

2019

Dr Godfrey-Faussett is a well-known activist who campaigns against the Government's proposals on Relationship and Sex Education. In a number of lectures to audiences of fellow Muslims, Dr Godfrey-Faussett was found by a Panel of the BPS to have relied on her status as a psychologist, to validate her views in a manner which damaged the reputation of the BPS. Appeared for the BPS on her appeal to the Trustees of the BPS where Dr Godfrey-Faussett relied on Articles 9 and 10 of the ECHR to challenge the decision to suspend her registration. The Trustees substituted a Reprimand.

R (BA) v Secretary of State for Health

[2019] 1 WLR 2979; [2018] EWCA Civ 2696

Appeared successfully in the Court of Appeal in defence of the Secretary of State's policy which requires those with no legal right to remain in the country to be placed on a separate list for allocating transplant organs, irrespective of clinical need. Appeared successfully in the Divisional Court below ([2018] EWHC 2815 (admin); [2018] 4 WLR 2).

UB (Sri Lanka) v Secretary of State for the Home Department

[2017] EWCA Civ 85; [2017] Imm AR 1182

Appeared for the Secretary of State in this appeal about returning individuals to Sri Lanka after the end of the Civil War and since a number of terrorist organisations were proscribed. The case addresses the Secretary of State's duties to draw the Tribunal's decision to relevant country guidance.

Adeogba and Visvardis v General Medical Council

[2016] EWCA Civ 162; [2016] 1 WLR 3867; [2016] Med LR 221; (2016) 150 BMLR 57

Appeared successfully for the GMC in these two appeals which set out general guidance on when fitness to practise tribunals can proceed in the absence of the registrant (in compliance with Article 6 of the ECHR) and on the admissibility of fresh evidence on statutory appeals.

Gaunt v United Kingdom

(2016) 63 EHRR SE15

Intervened on behalf of Liberty in this important European Court of Human Rights case on the extent of freedom of political speech in broadcasting. The controversial former radio presenter and Sun columnist, Jon Gaunt, is challenging in Strasbourg Ofcom's decision to uphold complaints relating to his interview with a local councillor in the course of which Mr Gaunt repeatedly described the councillor as a "Nazi". Ivan also intervened in the Divisional Court and Court of Appeal (*R (Gaunt) v OFCOM* [2011] EWCA Civ 692; [2011] 1 WLR 2355; [2011] EMLR 28; [2011] HRLR 33). The Court of Appeal's decision is a leading authority on the lawful extent of extreme speech in the broadcast media.

R (Cunliffe) v Secretary of State for Justice

[2016] EWHC 984 (Admin); [2016] ACD 84

Appeared successfully before the Divisional Court in this challenge to the Secretary of State's policy on reviewing the tariff of prisoners detained during Her Majesty's Pleasure. The case concerned one of the defendants convicted of the murder of Garry Newlove.

Secretary of State for the Home Department v Ize-Iyamu

[2016] EWCA Civ 118; [2016] Imm AR 771

Appeared successfully for the Secretary of State in this appeal against a decision of the Upper Tribunal relating to the complex area of the right of abode in nationality law.

Fardous v Secretary of State for the Home Department

[2015] EWCA Civ 931

Appeared (with Julie Anderson) in this appeal against the High Court's decision that Mr Fardous had been unlawfully detained pending his removal to Morocco for eight out of the total period of twenty two months detention. The case involved a high risk of absconding, but no risk of harm to the public. Judgment is awaited.

R (Vinter) v Secretary of State for Justice and R (Du) v Secretary of State for Justice

(CO/5891/2014) and (CO/54/2015)

Appeared successfully in these cases challenging the Secretary of State's policy on release of prisoners with a whole life tariff or (as in Du's case) a tariff which is likely to extend beyond their lifetime on the basis of Article 5 of the ECHR. The cases follow the ECtHR's decision in *Vinter v United Kingdom* (2012) 55 EHRR 34.

R (Castle & Ors) v Commissioner of Police for the Metropolis

[2011] EWHC 2317 (Admin); [2012] 1 All ER 953

Appeared successfully before the Divisional Court on behalf of the Commissioner in this judicial review of the policing of the student protests which took place in London on 24 November 2010 and the use of containment as a method of crowd control. The judgment provides guidance on the extent of the Police's duties to take account of the welfare of children in dealing with public order situations. The Court of Appeal refused permission to appeal after an oral hearing.

Professional Discipline

Ivan has appeared in many of the leading cases on the legal regulation of the medical profession. He also acts for and advises a range of other regulators.

“A robust advocate who is very measured and has the ear of the court.”

– CHAMBERS AND PARTNERS, 2021

Cases

General Medical Council v Zafar

[2020] EWHC 846 (Admin); [2020] 4 WLR 82

Appeared successfully in this important Divisional Court case on contempt of court by expert witnesses and on the admissibility of fresh evidence on appeals against sanction by the GMC. The Divisional Court substituted erasure for the sanction of suspension.

Sastry v General Medical Council

[2019] EWHC 390 (Admin)

Successfully defended this appeal against the Medical Practitioners Tribunal's decision to erase Dr Sastry in relation to his treatment of a patient while practicing in India. This was an unusual case in that not only had the misconduct taken place overseas, but the patient also had no link with the United Kingdom. May J accepted that the MPT was correct to apply the standards set out in the GMC's Good Medical Practice to Dr Sastry's conduct and had adequately taken into account the local context in which the treatment took place. This case will be heard by the Court of Appeal (along with Okpara v GMC) in early 2020.

Dr Godfrey-Faussett v British Psychological Society

2019

Dr Godfrey-Faussett is a well-known activist who campaigns against the Government's proposals on Relationship and Sex Education. In a number of lectures to audiences of fellow Muslims, Dr Godfrey-Faussett was found by a Panel of the BPS to have relied on her status as a psychologist, to validate her views in a manner which damaged the reputation of the BPS. Appeared for the BPS on her appeal to the Trustees of the BPS where Dr Godfrey-Faussett relied on Articles 9 and 10 of the ECHR to challenge the decision to suspend her registration. The Trustees substituted a Reprimand.

Schulze-Allen v RCVS

[2020] IRLR 136; [2019] UKPC 34

Appeared in this Privy Council appeal concerning whether a conviction for an infraction in California constituted criminal proceedings which needed to be declared when seeking readmission to the RCVS Register. Dr Schulze-Allen was initially removed from the Register for failure to disclose his conviction. The Privy Council decided that the RCVS had not proved that the convictions were criminal to the required standard. The question of sanction was remitted to the RCVS in relation to failure to disclose any adverse findings. On remittal, the RCVS imposed a three-month suspension.

R (X) v General Medical Council

(2019) 169 BMLR 177; [2019] EWHC 493 (Admin)

Appeared in this judicial review application which decides that the GMC's proposal to publish the outcome of Dr X's fitness to practice proceedings in a redacted form would breach Dr X's right to life as protected by Article 2 of the ECHR. The circumstances were that there was evidence that Dr X would commit suicide rather than have family (and the wider public) find out about the conduct. In fact, Dr X had been communicating with a member of a paedophile vigilante group. Soole J accepted that the GMC was entitled to balance Dr X's Article 2 rights against the public interest in maintaining the integrity of the medical register, but held that on the facts, the balance came down in favour of anonymity.

Bawa-Garba v General Medical Council

[2019] 1 WLR 1929; [2019] 1 All ER 500; [2018] EWCA Civ 1879; (2018) 163 BMLR 43

Appeared in the Court of Appeal in this case arising from the death of 6 year-old Jack Adcock at Leicester Royal Infirmary. Dr Bawa-Garba and the main treating nurse were convicted of gross negligence manslaughter and given (suspended) prison sentences. Despite this, the Medical Practitioners Tribunal (MPT) suspended Dr Bawa-Garba's registration because of the systemic failings in the hospital and other mitigating circumstances. The Divisional Court (before which Ivan had also appeared) had substituted erasure from the register on the GMC's appeal on the basis that the MPT had improperly relied on mitigation which had been fully considered and weighed in the criminal trial ([2018] EWHC 76 (Admin); [2018] 4 WLR 44). The Court of Appeal allowed Dr Bawa-Garba's appeal and reinstated the MPT's decision. Her case has prompted a number of official reviews into gross negligence manslaughter.

Raychaudhuri v General Medical Council

[2018] EWCA Civ 2027; ; [2019] 1 WLR 324; [2018] Med LR 535

Successfully defended this appeal in relation to the scope of the GMC's right of appeal against sanctions which are insufficient to protect the public. The Court of Appeal reinstated the MPT's decision on the substance.

R (British Medical Association) v General Medical Council

[2017] EWCA Civ 2191; [2018] 4 WLR 31

Successfully defended the appeal in this challenge to the GMC's new statutory Rules on when a legally qualified chair of a Medical Practitioners Tribunal (formerly Fitness to Practise Panel) must offer legal advice in the presence of the parties.

Adeogba and Visvardis v General Medical Council

[2016] EWCA Civ 162; [2016] 1 WLR 3867; [2016] Med LR 221; (2016) 150 BMLR 57

Appeared successfully for the GMC in these two appeals which set out general guidance on when fitness to practise tribunals can proceed in the absence of the registrant (in compliance with Article 6 of the ECHR) and on the admissibility of fresh evidence on statutory appeals.

Michalak v General Medical Council

[2017] UKSC 71; [2017] 1 WLR 4193; [2018] 1 All ER 463; [2018] ICR 49; [2018] IRLR 60; (2018) 159 BMLR 1

Appeared (with John Bowers QC) in this Supreme Court appeal which determined whether or not the availability of judicial review (as well as statutory appeals) fell within the ouster of the Employment Tribunal's jurisdiction in relation to Qualifications bodies in proceedings under the Equality Act 2010. The Supreme Court also set out the common law basis of judicial review.

General Medical Council v Jagjivan

[2017] EWHC 1247 (Admin); [2017] 1 WLR 4438; [2017] Med LR 380; (2017) 158 BMLR 146

Appeared successfully in the Divisional Court in what was the first and remains the leading case on the extent of the GMC's right of appeal in s. 40A of the Medical Act against decisions of the Medical Practitioners Tribunal and the correct approach of the Court to such appeals.

Subsequently appeared successfully in the following s. 40A appeals:

General Medical Council v Nwachuku [2017] EWHC 2085; (2017) 158 BMLR 161

General Medical Council v Narayan [2017] EWHC 2695 (Admin); [2018] ACD 3

General Medical Council v Krishnan [2017] EWHC 2892 (Admin); [2018] ACD 9

General Medical Council v Nyamasve [2018] EWHC 1689 (Admin)

General Medical Council v Sledzik [2019] EWHC 189 (Admin)

R (Goldsmith) v General Medical Council

[2015] EWHC 3991 (Admin)

Appeared in this substantive judicial review concerning the interpretation of the GMC's Registrar's powers to review decisions of the Investigation Committee. Permission has been granted to appeal to the Court of Appeal.

Schodlok v General Medical Council

[2015] EWCA Civ 769; [2015] Med LR 409

Appeared in this important appeal about the scope of statutory appeals to the High Court and whether a doctor can challenge findings of misconduct which did not lead to a determination of impairment of fitness to practise. Subsequently successfully resisted an application for an injunction to restrain the GMC from convening a Fitness to Practise Panel.

Nicholas-Pillai v General Medical Council

[2015] EWHC 305 (Admin)

Appeared successfully in this appeal in which the Appellant sought to rely on the negligent representation he had received from his then Counsel as the main ground for overturning the Panel's determination.

Obukofe v General Medical Council

[2014] EWHC 408 (Admin)

Appeared successfully in this appeal which upholds the Fitness to Practise Panel's powers upon a review to reconsider impairment and impose a further sanction of 12 months suspension.

El-Baroudy v General Medical Council

[2013] EWHC 2894 (Admin); (2014) 136 BMLR 184

Appeared in this case which lays down guidance about the scope of allegations in disciplinary proceedings.

Dutta v General Medical Council

[2013] EWHC 132 (Admin); (2013) 132 BMLR 212

Appeared successfully in this important case which established the limits of the medical activities which may be performed by a registered doctor while suspended by the GMC.

Patel v General Medical Council

[2012] EWHC 3688 (Admin); [2013] 1 WLR 2694

Appeared in this case on the scope for imposing interim orders of suspension in cases involving non-clinical allegations of dishonesty.

Uddin v General Medical Council

[2012] EWHC 2669 (Admin)

Appeared for the GMC in this 3-day High Court appeal which laid down general guidance for cases involving dishonesty.

General Medical Council v Vaidya

[2010] EWHC 2873, [2012] EWHC 4155 (QB) and [2014] EWHC 4414 (QB)

Successfully obtained a General Civil Restraint Order against a doctor who had issued numerous sets of proceedings against the GMC and others since his erasure from the medical register. Successfully had the Order renewed for a further period of two years in 2012 and 2014 and in 2016 had it extended to proceedings before the Employment Tribunal.

Police

Ivan has acted and appeared in a number of major cases on behalf of the Independent Police Complaints Authority and individual police forces involving deaths in custody and major public order incidents.

“Frequently instructed by the IPCC in judicial reviews.”

– LEGAL 500, 2018

Cases

R (Shropshire & Wrekin Fire Authority) v Secretary of State for the Home Department & Ors

CO/2286/2018

Appeared successfully for the Police and Crime Commissioner in resisting permission to challenge the PCC’s consultation before seeking approval from the Secretary of State that the PCC should also become the Fire Authority and Rescue Authority.

R (Jeffrey) v Independent Police Complaints Commission

[2017] EWHC 102 (Admin)

Acted initially in this judicial review of the IPCC’s investigation into police misconduct relating to the death of Sean Rigby at Brixton police station.

R (Chief Constable of West Yorkshire) v Independent Police Complaints Commission

[2014] EWCA Civ 1367; [2015] PTSR 72; [2015] ICR 184

Appeared for the IPCC in the Court of Appeal in this important appeal about the scope of the IPCC’s powers, in particular, whether it is entitled to arrive at a conclusion on the legality of the use of force or of an arrest in investigating a complaint against the police.

R (McLean) v Commissioner of Police for the Metropolis

(2012)

Acted successfully (with Sam Grodzinski QC) for the Commissioner in this judicial review of the decision to roll-out Tasers beyond Tactical Support Groups.

R (Castle & Ors) v Commissioner of Police for the Metropolis

[2011] EWHC 2317 (Admin); [2012] 1 All ER 953

Appeared successfully before the Divisional Court on behalf of the Commissioner in this judicial review of the policing of the student protests which took place in London on 24 November 2010 and the use of containment as a method of crowd control. The judgment provides guidance on the extent of the Police’s duties to take account of the welfare of children in dealing with public order situations. The Court of Appeal refused permission to appeal after an oral hearing.

Employment

Ivan has frequently appeared in Employment Tribunals for Claimants and Respondents in cases involving unfair dismissal, redundancy, discrimination on grounds of race, gender, disability, religion and belief and sexual orientation, public interest disclosures, equal pay and the transfer of undertakings. He has successfully conducted a number of complex and lengthy discrimination claims. He has also appeared on numerous occasions in the Employment Appeal Tribunal (EAT).

Ivan has advised on a range of employment matters, including breach of contract, bonus claims and share options and on issues arising under the Data Protection Act 1998. He has also acted as a co-ordinator for Employment Tribunal advocacy training organised by the Employment Lawyers Association. Ivan has acted for a number of appellants pro bono before the EAT under the Employment Law Appeal Advice Scheme.

“He is very accessible, a good advocate and he always delivers – he understands our organisation very well”

– CHAMBERS AND PARTNERS, 2017

Cases

Somerville v Medical Practitioners Tribunal Service and Nursing and Midwifery Council

(2020); (2413617/2018)

Appeared in this preliminary hearing on behalf of the MPTS on the question of whether a member of the Medical Practitioners Tribunal is an employee and/or a worker. Successfully had the proceedings against the MPTS dismissed on grounds of jurisdiction (time).

Udoe v GMC & Others

2401809/2019

Successfully obtained orders that substantial parts of this race discrimination claim should be struck out and that Deposit Orders should be made in relation to other aspects of it. This is a particularly unusual outcome in discrimination proceedings.

Michalak v General Medical Council

[2017] UKSC 71; [2017] 1 WLR 4193; [2018] 1 All ER 463; [2018] ICR 49; [2018] IRLR 60; (2018) 159 BMLR 1

Appeared (with John Bowers QC) in this Supreme Court appeal which determined whether or not the availability of judicial review (as well as statutory appeals) fell within the ouster of the Employment Tribunal's jurisdiction in relation to Qualifications bodies in proceedings under the Equality Act 2010. The Supreme Court also set out the common law basis of judicial review.

Taylor v Governing Body of the Potters Gate CE Primary School

(UKEAT/0227/14, 27 February 2015)

Appeared pro bono for the former employee at the permission and substantive hearings in this appeal in the EAT concerning the appearance of bias where the Employment Judge failed to disclose to the parties that he was a Governor of a school linked to the Respondent.

Strickland v Kier Infrastructure and Overseas Ltd

(UKEAT/0062/15/DM, 23 September 2015)

Appeared successfully for the Respondent in the Employment Tribunal and the EAT in striking out a number of statutory claims and establishing that the Claimant's contractual claims are to be decided according to the law of Dubai under the Rome Convention.

Kier MG Ltd v Balfour Beatty Utility Solutions Ltd

(1 December 2015)

Appeared for the Claimant in this claim for substantial compensation under Rule 12 of the TUPE Regulations which was heard over six days.

Uddin v General Medical Council

[2012] EWHC 2669 (Admin)

Appeared for the GMC in this 3-day High Court appeal which laid down general guidance for cases involving dishonesty.

Weeks v Newham College of Further Education

[2012] EqLR 788

Successfully defended this appeal which has laid down important guidance on the scope of sexual harassment.

ACHIEVEMENTS

Education

LLB (London) First Class; BCL (Oxford) First Class, LLM (Harvard), MA (Cambridge)

Lord Justice Holker and Prince of Wales Scholar, Gray's Inn

Kennedy Scholar to the Harvard Law School

Publications

Books

- De Smith's Principles of Judicial Review (Sweet and Maxwell, 2nd ed, 2020). This is a student edition of De Smith's Judicial Review.
- De Smith's Judicial Review (Sweet and Maxwell, 8th ed, 2018) (<http://www.sweetandmaxwell.co.uk>). Ivan is one of the editors of this (and previous) edition(s) and the author of six chapters. Second Supplement (2020) (author of 10 chapters).
- Extreme Speech and Democracy (Oxford University Press, 2009) (co-edited with J. Weinstein) (paperback edition, 2010) (<http://ukcatalogue.oup.com/>).

- Constitutional Reform in the United Kingdom: Practice and Principles (Oxford: Hart Publishing, 1998, re-printed 1998 (twice), 1999 (twice), 2000) (co-edited with J. Beatson and C.F. Forsyth) (www.hartpub.co.uk).
- The Golden Metwand and the Crooked Cord—Essays on Public Law in Honour of Sir William Wade (Oxford: Clarendon Press, 1998, re-printed 2001) (co-edited with C. F. Forsyth) (<http://ukcatalogue.oup.com/>).

Articles and Book Chapters

- 'The theory and practice of blasphemy in the common law: Slaying the seven-head beast' in J. Temperman and A. Koltay (eds), *Blasphemy and Freedom of Expression* (Cambridge University Press, 2017), 576-594.
- 'The English Law of Blasphemy: The "Melancholy, Long, Withdrawing Roar"' in P. Cliteur and T. Herrenberg (eds), *The Fall and Rise of Blasphemy* (Leiden University Press, 2016), 49-69.
- 'Free Speech and Incitement to Hatred on Grounds of Disability and Transgender Identity: the Law Commission's Proposals' [2015] *Public Law* 385-394.
- Chs 13 and 15-19 in *De Smith's Judicial Review* (Sweet and Maxwell, 7th ed, 2013) and Annual Supplements.
- 'Race Discrimination' (co-written) in *Tolley's Discrimination in Employment Handbook* (LexisNexis Butterworths, 2nd ed, 2011), 273-303 (1st ed, 2008).
- 'Introduction' (with P. Goulding QC) and 'Contempt of Court' in P. Goulding QC (ed), *Employee Competition: Covenants, Confidentiality, and Garden Leave* (OUP, 2nd ed, 2010) 1-10 (1st ed, 2007).
- 'Blasphemy and Incitement to Religious Hatred: Free Speech Dogma and Doctrine' in I. Hare and J. Weinstein (eds), *Extreme Speech and Democracy* (OUP, 2009), 289-310.
- 'Extreme Speech under International and Regional Human Rights Standards' in Hare and Weinstein (eds), *Extreme Speech and Democracy*, 62-80.
- 'Convention Rights as Grounds of Judicial Review' in *De Smith's Judicial Review* (Sweet and Maxwell, 6th ed, 2007), 651-700.
- 'Crosses, Crescents and Sacred Cows: Criminalising Incitement to Religious Hatred' [2006] *P.L.* 520-537.
- 'Permission' in B. Lang QC (ed), *Administrative Court: Practice and Procedure* (Sweet and Maxwell, 2006), 99-115.
- 'Method and Objectivity in Free Speech Adjudication: Lessons from America' [2005] *54 International and Comparative Law Quarterly* 49-87.
- 'The Judiciary' in the *U.N.E.S.C.O Encyclopedia of Life Support Systems* 2004.
- 'Social Rights as Fundamental Rights' in B. A. Hepple (ed), *Social and Labour Rights in a Global Context: International and Comparative Perspectives* (Cambridge University Press, 2002), 153-181.
- 'Verticality Challenged: Private Parties, Privacy and the Human Rights Act' [2001] *European Human Rights Law Review* 508-522.
- 'Is the Privileged Position of Political Speech Justified?' in J. Beatson and Y. Cripps (eds), *Freedom of Expression and Freedom of Information—Essays in Honour of Sir David Williams QC* (Oxford: Clarendon Press, 2000), 105-121.
- 'The Law of Standing in Public Interest Adjudication' in M. Andenas and D. Fairgrieve (eds), *Judicial Review in International Perspective: Liber Amicorum for Lord Slynn of Hadley Volume II* (Kluwer Law International, 2000), 301-318.
- 'English Lessons in Comparative Public Law: Will the First Amendment have the Last Word?' (2000) *10 Trinity Law Review/Special Edition on International Human Rights* 29-61.
- 'Police Discretion and the Rule of Law: Economic Community Rights versus Civil Rights' [2000] *63 Modern Law Review* 581-595 (with C. S. Barnard).

- 'Access to Governmental Information and the Judicial Process: United Kingdom Law and the Influence of Europe' in A. Dashwood and A. Ward (eds) [1999] Cambridge Yearbook of European Legal Studies 329-354.
- 'The Separation of Powers and Judicial Review for Error of Law' in Forsyth and Hare (eds), *The Golden Metwand and the Crooked Cord—Essays on Public Law in Honour of Sir William Wade* (Oxford: Clarendon Press, 1998), 113-140.
- 'The Constitution and the Justification of Judicial Power' in J. Beatson and T. Tridimas (eds), *New Directions in European Public Law* (Oxford: Hart Publishing, 1998), 125-135.
- 'Legislating Against Hate: the Legal Response to Bias Crimes' [1997] 17 Oxford Journal of Legal Studies 415-440.
- 'The Right to Protest and the Right to Export: Police Discretion and the Free Movement of Goods' [1997] 60 M.L.R. 394-411 (with C. S. Barnard).
- 'The Law Commission and Judicial Review: Principle Versus Pragmatism' [1995] 54 Cambridge Law Journal 268-279.
- 'Savage & Parmenter: A Compelling Case For The Code' [1993] 56 M.L.R. 74-83.

Commentaries and Review Articles

- 'Insulting Politicians on the Radio?' (2012) 4 Journal of Media Law 29-34.
- 'The harm of hate speech legislation' (2012) Eurozine (<http://www.eurozine.com/articles/2012-04-24-hare-en.html>).
- 'Free Speech and Democracy' [2009] Entertainment Law Review 287-90 (with J. Weinstein).
- 'Hate Speech' in P. Cane and J. Conaghan, *The New Oxford Companion to Law* (OUP, 2008).
- 'Inflammatory Speech: Cross-Burning and the First Amendment' [2003] P.L. 408-414.
- 'The South African AIDS Pandemic and the Constitutional Right to Healthcare' [2002] E.H.R.L.R. 66-72.
- Review of H. Delany: *Judicial Review of Administrative Action—A Comparative Analysis* (2002) Dublin University Law Journal 226-230.
- Review of I. Loveland (ed): *Importing the First Amendment—Freedom of Speech and Expression in Britain, Europe and the USA* (2000) 11 Public Law Review 312-316.
- 'Gender Discrimination and Grooming Codes in the Labour (super)Market' [1995] 1 International Journal of Discrimination and the Law 179-185.
- 'Pregnancy and Sex Discrimination' (1991) Industrial Law Journal 124-130.

Case Notes

[2006] New Law Journal 1091; [2003] 62 C.L.J. 525; [2001] 60 C.L.J. 1; [2000] 59 C.L.J. 6; [2000] 59 C.L.J. 1; [1999] 58 C.L.J. 468; [1999] 58 C.L.J. 265; [1998] 57 C.L.J. 429; [1996] 55 C.L.J. 401; [1996] 55 C.L.J. 179; [1995] 54 C.L.J. 227; [1995] 54 C.L.J. 1; [1994] 53 C.L.J. 4; [1992] 51 C.L.J. 201

Book Reviews

[2002] E.H.R.L.R. 802; [2002] P.L. 156; [2000] 59 C.L.J. 406; [2000] 59 C.L.J. 216; [1998] 57 C.L.J. 624; [1998] 57 C.L.J. 410; [1998] 57 C.L.J. 200; [1997] 56 C.L.J. 636; [1997] 56 C.L.J. 426; [1995] 54 C.L.J. 199

Memberships

- Administrative and Constitutional Law Bar Association
- Human Rights Lawyers Association

- Employment Lawyers Association
- Association of Regulatory and Disciplinary Lawyers
- Society of Legal Scholars

Selected earlier reported cases

Public & Regulatory

- Child Migrant Policy (2010)
- South Downs National Park, 2009
- R (Eisai Ltd) v National Institute for Health and Clinical Excellence [2008] EWCA Civ 438; (2008) 11 CCL Rep 385; [2008] LS Law Medical 333; (2008) 101 BMLR 26
- Mohit v Director Public Prosecutions of Mauritius [2006] UKPC 20; [2006] 1 WLR 3343
- R (Cockburn) v Secretary of State for Health [2011] EWHC 2095 (Admin); [2011] Eq LR 1139; [2011] Pens LR 367; [2011] ACD 122

Civil Liberties & Human Rights

- Hashman v Milton Park (Dorset) Ltd (ET/3105555/09, 26 October 2011)
- Ponsonby v Secretary of State for Work and Pensions (Upper Tribunal, CP/2234/2007) (2009)
- Pay v United Kingdom (2009) 48 EHRR SE2; [2009] IRLR 139
- Saadi v United Kingdom (2008) 47 EHRR 17
- YL v Birmingham City Council & Ors [2007] UKHL 27; [2008] 1 AC 95; [2007] 3 WLR 112; [2007] 3 All ER 957
- Price v Leeds City Council [2006] UKHL 10; [2006] 2 AC 465; [2006] 4 All ER 128; (2006) 20 BHRC 33

Professional Discipline

- R (Burke) v Independent Police Complaints Commission [2011] EWCA Civ 1665
- R (Goodenough) v Independent Police Complaints Commission [2009] EWHC 3706 (Admin)
- Zygmunt v General Medical Council [2008] EWHC 2643 (Admin); [2009] LS Medical Law 219
- General Medical Council v Fatnani and Raschid [2007] EWCA Civ 46; [2007] 1 WLR 1460; [2007] ICR 811

Employment

- Grainger Plc v Nicholson [2010] ICR 360; [2010] 2 All ER 253; [2010] IRLR 4
- NTL Group Ltd v Difolco [2006] EWCA Civ 1508; (2006) 150 Sol Jo LB 1393
- Hinton v University of East London [2005] EWCA Civ 532; [2005] ICR 1260; [2005] IRLR 552

VAT registration number: 447008068

Barristers regulated by the Bar Standards Board