



Emily Wilsdon

Year of Call: 2011

Practice Areas

- Commercial
- Extradition
- Inquests
- Inquiries
- Public Law

Public Access

Undertakes Public Access work

Attorney General Panel

Appointed to C panel

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Experience

Emily practices in public and private law. She has particular expertise in inquests and inquiries, public law (including unlawful detention claims, human rights, immigration and asylum, trafficking, and national security) and extradition.

She was appointed to the Equality and Human Rights Commission's panel of counsel: England and Wales, B list in May 2019. She was appointed to the Attorney General's Civil Panel of Counsel, C Panel (London) in March 2016.

Public Law

Emily has experience in a broad range of public law matters, and acts both for and against the government in judicial review proceedings, claims against public bodies and other proceedings with a public law element. She has particular experience in unlawful detention claims, human rights, immigration and asylum, trafficking, and national security. Emily also frequently advises and acts in civil matters with a public law element.

Recent cases Emily has acted in include:

- *Jalloh* [2020] UKSC 4, led by Robin Tam QC, which decided that an unlawful immigration curfew is detention for the purposes of the tort of false imprisonment, as well as appearing in the Court of Appeal [2018] EWCA Civ 1260 and High Court [2017] EWHC 2821 (Admin).

- *NN and LP* [2019] EWHC 766 (Admin) and [2019] EWHC 1003 (Admin), a challenge to the National Referral Mechanism which supports victims of trafficking.
- *Ocean Prefect Shipping* [2019] EWHC 3368 (Comm), representing the Marine Accident Investigation Branch in a claim regarding the admissibility of an MAIB report in a private shipping arbitration.
- *BT* [2018] EWHC 584 (Admin), concerning an unlawful detention claim by a victim of trafficking.

Emily is also developing a practice in international criminal and international public law. She regularly advises on and acts in domestic cases involving the interpretation of international law, including the Council of Europe Convention on Action against Trafficking in Human Beings and the 1954 Convention relating to the Status of Stateless Persons. In 2016 she participated in a week of discussions with the Mexican Armed Forces on International Humanitarian Law and International Criminal Law, with Andrew Cayley QC and Rodney Dixon QC.

Public Inquiries

Emily represents the Ministry of Housing, Communities and Local Government in the Grenfell Tower Inquiry, led by Jason Beer QC. She represents the Home Office in the Brook House Inquiry, led by Julian Blake. She represents the Department for Education before the Independent Inquiry into Child Sexual Abuse, led by Cathryn McGahey QC.

In the past, Emily has been instructed by the Leveson Inquiry and (before her Pegasus secondment to the DIFC) the Pitchford Inquiry. She has also undertaken work in connection with the Bloody Sunday Inquiry.

Inquests

Emily regularly advises and represents a range of interested parties at inquests, including Article 2 inquests with a jury. She has particular expertise in deaths in custody and inquests with complex medical issues.

Notable recent instructions include representing the Ministry of Justice in an inquest arising from a natural causes death of a prisoner with very complex medical needs at HMP Wandsworth; representing the Ministry of Justice in a week-long jury inquest into a death in HMP Swansea; representing the Ministry of Justice in an inquest into a death in custody at HMP Woodhill related to the use of illicit drugs including new psychoactive substances (commonly known as spice); representing the bereaved family in an inquest with complex medical issues arising from a deep vein thrombosis (which

included detailed cross examination of the hospital consultant); and representing multiple families in inquests arising from deaths caused by road traffic collision.

She has particular expertise in the law relating to burial, exhumation and cremation. Emily directly advises the Coroners, Burials, Cremation and Inquiries Policy Team within the Ministry of Justice. She recently represented the MoJ in successfully resisting a challenge brought by an unlawfully constructed crematorium to the Ministry's refusal to appoint a medical examiner to allow the crematorium to operate.

Extradition

Emily has a growing practice in extradition, representing requested persons. Alongside Benjamin Seifert, Emily represented one of the two requested persons in *Foster Taylor and another v The Prosecutor General's Office of Florence* [2019] EWHC 2938 (Admin), led by Jonathan Hall QC in appeal to the High Court. The case raised complex issues regarding the status of proceedings in the Court of Cassation in Italy, from which the requested persons were absent, and the application of s. 20 of the Extradition Act 2003.

Emily also has recent experience in extradition cases raising issues of specialty, delay, medical issues, and article 8.

Common Law and Commercial Law

Emily has a wide range of common and commercial law experience, which includes contract claims, employment, injunctive relief, insolvency, enforcement, and commercial litigation and arbitration in the DIFC.

She was seconded to Al Tamimi & Company and to the Dubai International Financial Centre Courts as a Pegasus Trust Scholar in 2015, where she worked on a broad range of commercial cases in the DIFC jurisdiction.

Education

Bar Professional Training Course, Kaplan Law School
LLM, New York University
MA (Law), University of Cambridge, Downing College

Memberships

ALBA

Cases

Taylor & Anor v The Prosecutor General's Office of Florence
[2019] EWHC 2938 (Admin)

06.11.2019

Barristers involved: Benjamin Seifert Emily Wilsdon

The two requested persons appealed to the High Court against the decision to order their extradition to Italy. The case concerned the application of section 20 of the Extradition Act 2003 where the requested persons' conviction in Italy became final following a hearing at the Court of Cassation (the highest court in Italy), at which they were unexpectedly not represented because their Italian lawyers attended a strike.

The requested persons argued that the relevant court for the purposes of section 20(1) was the Court of Cassation; neither of the appellants had been present at the hearing of that court on 18 July 2017; they had not deliberately absented themselves from the hearing; and they would not be entitled in Italy to a retrial or (on appeal) a review amounting to a retrial. In addition, they argued that pursuant to section 21 of the 2003 Act and Article 6 of the ECHR, the District Judge had erred in finding that there had been no flagrant denial of justice.

Hamblen LJ and Lane J sitting in the Divisional Court found that the appellants' appeal to the Assize Court of Appeal was a full "merits" appeal against both conviction and sentence. However, proceedings in the Court of Cassation were "of a significantly different nature" because "only issues on points of law are examined".

The Court found that the proceedings in the Court of Cassation did not amount to "the trial resulting in the decision".

This was because the Court considered that the expression "trial resulting in a decision" in Article 4a(1) means a trial that has the characteristics described in Article 4a(1)(c) of the 2002 Framework Decision on the European arrest warrant and the surrender procedures between Member States, as amended.

The Court also found that there had been no flagrant denial of justice.

Benjamin Seifert represented Alex Foster Taylor, and Emily Wilsdon represented Victoria Foster Taylor, both led by Jonathan Hall QC.

Inquest into the death of LS

14.02.2020

Barristers involved: Emily Wilsdon

Instructed on a pro bono basis by Will Cornwell and Gurj Sidhu at Slater and Gordon solicitors, also acting pro bono, via a referral by the charity Road Peace. Emily Wilsdon represented the parents of a 24 year old man who died in a road traffic collision between him and a van on the A12 in East London on New Year's Day in 2019.

The inquest was held at Poplar Coroner's Court. After hearing evidence from the family, in the form of a 'pen portrait' of their son's life, and evidence from the van driver, the forensic collision investigator and Metropolitan Police evidence regarding the frequency of speeding and accidents in that area, Senior Coroner Mary Hassell reached a conclusion of road traffic collision.

She found that LS was knocked over and killed by a transit van at approximately 3am on New Year's Day 2019, when crossing the A12 underpass. His judgment was impaired by alcohol and drugs and driver was driving in excess of 20mph above the speed limit of 40mph.

She also decided, after hearing submissions from counsel, to make a Preventing Future Deaths report in relation to pedestrian safety in that area, in particular the provision of a safe and obvious crossing point for pedestrians.

Jalloh, R (on the application of) v Secretary of State for the Home Department

2020] UKSC 4

12.02.2020

Barristers involved: Robin Tam QC Emily Wilsdon

The Supreme Court considered whether an unlawful immigration curfew constituted the tort of false imprisonment, and whether the common law tort should be aligned with caselaw on article 5 of the ECHR.

In its judgment, given by Lady Hale, the Court decided that the essence of imprisonment is being made to stay in a particular place by another person. The methods which might be used to keep a person there include physical barriers, guards or threats of force or of legal process. In this case, the Secretary of State defined the place where the claimant was to stay between the hours of 11.00 pm and 7.00 am. Although it was physically possible for the claimant to leave, his compliance was enforced and not voluntary. He was wearing an electronic tag, and if he left during the curfew the monitoring company would then telephone him to find out where he was. He was warned in the clearest possible terms that breaking the curfew could lead to a £5,000 fine or imprisonment for up to six months or both. He was well aware that it could also lead to his being detained again under the 1971 Act. All of this was backed up by the full authority of the State, which was claiming to have the power to do this.

The Court also decided that it was possible for there to be imprisonment at common law without a deprivation of liberty under article 5, and the Court declined to align or restrict the classic understanding of imprisonment at common law to the very different and much more nuanced concept of deprivation of liberty under the ECHR.

The Court therefore upheld the decision of the Court of Appeal in *Jollah, R (On the Application Of) v The Secretary of State for the Home Department* [2018] EWCA Civ 1260.

Robin Tam QC, Mathew Gullick (of 3PB) and Emily Wilsdon represented the Secretary of State for the Home Department.

Aspire Memoria Limited v Secretary of State for Justice

10.12.2019

Barristers involved: Emily Wilsdon

Emily Wilsdon, instructed by Angelina Kennedy (GLD) represented the Secretary of State for Justice at a judicial review permission hearing, before Mr Justice Griffiths in *Aspire Memoria Limited v Secretary of State for Justice*.

Section 5 of the Cremation Act 1902 prohibits the construction of a crematorium less than 50 yards from a public highway. The Claimant constructed a crematorium knowingly in breach of this provision.

The MoJ subsequently refused to appoint a medical referee for the unlawful crematorium under the Cremation (England and Wales) Regulations 2008.

The Claimant challenged this decision, and argued that the MoJ was obliged to appoint a medical referee, notwithstanding the Claimant's breach of s. 5 of the 1902 Act.

The Claimant also argued that s. 8(1) of the 1902 Act, which includes that any person who knowingly carries out or procures or takes part in the burning of any human remains except in accordance with the provisions of the Act commits a summary offence, did not apply to breaches of the 50 yard rule in s. 5 of the Act.

The Court found that it was not arguable that the MoJ should have granted the application for appointment of a medical referee. The scope of the duty to appoint a medical referee pursuant to regulations 6 and 7 of the Cremation (England and Wales) Regulations 2008 did not arguably extend to applications made in relation to crematoria constructed in breach of the 1902 Act.

The Court also found that the criminal offence created by s. 8 of the 1902 Act did apply to breaches of s. 5 of the Act.

The Court therefore refused permission to the Claimant to proceed with the judicial review claim.

Ocean Prefect Shipping Ltd v Dampskibsselskabet Norden AS **[2019] EWHC 3368 (Comm)**

09/12/2019

Barristers involved: Emily Wilsdon

Judgment was handed down on 6 December in *Ocean Prefect Shipping Ltd v Dampskibsselskabet Norden AS*, a claim heard on an urgent basis in the QBD, Commercial Court, by Mr Justice Teare.

This was the first time a court has ever adjudicated on the admissibility of a MAIB marine safety report arising from a shipping accident in an arbitration, applying reg. 14(14) of The Merchant Shipping (Accident Reporting and Investigation) Regulations 2012. The regulations were to be construed in the context of the International Maritime Organization's Code of International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident, and EU Directive 2009/18/EC.

The court found that the ordinary and natural meaning of 'judicial proceedings' within the Regulations included arbitration.

The court was required to have regard to the views of the MAIB's Chief Inspector when considering whether the interests of justice in disclosure outweigh any prejudice, or likely prejudice, to: any future accident safety investigation undertaken in the United Kingdom, and relations between the United Kingdom and any other State, or international organisation.

The evidence of the Chief Inspector Captain Andrew Moll was that admission into the arbitration (and use in cross examination of pilots) would diminish the MAIB's ability to have candid and detailed conversations with witnesses and to have ready and unqualified access to accident sites. It would diminish the MAIB's ability to fulfil its statutory function and enhance the safety of all those at sea.

The court found that the balance fell against admission. The court noted that future applications of this nature should be made well in advance, and the MAIB ought to be made a party to proceedings.

Emily Wilsdon was instructed by Sarah Wise, GLD, on behalf of the MAIB.

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

[2017] EWHC 2690 (Admin)

30.10.2017

Barristers involved: Robin Tam QC Emily Wilsdon

Following a three-day hearing in the Administrative Court, Lewis J found that a curfew imposed on a foreign national offender was unlawful as it was imposed pursuant to an unpublished policy about curfews, and because the Claimant was not afforded an opportunity to make representations prior to its imposition. The policy concerned the re-imposition of curfews that had had to be lifted following the Court of Appeal's decision in *R (Gedi) v Home Secretary* [2016] EWCA Civ 409, [2016] 4 WLR 93 (in which Robin Tam QC had also represented the Home Secretary).

However, the Court rejected a number of other arguments advanced by the Claimant. The Court's conclusions included the following:

There was no abuse of power or departure from an earlier decision of the First-tier Tribunal to grant bail to the Claimant (which had not specifically considered whether or not to impose a curfew).

The bail power contained in paragraph 22 of Schedule 2 of the Immigration Act 1971 is not limited to preventing absconding, but could be used to prevent offending.

The Secretary of State's use of 'nominal' re-detention for a very short period in order to grant bail including a curfew was not detention which was covered by Chapter 55 of the Enforcement Instructions and Guidance, and respected the FTT's decision that the Claimant should be released from detention on appropriate conditions.

As a matter of principle, a 7-hour curfew would not necessarily be more onerous than two periods of 2 hours each; and a substantive curfew of a number of hours each day would not necessarily be disproportionate or unjustified, intended as it is to ensure that the offender keeps regular structured hours and returns home on a daily basis, which can deter absconding and reduce the risk of re-offending.

Robin Tam QC and Emily Wilsdon, along with Mathew Gullick at 3PB, were instructed by the GLD on behalf of the Secretary of State. The Judgment can be viewed [here](#).

Inquest into the death of LC

25.10.2017

Barristers involved: Emily Wilsdon

Emily Wilsdon, instructed by Chris Moore at Scooters and Bikes Legal, represented the family at a one day inquest in Nottingham that concluded on 25th October 2017 into the death of their 16 year old son following a road traffic collision between his scooter and a car.

After hearing evidence from a range of witnesses, the coroner reached the conclusion that he died following a road traffic collision on 3rd February 2017. She made no positive findings in relation to the causes of the collision.

Independent Inquiry into Child Sexual Abuse: Rochdale and Cyril Smith

October 2017

Barristers involved: Cathryn McGahey QC Emily Wilsdon

Cathryn McGahey QC and Emily Wilsdon are representing the Department for Education in this public inquiry. In the Rochdale investigation, the Inquiry is analysing the response of those in authority to allegations of sexual abuse of children by Cyril Smith MP and others, and is investigating in particular allegations of abuse at Cambridge House Boys' Hostel and Knowl View School.

1) Wahid 2) Shadkam v 1) Skanska UK PLC 2) Riverstone Insurance

[2014] EWHC 251 (QB)

11/02/2014

Barristers involved: Emily Wilsdon

Emily acted for the First Defendant, successfully opposing the Claimants' appeal in a case that involved issues of disclosure and strike out following an unless order.

Enfield London Borough Council v Phoenix & others

[2013] EWHC 4286 (QB)

19/03/2013

Barristers involved: Emily Wilsdon

Emily acted for the Defendant, a member of 'Occupy', who successfully contended that the local authority had acted inappropriately in issuing a possession claim in the High Court as the claim did not satisfy the requirements of the CPR Practice Direction 55A.

The Leveson Inquiry

2011-2012

Barristers involved: David Barr QC Cathryn McGahey QC Louise Jones William Irwin Emily Wilsdon

This was a major statutory public inquiry into the culture, practices and ethics of the press. David Barr served throughout as first junior counsel to the Inquiry. Cathryn McGahey appeared as junior counsel for the Chairman of the Inquiry during related judicial review proceedings. Louise Jones acted for the core participant victims in the judicial review proceedings. William Irwin acted throughout providing legal assistance to Counsel to the Inquiry. Emily Wilsdon assisted in the preparation of the report.

Publications

TGC Fraud Update

09/10/2015

Authors: Marcus Grant Alex Glassbrook Tim Sharpe Anthony Johnson James Henry Emily Wilsdon

Welcome to the inaugural edition of TGC Fraud Update, a new publication from the fraud team at Temple Garden Chambers containing a number of articles on legal matters relevant to insurance fraud practitioners and a digest of recent noteworthy cases in which Members of Chambers have been involved.

You can view the publication on our website <http://tgchambers.com>

News

Robin Tam QC and Emily Wilsdon appeared in Supreme Court case on false imprisonment

20/02/2020

Barristers involved: Robin Tam QC Emily Wilsdon

The Supreme Court considered whether an unlawful immigration curfew constituted the tort of false imprisonment, and whether the common law tort should be aligned with caselaw on article 5 of the ECHR.

In its judgment, given by Lady Hale, the Court decided that the essence of imprisonment is being made to stay in a particular place by another person. The methods which might be used to keep a person there include physical barriers, guards or threats of force or of legal process. In this case, the Secretary of State defined the place where the claimant was to stay between the hours of 11.00 pm and 7.00 am. Although it was physically possible for the claimant to leave, his compliance was enforced and not voluntary. He was wearing an electronic tag, and if he left during the curfew the monitoring company would then telephone him to find out where he was. He was warned in the clearest possible terms that breaking the curfew could lead to a £5,000 fine or imprisonment for up to six months or both. He was well aware that it could also lead to his being detained again under the 1971 Act. All of this was backed up by the full authority of the State, which was claiming to have the power to do this.

The Court also decided that it was possible for there to be imprisonment at common law without a deprivation of liberty under article 5, and the Court declined to align or restrict the classic understanding of imprisonment at common law to the very different and much more nuanced concept of deprivation of liberty under the ECHR.

You can view the publication at <https://www.supremecourt.uk/cases/docs/uksc-2018-0137-judgment.pdf>

Emily Wilsdon represents family at inquest and secures a road safety Preventing Future Deaths report

14/02/2020

Barristers involved: Emily Wilsdon

The inquest was held at Poplar Coroner's Court and Senior Coroner Mary Hassell reached a conclusion of road traffic collision. She also decided, after hearing submissions from counsel, to make a Preventing Future Deaths report in relation to pedestrian safety.

No duty for the MoJ to appoint a medical referee for an unlawful crematorium

10/12/2019

Barristers involved: Emily Wilsdon

Section 5 of the Cremation Act 1902 prohibits the construction of a crematorium less than 50 yards from a public highway. The Claimant had constructed a crematorium knowingly in breach of this provision.

The MoJ subsequently refused to appoint a medical referee for the unlawful crematorium. The Claimant challenged this decision.

The Court found that it was not arguable that the MoJ should have granted the application for appointment of a medical referee. The scope of the duty to appoint a medical referee pursuant to regulations 6 and 7 of the Cremation (England and Wales) Regulations 2008 could not extend to applications made in relation to crematoria constructed in breach of the 1902 Act. The

criminal offence created by s. 8(1) of the 1902 Act did apply to breaches of s. 5 of the Act.

The Secretary of State had therefore acted lawfully and permission was refused.

Marine Accident Investigation Branch safety report not admissible into arbitration

09/12/2019

Barristers involved: Emily Wilsdon

The case concerned reg. 14(14) of The Merchant Shipping (Accident Reporting and Investigation) Regulations 2012, which requires the permission of a court to allow an MAIB safety report to be admitted into judicial proceedings. The court found that the regulations were to be construed in the context of the International Maritime Organization's Code of International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident, and EU Directive 2009/18/EC.

The court found that the ordinary and natural meaning of 'judicial proceedings' within the Regulations included arbitration.

The court was required to have regard to the views of the MAIB's Chief Inspector when considering whether the interests of justice in disclosure outweigh any prejudice, or likely prejudice, to any future accident safety investigation undertaken in the United Kingdom and relations between the United Kingdom and any other State, or international organisation.

The evidence of the Chief Inspector Captain Andrew Moll was that admission into the arbitration (and use in cross examination of pilots) would diminish the MAIB's ability to have candid and detailed conversations with witnesses and to have ready and unqualified access to accident sites. It would diminish the MAIB's ability to fulfil its statutory function and enhance the safety of all those at sea.

The court found that the balance fell against admission. The court noted that future applications of this nature should be made well in advance, and the MAIB ought to be made a party to proceedings.

You can view the publication at <https://www.bailii.org/ew/cases/EWHC/Comm/2019/3368.html>

Nick Chapman, Sian Reeves and Emily Wilsdon appointed to the Equality and Human Rights Commission Panel

16/05/2019

Barristers involved: Nicholas Chapman Sian Reeves Emily Wilsdon

The Equality and Human Rights Commission is Great Britain's national equality body and has been awarded an 'A' status as a National Human Rights Institution (NHRI) by the United Nations. As an independent statutory body with the responsibility to encourage equality and diversity, eliminate unlawful discrimination, and protect and promote the human rights of everyone in Britain, it enforces equality legislation on age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Commission provides advice and guidance to individuals, employers and other organisations, reviews the effectiveness of the law and takes legal enforcement action to clarify the law and address significant breaches of rights.

Panel counsel are appointed following an open competition, and are the Commission's preferred providers of external legal services, including representation and advice.

Emily Wilsdon chairs panel, organised by Rodney Dixon QC and the AOHR, on religious freedoms in IHL, the blockade of Qatar and the Hajj

25/07/2018

Barristers involved: Rodney Dixon QC Emily Wilsdon

The speakers were Emily Wilsdon, Prof. Javaid Rehman (Professor at Brunel University, and UN Special Rapporteur on the Situation of Human Rights in Iran), Adam Smith-Anthony (Senior Associate at Omnia Strategy LLP), Rukshana Pervin Hoque (Solicitor and media specialist), and Alia Yamakoglu (Turkish and British lawyer, Akinci Law Firm).

The panel discussed the international human rights context, the impact on religious rights, and the steps that could be taken to protect the rights of all persons irrespective of their political persuasions, legal, political and diplomatic.

The seminar was convened by the Arab Organisation for Human Rights in the UK (AOHR), assisted by Rodney Dixon QC, and hosted by Andy Slaughter MP for Hammersmith and Fulham.

You can view the publication at

<http://aohr.org.uk/index.php/en/campaigns/item/9076-seminar-the-pilgrimage-hajj-and-religious-freedoms-under-siege.html>

Robin Tam QC and Emily Wilsdon represented the Home Secretary in a challenge to a curfew

09/11/2017

Barristers involved: Robin Tam QC Emily Wilsdon

Following a three-day hearing in the Administrative Court, Lewis J found that a curfew imposed on a foreign national offender was unlawful as it was imposed pursuant to an unpublished policy about curfews, and because the Claimant was not afforded an opportunity to make representations prior to its imposition. The policy concerned the re-imposition of curfews that had had to be lifted following the Court of Appeal's decision in *R (Gedi) v Home Secretary* [2016] EWCA Civ 409, [2016] 4 WLR 93 (in which Robin Tam QC had also represented the Home Secretary).

However, the Court rejected a number of other arguments advanced by the Claimant. The Court's conclusions included the following:

There was no abuse of power or departure from an earlier decision of the First-tier Tribunal to grant bail to the Claimant (which had not specifically considered whether or not to impose a curfew).

The bail power contained in paragraph 22 of Schedule 2 of the Immigration Act 1971 is not limited to preventing absconding, but could be used to prevent offending.

The Secretary of State's use of 'nominal' re-detention for a very short period in order to grant bail including a curfew was not detention which was covered by Chapter 55 of the Enforcement Instructions and Guidance, and respected the FTT's decision that the Claimant should be released from detention on appropriate conditions.

As a matter of principle, a 7-hour curfew would not necessarily be more onerous than two periods of 2 hours each; and a substantive curfew of a number of hours each day would not necessarily be disproportionate or unjustified, intended as it is to ensure that the offender keeps regular structured hours and returns home on a daily basis, which can deter absconding and reduce the risk of re-offending.

Judgment was handed down on Monday 30 October 2017.

Robin Tam QC and Emily Wilsdon, along with Mathew Gullick at 3PB, were instructed by the GLD on behalf of the Secretary of State.

Emily Wilsdon represented the family at an inquest into a road traffic collision

31/10/2017

Barristers involved: Emily Wilsdon

After hearing evidence from a range of witnesses, the coroner entered a conclusion that he died following a road traffic collision on 3rd February 2017. She made no positive findings in relation to the causes of the collision.

IICSA commences hearings into Rochdale abuse allegations

17/10/2017

Barristers involved: Cathryn McGahey QC Emily Wilsdon

Cathryn McGahey QC and Emily Wilsdon are representing the Department for Education before the Independent Inquiry into Child

Sexual Abuse. The Inquiry is currently hearing evidence of alleged abuse by Cyril Smith MP and others associated with Cambridge House Boys' Hostel and Knowl View School.

Tina Norman v Robert Norman Court of Appeal

25/01/2017

Barristers involved: Matthew Waszak Emily Wilsdon

The substantive appeal before the Court concerned the terms of a financial remedy order made in the context of divorce proceedings in 2005. The appellant wife alleged that the order had been made following fraudulent misrepresentations by the respondent husband as to the position of his finances.

Anonymity was granted by the Court of Appeal in 2011, in the context of different appeal proceedings. It was preserved in 2014 in the context of another appeal. However, full argument on the issue of anonymity had never been previously heard and the press had never been afforded the opportunity to contest the point. At a previous hearing, at which Emily Wilsdon appeared for the appellant, Macur LJ preserved anonymity on an interim basis, pending full argument on the issue at the permission to appeal/appeal hearing.

Full argument on the issue of anonymity was heard before the Court of Appeal. A number of different media organisations (the Times Newspapers Limited, Associated Newspapers Limited, Telegraph Newspapers Limited, News Group Newspapers Limited, Sky News) sought for anonymity to be lifted. The case formed the subject of prior reporting because of a potential expectation amongst practitioners that the Court of Appeal might resolve two divergent High Court judgments (those of Mostyn J in *L v L* [2015] EWHC 2621; and that of Holman J in *Luckwell v Limata* [2014] EWHC 526 (Fam)) on the issue of whether appeal ancillary relief proceedings should be anonymous; and because of the possibility that the Court could depart from its usual position in anonymising appeal proceedings in an ancillary case (*K v L* [2011] EWCA Civ 550).

For reasons that will be provided in a reserved judgment, the Court lifted the anonymity order that was previously made. These proceedings have since been the subject of extensive media coverage, in both national and local media.

Judgment was handed down by the Court on 08.02.17. A copy of the judgment can be [read here](#).

Andrew Cayley QC, Rodney Dixon QC and Emily Wilsdon are this week in Mexico City

22/11/2016

Barristers involved: Andrew Cayley CMG QC Rodney Dixon QC Emily Wilsdon

Andrew, Rodney and Emily will participate in a week of discussions with the Mexican Armed Forces on International Humanitarian Law and International Criminal Law, an event which has been organised by Foro de Justicia Internacional AC and its chief executive Professor Dr. Mónica Rocha-Herrera.

N (Wife) v N (Husband), Interim Anonymity Order in the Court of Appeal

03/08/2016

Barristers involved: Emily Wilsdon

Emily Wilsdon represented the applicant at a hearing before Lady Justice Macur where she sought anonymity pending a rolled up hearing of permission to appeal and appeal before the Court of Appeal.

The applicant's underlying appeal concerned allegations of material non-disclosure in financial relief proceedings arising from divorce, and follows the recent Supreme Court decisions of *Sharland v Sharland* [2015] UKSC 60 and *Gohil v Gohil* [2015] UKSC 61.

The applicant, whose children were no longer minors, argued that she still had the benefit of an earlier order made by the Court of Appeal in a separate appeal arising from the same case.

The application for anonymity raised issues of the continuance of the order from an earlier appeal and the definition of "proceedings". It also raised the effect of *PJS v News Group Newspapers Ltd* [2016] UKSC 26 and *X v Dartford and Gravesham NHS*

Trust [2015] EWCA Civ 96 (also known as JMX) on the principles applicable to applications for anonymity in financial relief appeals in the Court of Appeal, primarily the principle of open justice and articles 6, 8 and 10 of the ECHR.

The Court of Appeal granted an interim anonymity order.
