



Nicholas Moss

Year of Call: 1995

Practice Areas

- Employment
- Inquests
- Inquiries
- Personal Injury
- Public Law

Attorney General Panel

Appointed to A panel

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Awards



Experience

Nick Moss is recognised as one of the leading practitioners in public inquiries and inquests, in particular those involving government departments, prisons, the military, and police use of force. This work dovetails with his wider administrative law practice including national security work. He has appeared in many high profile inquests and in many of the large public inquiries over recent years. He has experience as both Counsel to the Inquiry / Inquest and in representing interested persons and parties.

Nick has been a member of the Attorney General's panel of civil advocates for over fifteen years. He was first appointed to the A Panel in 2008 and was re-appointed as an A panellist in 2015.

Nick has appeared in seven major public inquiries or reviews. He was first junior counsel to two major inquiries, the Detainee Inquiry and the Baha Mousa Inquiry. Before that, he was counsel for RAF personnel in the Nimrod Review. He also appeared in the Rosemary Nelson and Billy Wright Inquiries (for the Minister of State for Northern Ireland, amongst others), for soldiers and civil servants in the Bloody Sunday Inquiry, and for Department of Health ministers and officials in the BSE Inquiry. He also accepts instructions in ad-hoc investigations including serious near-death incidents.

As an inquest specialist, he is currently instructed by MOD in



the further inquest into the death of Cheryl James at Deepcut barracks. He is also instructed in the inquest into the death of Gavin Williams, a case involving “beasting” and heatstroke. He was Counsel to the Inquest into the death of Khalil Dale (killing of Red Cross worker in Pakistan). Recent cases also include the death of Cpl Ellement (complaint of rape and bullying in the RMP); Flt Lt Cunningham (the Red Arrows fatal ejection seat accident); inquests involving police use of Taser (the separate inquests of Jordan Begley and Dale Burns, both representing the Home Secretary). He appeared for the MOJ in the inquest into the death of Colin Hatch (unlawful killing in hostage situation by another prisoner) and has been instructed for both public sector and private sector prisons in numerous deaths in prison custody. His work includes advisory work on behalf of coroners and coronial judicial reviews. He has been instructed over a number of years in numerous inquests relating to military deaths on operations and in accidents, including aviation accidents.

Alongside this work, Nick has a busy administrative law practice including national security work. Illustrative cases are provided in the notable case section below. He is particularly experienced in dealing with public law consultation exercises and discrimination claims.

Nick further works in the fields of employment law and personal injury, in which he represents both claimants and defendants.

Directories

“He has a smooth and attractive court manner, is enormously well prepared and is reliable.” “He’s very bright, hard-working, measured and fair.” (Chambers and Partners 2016)

‘An outstanding lawyer, an excellent cross-examiner and a very fine tactician.’ (Legal 500, 2016)

Cases

Inquest into the death of Sean Benton (Deepcut Barracks)

18.07.2018

Barristers involved: Nicholas Moss Emma Price Matthew Waszak

Nicholas Moss, Emma Price and Matthew Waszak represented the Ministry of Defence in the fresh inquest into the death of Sean Benton at Deepcut Barracks on 9 June 1995.

The nominated judge-coroner HH Peter Rook QC gave his findings of fact and conclusions on 18 July 2018, evidence having been heard from January to June 2018. The Coroner concluded that Sean’s death was a suicide. He found that Sean fired all the shots himself; no third party was involved.

Sean was profoundly affected by the decision made the day before his death that the army would be seeking his discharge. Sean had an undiagnosed evolving Emotionally Unstable Personality Disorder which meant that he would have had great difficulty in coping with significant disappointments and stressful life events.

The Coroner found one probable and two possible causative failures in relation to the suicide:

- (1) Had adequate instructions been given to the trainees on guard duty the night before Sean's death, the trick that he used to obtain a weapon and ammunition from a fellow trainee was unlikely to have succeeded and he would not have obtained the weapon and shot himself when he did.
- (2) There was a failure by the army properly to provide welfare supervision and support to Sean. Had he been offered and accepted such support, it was possible that Sean would not have taken the fatal action that he did. However, the evidence did not establish that this would probably have been the case.
- (3) Sean, who often fell below expectations regarding his kit, turnout and attitude, would frequently be picked up and sanctioned by NCOs. In addition, he was the subject of abuse and physical violence by one NCO on a number of occasions, and was attacked on at least one occasion by his fellow trainees. The Coroner found that it was likely that these events eroded Sean's resilience particularly in light of his emerging personality disorder. However, while it was possible that these events contributed to Sean's decision to take his own life, it could not be established that they probably did so.

The Record of Inquest referred to a number of further non-causative shortcomings, which had been admitted by the army, concerning the policies, systems and procedures at Deepcut.

The Coroner made no Regulation 28 report (Preventing Future Deaths), being satisfied that the army has taken action (and in some areas will be taking further action) in relation to the identified areas of concern.

Coroner rejects unlawful killing conclusion in Afghanistan 'friendly fire' fatality

17.01.17

Barristers involved: Nicholas Moss

Nicholas Moss (who did not appear in the original inquest hearings) represented both the Ministry of Defence and Lance Corporal of Horse Kelly in the resumed inquest into the death of LCpl Brynin, who died in October 2013 on active service in Afghanistan.

The Senior Coroner had previously adjourned the inquest for the prosecuting authorities to consider whether a homicide offence had been committed, the death having arisen from 'friendly fire' from LCOH Kelly's SA80. At the resumed hearing, the Senior Coroner rejected an unlawful killing conclusion accepting that, on the balance of probabilities, LCOH Kelly fired in the genuine belief that it was necessary in self defence / defence of another when there was still an imminent threat to life in the firefight with the Taliban. The Coroner returned a narrative conclusion indicating shortcomings in his situational awareness and the circumstances and direction in which he fired. The Coroner accepted that there had been no wider planning, operational or equipment failures. No report to prevent future deaths was made, the Senior Coroner being satisfied with the steps now taken by LCOH Kelly's Regiment, although the Senior Coroner recorded concerns regarding communication and liaison with LCpl Brynin's family following the death. This was to be the subject of a separate letter of concern to MOD. Testament was paid both to LCpl Brynin's military service and the dignity shown by his parents.

Inquest into the death of Pte Cheryl James (Deepcut Barracks)

07.06.2016

Barristers involved: Nicholas Moss Emma Price Matthew Waszak

Nicholas Moss and Emma Price (assisted by Matthew Waszak) represented the Ministry of Defence and two individual servicemen in the further inquest into the death of Cheryl James. Ms James was the second of four trainees to die at Deepcut in the period 1995-2002. The first inquest was quashed on grounds of insufficiency of inquiry.

The second inquest heard evidence from over 100 witnesses over 30 sitting days. Recording a narrative conclusion, nominated Coroner HHJ Brian Barker QC found that Ms James "...died as a result of suicide. The circumstances were that: Ms James had been posted as a lone female armed guard contrary to army policy; the risk of self-harm to trainees had not been adequately recognised nor had adequate steps been taken to reduce that risk". MOD admitted and apologised for a number of significant shortcomings in the regime at Deepcut. Examining these shortcomings, the Coroner declined to find that any of them, save those relating to lone guard duty, had caused or contributed to the death.

The Coroner rejected the notion that Ms James may have been killed by a third party, describing aspects of the pathology evidence said to support such a finding as unconvincing. He found that the evidence did not reveal that Ms James was subject to any unwanted sexual harassment, abuse or bullying at Deepcut. He described as "wholly without foundation" the allegation made by one soldier that Ms James had been raped by a fellow trainee. The Coroner accepted there had been wholesale changes in Army training policies and practice since 1995. Recognising that the Army still had some way to go in tackling attitudes and culture, and the issue of sexualized behaviour, the Coroner was satisfied that the Army was now giving significant priority to these issues and did not make a Preventing Further Deaths report.

The Coroner's findings are available at:

<https://digitalpressooffice.files.wordpress.com/2016/02/cj-finalconclusions.pdf>

R o/a of Hottak and AL v Secretary of State for Foreign and Commonwealth Affairs, Secretary of State for Defence

[2016] EWCA Civ 438

9 May 2016

Barristers involved: Nicholas Moss

Discrimination claim in relation to British Locally Engaged Staff / Interpreters in Afghanistan.

The Appellants argued that the Government's scheme for Afghan staff (comprising separate intimidation and redundancy policies) was discriminatory because it was in some respects less favourable than the single scheme for staff employed during the Iraq conflict.

The Court of Appeal unanimously held that (1) the Appellants could not bring a claim under Part 5 (Work) of the Equality Act 2010 because their employment did not have a sufficient connection with the UK to found jurisdiction; (2) the Appellants were not permitted to bring a claim under Part 3 (Public Functions) of the 2010 Act because it did not apply to work-related claims excluded from Part 5, nor did it extend to claims other than in respect of the exercise of public functions in Great Britain; (3) The Afghan scheme was in any event found not to be discriminatory. The reason for the differences between the Afghan and Iraqi schemes was the different operational situation in those countries, not the nationality of the members of staff; (4) The Court would not interfere with the judgment of the Divisional Court which had ordered a declaration but no quashing order in respect of a claim for breach of the public sector equality duty.

Nicholas Moss led by Jonathan Swift QC (11KBW) acted for the MOD and FCO.

Pte Gavin Williams

08.01.2016

Barristers involved: Nicholas Moss William Irwin

Representing the Ministry of Defence in the inquest into the death of a soldier.

Private Williams was serving with 2nd Battalion, The Royal Welsh when he died in July 2006 having been subjected to a physical punishment at Lucknow Barracks in Tidworth, Wiltshire. Three non-commissioned officers were acquitted of his manslaughter in 2008.

The coroner returned the following narrative conclusion:

'Gavin died as a result of imposition of unofficial physical punishment in the form of marching drill and physical exercise conducted on a very hot day. This punishment was part of a system of such unofficial punishments operating in the Battalion which the chain of command had failed to identify or prevent. The exertion from the marching drill and the physical exercise, combined with the effects of Gavin's recent use of ecstasy, led to the onset of hyperthermia. Gavin's symptoms of hyperthermia included involuntary aggressive behaviour, as a result of which he was restrained. The effect of Gavin's struggle against this restraint further contributed to the hyperthermia. Gavin was taken to Salisbury District Hospital where he was pronounced dead at 16.26 on 3 July 2006.'

The inquest sat for 26 days and heard evidence from over 100 witnesses, 61 of whom gave live evidence.

Khalil Dale

28/10/2015

Barristers involved: Nicholas Moss

Nicholas Moss was Counsel to the Inquest into the death of Khalil Dale, an International Committee of the Red Cross work who was kidnapped and beheaded in Pakistan.

R (Sumpter) v Secretary of State for Work and Pensions.

[2015] EWCA Civ 1033

14/07/2015

Barristers involved: Nicholas Moss

Judicial Review. Effectiveness of further consultation exercise. Personal Independence Payments replacing DLA.

Jordan Begley

06/07/2015

Barristers involved: Nicholas Moss

Police use of Taser. Nicholas Moss was instructed on behalf of the Home Secretary.

R(C & W) v Secretary of State for Work and Pensions, Zaccheus 2000 Trust intervening

[2015] EWHC 1607 Admin; [2015] ACD 118

05/06/2015

Barristers involved: David Barr QC Nicholas Moss

Declarations of unlawfulness made in relation to delays in the processing of claims for personal independence payments.

Associated human rights claims dismissed. David Barr QC and Nicholas Moss appeared on behalf of the Secretary of State.

R (The Law Society and others) v The Lord Chancellor

[2015] EWCA Civ 230.

25/05/2015

Barristers involved: Nicholas Moss

Nicholas Moss represented the Lord Chancellor in the challenge to the legality of his decision on the number of contracts for criminal legal aid duty provider work.

Kesia Leatherbarrow

07/02/2015

Barristers involved: Nicholas Moss

Death of 17 year old shortly after release from police custody and court on bail. Instructed on behalf of the CPS.

Stuart Baumber

04/02/2015

Barristers involved: Nicholas Moss

Complex self-inflicted death in custody, article 2 inquest. Instructed on behalf of Sodexo Justice Services.

R (K, A, and B) v Secretary of State for Defence, FCO and the Attorney General [2014] EWHC 3023 Admin.

19/9/2014

Barristers involved: Nicholas Moss

Whether urgent injunction seeking secure accommodation appropriate in case of asserted Afghan intelligence agents.

Colin Hatch

12/05/2014

Barristers involved: Nicholas Moss

Inquest into the death of a sexual offender in a vulnerable prisoner unit of a Category A prison who was taken hostage and suffocated by another prisoner. Instructed on behalf of NOMS.

Inquest into the death of Anne-Marie Ellement

03.03.2014

Barristers involved: Nicholas Moss Fiona Canby

Inquest into the death of a Royal Military Police Corporal found hanging at her barracks. Allegations of bullying and overworking explored. Salisbury Coroners Court. Instructed by GLD for a number of service personnel. February 2014.

Inquest into death of Sean Cunningham

09.01.14 - 29.01.14

Barristers involved: Andrew Prynne QC Nicholas Moss Fiona Canby

Inquest into death of Red Arrows pilot, Flt Lt Cunningham; accidental ejection from his Red Arrows jet.

The Detainee Inquiry

19/12/2013

Barristers involved: Nicholas Moss

Counsel to the inquiry chaired by Sir Peter Gibson investigating allegations of collusion in the mistreatment and rendition of detainees, particularly British detainees at Guantanamo Bay.

Christopher Brown

11/12/2013

Barristers involved: Nicholas Moss

Represented NOMS in the inquest into the death of Raoul Moat's first victim who was shot shortly after Moat's release from prison.

Instructed on behalf of NOMS.

Dale Burns

07/02/2013

Barristers involved: Nicholas Moss

Police use of Taser. Instructed on behalf of the Home Secretary.

The Baha Mousa Inquiry

08.09.2011

Barristers involved: Nicholas Moss

First Junior Counsel to the Inquiry.

The Rosemary Nelson Inquiry

23/05/2011

Barristers involved: Nicholas Moss

Representing a Minister and soldiers (anonymity applications) who were witnesses in the Inquiry into the murder of Northern Ireland

Solicitor, Rosemary Nelson.

The Billy Wright Inquiry

14/09/2010

Barristers involved: Nicholas Moss

Representing individual Ministers and Civil Servants who were witnesses in the Inquiry into the murder of LVF prisoner Billy Wright at the Maze Prison.

The Bloody Sunday Inquiry

15.06.2010

Barristers involved: Nicholas Moss

First Junior Counsel for one of the teams of soldiers and for various government officials.

The Nimrod Review

28/10/2009

Barristers involved: Nicholas Moss
Representing RAF servicemen called to give evidence at the review.

Secretary of State for the Home Department v AF, AM & AN; AE v Secretary of State for the Home Department.

[2008] EWCA Civ 1148

17/10/2008

Barristers involved: Nicholas Moss
Disclosure of closed material in control order cases, Art. 6 requirements.

The Baha Mousa Inquiry

2008-2010

Barristers involved: Emma Price Nicholas Moss
Major statutory public inquiry into the death of an Iraqi civilian and the mistreatment of others by British soldiers in Iraq. Emma Price was instructed as support counsel providing assistance to the lead and junior counsel to the Inquiry, Gerard Elias QC, Nicholas Moss and Patrick Halliday.

A(FC) and others v Secretary of State for the Home Department, X and another v Secretary of State for the Home Department:

[2004] UKHL 56

16/12/2004

Barristers involved: Nicholas Moss
House of Lords. Derogation from human rights obligations, allowing detention of non-national suspected international terrorists

News

Deepcut: Private Geoff Gray inquest conclusions delivered

20/06/2019

Barristers involved: Nicholas Moss Richard Boyle
The short form conclusion was "suicide". Following the decision in Maughan [2019] EWCA Civ 809, the Coroner applied the civil standard of proof but was in any event satisfied to the criminal standard of proof that the death was by suicide.

As had been accepted in concessions made by MOD, the Coroner found that greater attention should have been paid to the self-harm risks of young trainees carrying out armed guard duty. The narrative findings in the Record of Inquest were that:

"At approximately 01.10 hours on 17 September 2001 in the grounds of the Officers' Mess at the Princess Royal Barracks, Deepcut, Surrey, Private Geoff Gray shot himself with a SA80 rifle that was set to automatic, causing two wounds to the head. He died rapidly at the place where his body was found. No third party was involved in the shooting. At the time Geoff fired the shots he intended to take his own life, although that state of mind may have only been transient.

Geoff's actions could not reasonably have been anticipated at the time. He did not suffer with any known psychological difficulties nor had he been the recipient of any ill treatment. Any concerns Geoff may have had did not relate to the camp regime. However the army had failed adequately to address the risk of self-harm that might arise in respect of young and inexperienced trainees performing guard duty with unsupervised access to firearms. Proposals that trainees should not provide the Barracks' guard, but be replaced with a professional guard force had not yet been acted upon.

While it was entirely Geoff's decision to take his own life, the above failures provided Geoff with an opportunity to go to an isolated location with a firearm where he could act as he did."

Noting a wide range of improvements evidenced by the Army (including in guarding arrangements, training supervisory ratios, destigmatisation of soldiers seeking welfare support, and in Trauma Risk Management), the Coroner decided it was not necessary to make any Preventing Future Deaths Report to the Ministry of Defence, stating,

"In the light of the changes in structure, culture and practice since Geoff's death, the evidence at this inquest has not revealed to me any area where it appears that the army have either not already taken action or are not cognisant of and already pursuing the relevant action to prevent future deaths."

The Coroner was strongly critical of the failings in the original investigations into the death. A PFD report was issued to the Chief Coroner and the President of Royal College of Pathologists concerning the desirability of further guidance being issued on the type of post-mortem to be carried out in cases of death by gunshot wounds, even if the initial evidential inquiries point to self-infliction. In Geoff Gray's case, a normal Coroner's post-mortem had been carried out, not a forensic post-mortem.

Infected Blood Inquiry

01/05/2019

Barristers involved: Nicholas Moss Emma Price

The Inquiry has started to hear evidence from people who were infected or affected by infected blood or infected blood products provided during NHS treatment. This phase of the evidence will be heard over 11 weeks between 30 April and 18 October 2019 at a number of locations across the UK. It will be followed, running into November 2019, by clinical evidence exploring issues of treatment and care and psychosocial evidence focussing on impact. The next phase of hearings, which will focus on the knowledge, decisions, actions and omissions of all relevant decision-makers and the response of the Government and others will begin in late spring 2020.

Further information about the Inquiry's work can be found on the Inquiry's website at the link below.

You can view the publication at <https://www.infectedbloodinquiry.org.uk>

Settlement of claim: Paul Gambaccini

06/11/2018

Barristers involved: Nicholas Moss

Nicholas Moss advised the Crown Prosecution Service in the settlement, reached without admission of liability, with the broadcaster Paul Gambaccini.

Inquest in to the Death of the Westminster Terror Attack Victims

10/09/2018

Barristers involved: Nicholas Moss Dominic Adamson QC Fiona Canby

Nicholas Moss is acting for the Corporate Officer of the House of Commons and the Corporate Officer of the House of Lords.

Dominic Adamson is acting for the widow of Kurt Cochran, and the widow of PC Keith Palmer.

Fiona Canby is acting for Transport for London.

The Chief Coroner of England and Wales, Mark Lucraft QC, will hold the inquest at The Old Bailey which is expected to last 5 weeks.

Conclusions in the Sean Benton (Deepcut) inquest

18/07/2018

Barristers involved: Nicholas Moss Emma Price Matthew Waszak

The Coroner concluded that Sean's death was a suicide. He found that Sean fired all the shots himself; no third party was involved.

Sean was profoundly affected by the decision made the day before his death that the army would be seeking his discharge. Sean had an undiagnosed evolving Emotionally Unstable Personality Disorder which meant that he would have had great difficulty in coping with significant disappointments and stressful life events.

The Coroner found one probable and two possible causative failures in relation to the suicide:

- (1) Had adequate instructions been given to the trainees on guard duty the night before Sean's death, the trick that he used to obtain a weapon and ammunition from a fellow trainee was unlikely to have succeeded and he would not have obtained the weapon and shot himself when he did.
- (2) There was a failure by the army properly to provide welfare supervision and support to Sean. Had he been offered and accepted such support, it was possible that Sean would not have taken the fatal action that he did. However, the evidence did not establish that this would probably have been the case.
- (3) Sean, who often fell below expectations regarding his kit, turnout and attitude, would frequently be picked up and sanctioned by NCOs. In addition, he was the subject of abuse and physical violence by one NCO on a number of occasions, and was attacked on at least one occasion by his fellow trainees. The Coroner found that it was likely that these events eroded Sean's resilience particularly in light of his emerging personality disorder. However, while it was possible that these events contributed to Sean's decision to take his own life, it could not be established that they probably did so.

The Record of Inquest referred to a number of further non-causative shortcomings, which had been admitted by the army, concerning the policies, systems and procedures at Deepcut.

The Coroner made no Regulation 28 report (Preventing Future Deaths), being satisfied that the army has taken action (and in some areas will be taking further action) in relation to the identified areas of concern.

Third Pre-Inquest Review Hearing in Westminster Bridge Inquests

02/07/2018

Barristers involved: Nicholas Moss Dominic Adamson QC Fiona Canby Matthew Waszak

Nicholas Moss (instructed by Speaker's Counsel) appeared on behalf of the Parliamentary Authorities. Fiona Canby (instructed by TfL Legal) appeared on behalf of Transport for London. The Inquests will commence on 10 September 2018 in Court 1 at the Central Criminal Court with a time estimate of four weeks. Further details can be found at the link below.

You can view the publication at <https://westminsterbridgeinquests.independent.gov.uk/>

Fresh Inquest into the death of Sean Benton

26/01/2018

Barristers involved: Nicholas Moss Emma Price Matthew Waszak

The fresh inquest into the death of Sean Benton, who died at Deepcut Barracks on 9 June 1995, was resumed on 24 January 2018. Nicholas Moss, Emma Price and Matthew Waszak represent the Ministry of Defence. The evidence is expected to be heard between 24 January 2018 and the end of March 2018.

TGC at the Provost Marshal (Army) Strategic Detention Seminar

19/09/2017

Barristers involved: Nicholas Moss

The course covers a wide variety of topics, with speakers from the ICRC, Human Rights groups, counter terrorism specialists, detention inspectorates and international legal specialists.

TGC at the FFLM Annual Conference

08/05/2017

Barristers involved: Nicholas Moss

Nick Moss provided a lecture on the lessons for the British Army concerning detention standards and interrogation techniques following the death of Baha Mousa. Other speakers at the event included Sir Declan Morgan, LCJ of Northern Ireland (The Impact of Cognitive Bias); Chief Constable of the PSNI, George Hamilton QPM (The Policing Journey in Northern Ireland); Lord John Alderdice, Director of the Centre for the Resolution of Intractable Conflict (The Psychology of Political Violence and Paramilitarism); and HHJ Paul Matthews (A Terrible Beauty: the new coroner system in England and Wales three years on).

Nicholas Moss appointed as Assistant Coroner

01/03/2017

Barristers involved: Nicholas Moss

TGC is delighted to announce that Nicholas Moss has been appointed as an Assistant Coroner for Cambridge and Peterborough, under the Senior Coroner David Heming. The post is a part time appointment and Nick continues his full practice in Chambers including in inquests and inquiries.

Cheryl James Inquest

03/06/2016

Barristers involved: Nicholas Moss Emma Price Matthew Waszak

The Coroner today returned a short form conclusion of Suicide, with an accompanying narrative conclusion: "Ms Cheryl James died as a result of suicide. The circumstances were that: Ms James had been posted as a lone female armed guard contrary to army policy; the risk of self-harm to trainees had not been adequately recognised nor had adequate steps been taken to reduce that risk".

The Coroner's findings are available at:

<https://digitalpressoffice.files.wordpress.com/2016/02/cj-finalconclusions.pdf>

Government scheme for Afghan staff not discriminatory

09/05/2016

Barristers involved: Nicholas Moss

The Appellants argued that the Government's scheme for Afghan staff (comprising separate intimidation and redundancy policies) was discriminatory because it was in some respects less favourable than the single scheme for staff employed during the Iraq conflict. The Court of Appeal unanimously held that (1) the Appellants could not bring a claim under Part 5 (Work) of the Equality Act 2010 because their employment did not have a sufficient connection with the UK to found jurisdiction; (2) the Appellants were not permitted to bring a claim under Part 3 (Public Functions) of the 2010 Act because it did not apply to work-related claims excluded from Part 5, nor did it extend to claims other than in respect of the exercise of public functions in Great Britain; (3) The Afghan scheme was in any event found not to be discriminatory. The reason for the differences between the Afghan and Iraqi schemes was the different operational situation in those countries, not the nationality of the members of staff; (4) The Court would not interfere with the judgment of the Divisional Court which had ordered a declaration but no quashing order in respect of a claim for breach of the public sector equality duty.

Nicholas Moss led by Jonathan Swift QC (11KBW) acted for the MOD and FCO. R (Hottak and AL) v Secretary of State for Foreign and Commonwealth Affairs and Secretary of State for Defence [2016] EWCA Civ 438.

You can view the publication at <http://www.bailii.org/ew/cases/EWCA/Civ/2016/438.html>

Conclusion in inquest into death of Private Gavin Williams

08/01/2016

Barristers involved: Nicholas Moss William Irwin Sian Reeves

Nicholas Moss and William Irwin represented the Ministry of Defence in the inquest into the death of Private Gavin Williams, which concluded today in the Salisbury Coroner's Court. Sian Reeves also appeared in the inquest representing a significant witness.

The coroner returned the following narrative conclusion:

'Gavin died as a result of imposition of unofficial physical punishment in the form of marching drill and physical exercise conducted on a very hot day. This punishment was part of a system of such unofficial punishments operating in the Battalion which the chain of command had failed to identify or prevent. The exertion from the marching drill and the physical exercise, combined with the effects of Gavin's recent use of ecstasy, led to the onset of hyperthermia. Gavin's symptoms of hyperthermia included involuntary aggressive behaviour, as a result of which he was restrained. The effect of Gavin's struggle against this restraint further contributed to the hyperthermia. Gavin was taken to Salisbury District Hospital where he was pronounced dead at 16.26 on 3 July 2006.'

The inquest sat for 26 days and heard evidence from over 100 witnesses, 61 of whom gave live evidence.

Inquest into the death of Private Gavin Williams

04/11/2015

Barristers involved: Nicholas Moss William Irwin

Nicholas Moss and William Irwin are representing the Ministry of Defence at the inquest into the death of Private Gavin Williams. The inquest reopened in Salisbury on Monday 2 November. Private Williams was serving with 2nd Battalion, The Royal Welsh when he died in July 2006 having been subjected to a physical punishment at Lucknow Barracks in Tidworth, Wiltshire. Three non-commissioned officers were acquitted of his manslaughter in 2008.
