



Sian Reeves

Year of Call: 2006

Practice Areas

- Civil Fraud
- Commercial
- Costs
- Inquests
- Insurance
- Personal Injury
- Professional Liability
- Public Law

Public Access

Undertakes Public Access work

Attorney General Panel

Appointed to B panel

Email:

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Experience

Sian has a broad public and civil common law practice.

In September 2018, Sian was appointed to the Attorney General's Civil Panel of Counsel, B Panel (London). Her public law practice is diverse and includes human rights law, immigration, inquests, judicial review, prison law and unlawful detention.

Sian maintains a busy civil common law practice, with a particular focus on costs, contractual and tortious litigation, insurance and personal injury. Sian also has considerable experience of civil claims with a public law element, including negligence, misfeasance in public office and conversion claims.

From August to October 2012, Sian undertook a Pegasus Scholarship to New Zealand where she spent 2 months working at Stout Street Chambers in Wellington (a commercial, civil litigation and public law set of chambers).

Costs

Sian has a diverse costs practice which includes costs issues arising out a wide range of both public and private law cases.

She has experience of acting for both paying and receiving parties at first instance and on appeal in the High Court, the

SCCO, the County Court, the First Tier-Tribunal (Tax Chamber) and the Upper Tribunal (IAC), and in an advisory capacity across a broad spectrum of areas of costs law. Sian's clients range from individuals on a direct access basis to Government Departments and HMRC.

Sian's recent experience includes: detailed assessments (including issues as to the recovery of success fees); assessments of solicitor and client costs under the Solicitors Act 1974; assessments of costs payable by legally aided parties; recoverability of costs in cases involving allegations of professional misconduct by lawyers; costs budgets and costs case management hearings; wasted costs orders; and non-party costs orders against directors.

Recent notable cases include:

Technetix Limited v. HMRC [2015] UKFTT 0369 (TC).

Finglands Coachways Ltd v. O'Hare [2014] EWHC 1513 (QB).

Inquests

Sian has significant experience of representing a wide range of interested persons at Pre-Inquest Reviews and Inquests (both with and without a jury). Sian's inquest experience includes deaths in prison custody, military deaths, and deaths arising out of road traffic accidents and at work.

Notable recent inquest experience includes:

- The Inquest into the death of Private Gavin Williams who died in July 2006 after having been subjected to a physical punishment whilst serving with the 2nd Battalion of the Royal Welsh Regiment at Lucknow Barracks in Tidworth. The inquest re-opened in November 2015 and Sian represented a significant witness giving evidence at the inquest.
- The Inquest into the London Bombings of 7 July 2005. Sian was instructed as junior counsel (led by Keith Morton QC and Fiona Canby) on behalf of Transport for London.

Public law

In March 2015, Sian was appointed to the Attorney General's Civil Panel of Counsel, C Panel (London). Her public law practice is diverse and includes human rights law, immigration, inquests, judicial review, prison law and unlawful detention.

Personal injury

Since completion of her pupillage in 2009, Sian has acted for claimants and defendants in the High Court and County Court and in an advisory capacity across all areas of personal injury law. Sian's personal injury practice also encompasses product liability cases and cases involving the Criminal Injuries Compensation Scheme.

Insurance

Alongside her personal injury practice, Sian has developed an insurance practice, with particular experience of: Coverage and indemnity disputes; dual insurance; motor insurance fraud; and liability issues arising under the Road Traffic Act 1988 and The European Communities (Rights against Insurers) Regulations 2002.

Sian's recent experience also includes coverage and indemnity issues in relation to household insurance and issues under the *Third Parties (Rights Against Insurers) Act 1930*.

Civil/Commercial

Sian has considerable recent experience of acting for clients across a broad range of civil and commercial law case including:

- drafting a commercial hire agreement;
- false imprisonment and assault claims (where Sian acted for and advised a large multinational company against whom the claims were brought);
- breaches of contract and warranties;
- consumer credit;
- conversion claims;
- director's liability disputes, including issues of breach of fiduciary duties and injunctive relief;
- cases involving the piercing of the corporate veil;
- franchise agreements; and
- property damage cases, including claims against builders in negligence and breach of contract; and supply and sale of goods disputes.

Professional Negligence

Sian has recent experience of acting for claimants in professional negligence actions involving estate agents, independent financial advisors and solicitors.

Appointments

Attorney-General's Civil Panel of Counsel London, B
Panel (September 2018)

Education

BVC (Very Competent), BPP Law School (2006).
BCL, University of Oxford, Brasenose College (2005).
MA (Hons) Law (First Class), University of Cambridge, Downing
College (2004).

Memberships

Administrative Law Bar Association (ALBA).
London Common Law & Commercial Bar Association (LCLCBA).
Personal Injuries Bar Association (PIBA).

Cases

Inquest into the death of EH

02.07.2018 - 05.07.2018

Barristers involved: Sian Reeves

Acted for the Ministry of Justice in this 3 day inquest into the death of EH, who had hanged himself at HMP Wormwood Scrubs.

The inquest considered a wide range of issues, including EH's location on the first night centre (rather than the detox unit), the timing of his medication, his previous mental health history disclosed at a previous prison, and the emergency response. The jury (sitting at West London Coroner's Court) found no failings on the part of the Ministry of Justice.

Publications

TGC Costs Newsletter

17/05/2018

Authors: James Laughland James Arney Paul McGrath Shaman Kapoor Lionel Stride Sian Reeves Richard Boyle Matthew Waszak
Ellen Robertson

Please see link below to the latest TGC Costs Newsletter.

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

News

Rhys Davies and Sian Reeves speak at a press conference outside the embassy of Saudi Arabia, in London

05/10/2018

Barristers involved: Rhys Davies Sian Reeves

At the press conference, Rhys Davies called upon the Saudi government to confirm whether it had detained Jamal Khashoggi and, if so, to release him immediately. Sian Reeves highlighted the Saudi government's history of arrests of activists and dissidents, and further called upon the Saudi government to release Jamal Khashoggi if he is in their custody.

You can view the publication at

<https://www.middleeastmonitor.com/20181005-uk-rights-groups-call-on-saudi-to-reveal-khashoggi-whereabouts/>

Three members of TGC elevated to “B” panel

12/07/2018

Barristers involved: Julia Smyth Emma Price Sian Reeves
Their appointments are from 1 September 2018 for a period of 5 years.

Sian Reeves, Rhys Davies and Myles Grandison address an event at the United Nations in Geneva

27/06/2018

Barristers involved: Sian Reeves Rhys Davies Myles Grandison
Sian Reeves chaired the event relating the torture and ill-treatment of women in UAE’s prisons.

Rhys Davies highlighted the human rights violations committed against women in the UAE, and the cruel, degrading and inhuman treatment that they are subjected to whilst in UAE prisons.

Myles Grandison focused on extradition between the UK and the UAE, and the refusal of the UK courts to extradite to the UAE in view of the current conditions in UAE prisons.

“The Blockade of Qatar One Year On: Violations of Human Rights and Coercive measures”

06/06/2018

Barristers involved: Sian Reeves

The **report** was brought out today on the first anniversary of the air, land and sea and economic blockade imposed on Qatar by Saudi Arabia, UAE, Bahrain and Egypt. The blockade has been widely condemned, and the human rights violations that have arisen as a result have been highlighted by many bodies including the Office of the High Commissioner for Human Rights.

TGC Costs Newsletter

17/05/2018

Barristers involved: Shaman Kapoor Paul McGrath Richard Boyle James Arney James Laughland Sian Reeves Matthew Waszak Lionel Stride Ellen Robertson

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SCCO determines inquest costs that are recoverable in principle in a case where liability was admitted pre-inquest

29/01/2018

Barristers involved: Sian Reeves

The Claimant’s son died in custody. The Claimant issued a claim against the Defendants for a declaration and damages for breaches of Articles 2, 3 and 8 of the ECHR, and for damages in negligence in respect of her son’s death.

Shortly before the substantive inquest commenced, the Defendants made an unqualified admission of liability in respect of the Claimant’s claim as pleaded. The claim ultimately settled after the inquest.

Within her Bill of Costs, the Claimant sought substantial costs that had been incurred in respect of the inquest process, including the substantive inquest hearing itself.

Master Leonard determined which ‘inquest costs’ were, in principle, recoverable as being costs “of and incidental” to the civil

proceedings within the meaning of section 51 of the Senior Courts Act 1981.

This is a potentially important judgment as it is the only recent 'reported' case on inquest costs where liability was admitted prior to the inquest commencing.

A further hearing is scheduled to assess the amount of costs payable pursuant to Master Leonard's judgment on the preliminary issue of which inquest costs are recoverable in principle.

Sian Reeves was instructed by Stephenson Solicitors LLP on behalf of the Defendants.

The judgment was handed down on 8 January 2018 and is reported as *Douglas v. Ministry of Justice & Anor* [2018] EWHC B2 (Costs).

You can view the publication at

[http://www.bailii.org/cgi-bin/format.cgi?doc=/ew/cases/EWHC/Costs/2018/B2.html&query=\(douglas\)+AND+\(v\)+AND+\(ministry\)+AND+\(of\)+AND+\(justice\)](http://www.bailii.org/cgi-bin/format.cgi?doc=/ew/cases/EWHC/Costs/2018/B2.html&query=(douglas)+AND+(v)+AND+(ministry)+AND+(of)+AND+(justice))

Court of Appeal confirms correct permission to appeal test to be applied by the Upper Tribunal

15/01/2018

Barristers involved: Sian Reeves

The Secretary of State had conceded that the applicable test when the Upper Tribunal is exercising its original jurisdiction (rather than its appellate jurisdiction on appeal from the First-tier Tribunal) is the first appeal test. However, the Court of Appeal's judgment provides helpful confirmation as to the correct permission to appeal test to be applied by the Upper Tribunal in circumstances where section 13 of the Tribunals, Courts and Enforcement Act 2007 and the Tribunal Procedure (Upper Tribunal) Rules 2008 are silent as to the applicable test.

Sian Reeves, instructed by the Government Legal Department represented the Secretary of State for the Home Department.

The judgment was handed down on 12 January 2018 and is reported as *R (Nwankwo & Anor) v. Secretary of State for the Home Department* [2018] EWCA Civ 5.

Judgment was handed down on 12 January 2018 – see link below.

You can view the publication at <http://www.bailii.org/ew/cases/EWCA/Civ/2018/5.html>

Prisoner's £100,000 damages claim against the MoJ in respect of an assault by another prisoner is dismissed

15/01/2018

Barristers involved: Sian Reeves

On 7 January 2010, the Claimant was assaulted by another prisoner at HMP Whitemoor in the spur kitchen during evening association. The Claimant claimed that the Ministry of Justice had failed in its duty of care by not preventing the assault. Specifically, the Claimant claimed that: (i) the Ministry of Justice's staffing levels were inadequate; (ii) that the kitchen was a known hot spot for assaults; and (iv) that the Ministry of Justice had failed to take appropriate action in response to earlier intelligence reports.

In a judgment handed down on 11 January 2018, HHJ Freeland QC dismissed the Claimant's claim. HHJ Freeland QC rejected all of the Claimant's allegations of negligence. HHJ Freeland QC rejected the allegation that the staffing level on the spur was inadequate, and rejected the allegation that the kitchen was a known hot spot for assaults requiring a greater level of supervision. In HHJ Freeland QC's judgment, there was no relevant intelligence in relation to the assault and such as to put the Ministry of Justice on notice of the risk of an imminent assault on the Claimant.

Initially, the Claimant had advanced multiple different causes of action against the Ministry of Justice and 6 other defendants. Save for the claim in common law negligence in respect of the assault on 7 January 2010, all other causes of action were struck out in

September 2016. A costs order was previously made in respect of the costs of that striking out. Whilst the QOCS regime applied to the proceedings, as many of these causes of action that had been struck out amounted to “a claim...for the benefit of the claimant other than a claim to which this Section applies” HHJ Freeland QC gave permission to the Ministry of Justice to enforce the earlier costs order to the extent of 80%, pursuant to CPR r. 44.16(2)(b).

Sian Reeves was instructed by the Government Legal Department.

Court of Appeal dismisses Claimants’ appeal against dismissal of their battery claims

20/11/2017

Barristers involved: Cathryn McGahey QC Sian Reeves

On 15 February 2010, Immigration Officers attended the home of the Claimants to transfer them to a detention centre pending their imminent removal from the UK pursuant to removal directions. Whilst the Claimants accepted that the attempted removal from their home was lawful, they alleged that excessive and unlawful force was used against them by the Immigration Officers. The Claimants claimed damages for personal injuries and loss consequent upon the alleged battery.

The Claimants’ claims were dismissed by the trial judge following a 4.5 day trial. The trial judge held that the force used by the Immigration Officers to compel the First Claimant to release the Second Claimant was no greater than reasonably necessary to protect the Second Claimant from actual and impending harm, and that the Immigration Officers had a genuine and reasonable belief that the force used was necessary to protect the Second Claimant.

The Court of Appeal rejected the entirety of the Claimants’ grounds of appeal. The Court of Appeal held that the findings made by the trial judge were open to him on the evidence.

A fundamental premise of the Claimants’ appeal was that the factual findings of the trial judge had wider significance in relation to the proper approach of the courts to the protection of the best interests of children in the context of family removals. Having found that the trial judge was entitled to find that the Immigration Officers genuinely and reasonably believed that it was necessary to take the action which they did, and that such action was in those circumstances reasonable, the Court of Appeal held (per Bean LJ at para. 31) that:

“This is not, therefore, a suitable case in which to pronounce on what level of force would be appropriate in order to separate an adult from a child, where there is no perceived risk of imminent harm to the child, simply in order to facilitate a removal”.

Cathryn McGahey QC and Sian Reeves were instructed by Helen John of the Government Legal Department.

Judgment was handed down on 17 November 2017.

Sian Reeves represented HMP Pentonville at an Article 2 inquest following a death in custody

31/10/2017

Barristers involved: Sian Reeves

Mr. Borkertas was a Lithuanian national. He was found hanging in his cell in November 2016, and despite extensive resuscitation efforts by prison staff and paramedics, he was pronounced dead later that night.

The jury returned a short narrative conclusion of suicide. The jury found that there had been an unsatisfactory and unexplained delay in answering the cell bell, but that there was no evidence that this had had any impact on the outcome for Mr. Borkertas.

Sian Reeves represented the Ministry of Justice in a 6-day Article 2 Inquest

31/10/2017

Barristers involved: Sian Reeves

Mr. Wilson was recalled into prison custody in December 2015 at HMP Birmingham (a private prison run by G4S), where he

remained before transferring to HMP Featherstone in February 2016.

Mr Wilson was found hanging in a cell in HMP Featherstone on 2 March 2016. He was taken to New Cross hospital and died on the following day.

The jury determined that the probable causes of death were that Mr. Wilson was upset that he was having to spend more time in prison, and that he was concerned about debts that he had incurred whilst in prison.

The jury also concluded that there were two possible causes of death, namely Mr. Wilson was upset at being recalled to prison when he hadn't been convicted of a further offence, and his concerns about threats and problems at HMP Birmingham not being properly addressed.

The jury found no failings by the Ministry of Justice as to its care of Mr. Wilson.

You can view the publication at

<https://www.expressandstar.com/news/2017/04/27/inmate-found-hanging-in-featherstone-prison-cell-had-given-no-sign-of-bullying/>

TGC Costs Newsletter

04/07/2017

Barristers involved: Simon Browne QC Shaman Kapoor Paul McGrath Lionel Stride Sian Reeves Richard Boyle Matthew Waszak Piers Taylor Robert Riddell

2017 has already proved to be an extremely exciting year. We launched our sell-out one day costs conference in February which was attended by more than 250 delegates and presented on a number of critical topics: retainers, assignment, ATE premiums, proportionality, budgeting, Part 36, QOCS, fixed costs and assessment. We were particularly honoured to have speakers from the Court of Appeal, the SCCO, and the QBD. In case you missed it, the materials can still be found on our website at <http://tgchambers.com/news-and-resources/seminars/retainer-recovery-journey-modern-litigation/>.

We have had significant instructions in a high number of cases that continue to shape the future for the costs world. This newsletter aims to bring you the latest news (at the time of print) on the hottest topics including: how to hack through Article 10 and blag about additional liabilities (Flood/Miller/Frost), a review of New P in anticipation of BNM, substance not form on CFA retainers post-legal aid funding, a club-like search for logic in fixed costs, the Ps & Qs of QOCS, extension of pre-LASPO CFA and ATE to a post-LASPO appeal and assignment-lite (Plevin), the surviving power of set-off even in QOCS cases and, not least, the budget vs assessment battle (Harrison). In for a penny, in for a pound.

On the horizon is, of course, the long awaited Court of Appeal decision in BNM. I have prepared a skeleton argument in a parallel appellate case (Murrells) albeit at Circuit Judge level, but having had the paper fight, the parties have agreed to await the outcome of BNM. At the same time, the Court of Appeal shall be giving judgment on assignment of CFAs in Budana. No doubt those decisions will mark the trigger for our next publication.

Finally, I should take this opportunity to thank all of the contributors for their hard work, and my Associate Editors for all of their help and without whom this newsletter would not have taken off. Happy reading!

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

Solicitor success on 4 preliminary issues in a solicitor-client costs dispute

15/06/2017

Barristers involved: Sian Reeves

The preliminary issues that arose for determination were:

- (1) Whether the interim bills issued by the solicitor to the client were interim statute bills or requests for payment on account;
- (2) The effect of any failures by the firm of solicitors to provide costs estimates;
- (3) The effect of any failure to inquire as to BTE insurance; and

(4) Whether the effect of (2) and (3) was to invalidate the solicitors' retainer.

District Judge Phillips found in favour of the solicitors on all 4 issues.

Of particular note is the fact that District Judge Phillips held that any failure to provide costs estimates or make enquiries as to BTE insurance did not invalidate the solicitors' retainer. The client argued that the Court of Appeal's decision in *Garbutt v. Edwards* [2005] EWCA Civ 1206 was no longer binding because (amongst other reasons) of the change in the Solicitors' Practice Rules. This argument was rejected by DJ Phillips.

ETS procedural unfairness judicial review claim dismissed

15/06/2017

Barristers involved: Sian Reeves

The Applicant challenged the Secretary of State's decision curtailing her leave to remain in the UK as a Tier 2 General Migrant. The curtailment decision was made pursuant to paragraph 323(ia) of the Immigration Rules, on the basis that the Applicant had procured a Test of English for International Communication ('TOEIC') certificate by fraud. There was no right of appeal against the curtailment decision.

The Applicant challenged the curtailment decision on grounds that it was procedurally unfair, irrational and breached her rights under Article 8 of the ECHR. UTJ Allen dismissed all three grounds.

Personal Injury Claim Settled for £180,000

13/10/2016

Barristers involved: Anthony Johnson Sian Reeves

The Claimant, a 35-year-old Traffic Examiner, suffered a minimally displaced intra-trochanteric fracture of the femur in an accident at work that occurred on 07.12.12 in the course of her employment for the Department for Transport; liability was admitted in May 2013 and the matter proceeded on a causation and quantum only basis. Unfortunately, the Claimant's condition worsened and she began to experience increasing pain, which was subsequently diagnosed as early post-traumatic arthritis of the hip. Orthopaedic experts instructed by both parties agreed that the Claimant would require hip replacement surgery within 2-7 years as a consequence of the accident, and that given her relatively young age she would require one, probably two, revisions of the hip replacement in later life. The Claimant also experienced bladder symptoms of mild urinary incontinence, urinary leakage and urgency, which her urological expert was prepared to tentatively attribute to the accident, although both parties wished to explore this issue further with him and the Defendant intended to obtain its own urological evidence. In addition, the Claimant reported some intrusive psychological symptoms in the form of nightmares and flashbacks.

The matter came to Joint Settlement Meeting (JSM) at a relatively early juncture post-issue, prior to the case management stage; both parties were keen to restrict the costs incurred if at all possible, notwithstanding that the evidence was far from finalised. The Claimant instructed Anthony Johnson for the JSM and the Defendant Sian Reeves. The three main issues between the parties related to the level of general damages, the treatment of the Claimant's pleaded future losses and, most significantly, a claim for future loss of earnings and loss of earning capacity. The major complicating feature in relation to the latter head of claim was that although the Claimant had suffered little loss of earnings to date, she was expected to require lengthy periods off work both before and after hip replacement surgery and revision surgery and, in any event, both parties' experts agreed that she at some disadvantage on the open market and thus eligible for a *Smith v. Manchester* award. Following extensive negotiations, the parties were pleased to agree a settlement figure of £180,000.

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.
