



William Irwin

Year of Call: 2010

Practice Areas

- Civil Fraud
- Inquests
- Inquiries
- Insurance
- Personal Injury
- Public Law

Attorney General Panel

Appointed to C panel

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Experience

William practices in public and private law. He has experience in judicial review matters, immigration appeals, claims under the Human Rights Act 1998, coroners' inquests, public inquiries and private law claims.

William's public law practice includes judicial review claims relating to immigration decisions, the lawfulness of detention, human trafficking, immigration bail and public law matters arising from prisons. In relation to trafficking in particular, William has appeared in several significant cases in the Administrative Court over the past year, both as sole counsel and as a junior (for example *R (MN) v SSHD* [2018] EWHC 3268).

William successfully represented the Home Secretary as sole counsel in *SSHD v Aibangbee* [2019] EWCA Civ 339. He has recently represented the Home Secretary in the Court of Appeal in two separate matters relating to the proper application of Part 5A of the Nationality, Immigration and Asylum Act 2002 to the deportation of foreign national offenders (judgments pending).

William represents public authorities and families in coroners' inquests. He has been instructed by the Ministry of Justice and the Ministry of Defence in complex inquests (for example the inquest into the death of Gavin Williams, a soldier who died of heat injury following an informal punishment). William has

recently represented a governor-grade employee at a private prison in the inquest into the self-inflicted death of a prisoner (inquest into the death of Sean McCann). William is also instructed in matters arising from inquests – for example claims brought under the Human Rights Act 1998 and judicial review challenges to coroners’ decisions.

William maintains a strong practice in private law, including claims arising from assaults and accidents in prisons (for example successfully defending a claim brought by a former prison officer who had been taken hostage by a prisoner – Edlington v Moj) as well as civil claims for unlawful detention, general personal injury and civil fraud. William has a particular interest and expertise in matters relating to legal privilege and disclosure in fraud matters.

Appointments

Attorney General’s C Panel (March 2015 to date)

Education

GDL and BVC, City University, London.

MA History (First Class Honours) Jesus College, Cambridge

Memberships

PIBA
PNBA

Cases

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.

Re Sean Jackson

15/07/2015

Barristers involved: William Irwin

Representing HMP Elmley in the inquest into the death of an inmate. The deceased was discovered suspended in his cell. The jury concluded that Mr Jackson had died in an accident.

Re Daniel Yeowell

04/06/2015

Barristers involved: William Irwin

Representing the family in the inquest into the death of a young man who died on a building site. The jury concluded that there had been a series of failings by his employer which contributed to his death.

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 Newsletter Issue VIII - July 2018

02/07/2018

Authors: James Henry Ellen Robertson Paul McGrath James Yapp Matthew Waszak Elizabeth Gallagher Tim Sharpe Edward Hutchin William Irwin Helen Nugent

Please see link below for Issue VIII of TGC Fraud Update, a publication we have set up with the stated aim of facilitating the sharing of information about decided claims involving issues of road traffic fraud and related matters.

You can view the publication at http://tgchambers.com/wp-content/uploads/2018/06/TGC041_Newsletter_Fraud_issue8_v1.pdf

TGC Fraud Newsletter Issue VI - September 2017

21/09/2017

Authors: Anthony Johnson Paul McGrath Anthony Lenanton George Davies Ellen Robertson Robert Riddell William Irwin Matthew Waszak Alex Glassbrook

Please see link below for Issue 6 of TGC Fraud Update, a publication we have set up with the stated aim of facilitating the sharing of information about decided claims involving issues of road traffic fraud and related matters.

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

News

William Irwin represents Ministry of Justice in claim by prison officer taken hostage by prisoner

26/07/2019

Barristers involved: William Irwin

The Claimant suffered psychiatric injuries following an incident in 2013 when she was taken hostage by a prisoner who claimed to be in possession of an improvised weapon. The incident lasted for 10 minutes.

The Claimant's claim for £350,000 in damages was dismissed by HHJ Saunders sitting at Central London County Court. He found that the Claimant had failed to demonstrate that the prisoner who took her hostage represented a particular risk or merited particular measures being taken to control him.

Press coverage [here](#) and below.

You can view the publication at

<https://www.standard.co.uk/news/uk/exprison-officer-sues-for-350k-over-hostage-ordeal-that-ended-her-career-a4197956.html>

William Irwin represents the Home Secretary in the Court of Appeal

07/03/2019

Barristers involved: William Irwin

The case concerned the rights of durable partners of EEA nationals under the Immigration (European Economic Area) Regulations 2006 (the 2006 regulations). Pursuant to the 2006 regulations, the durable partner of an EEA national who has lived in accordance with those regulations for a period of five years is entitled to a permanent residence card. The SSHD appealed against a finding by the Upper Tribunal that the five year period concerned began at the commencement of the durable relationship.

The Court of Appeal allowed the SSHD's appeal, holding that the five year qualifying period began at the date when the durable partner was given a residence card by the SSHD.

William Irwin represents the Home Secretary in trafficking case

10/01/2019

Barristers involved: William Irwin

The Claimant was a Nigerian woman who claimed to have been trafficked for the purposes of sexual exploitation. She challenged the Defendant's conclusive grounds decision that she was not a victim of trafficking within the definition given in the Council of Europe Convention on Action against Trafficking in Human Beings (ECAT).

The court (Phillip Mott QC) dismissed the application, holding that the SSHD's negative conclusive grounds decision was reasonable bearing in mind multiple inconsistencies in the Claimant's account of events over the years.

The court also declined to depart from the finding of Farbey J in the case of R(MN) v SSHD [2018] EWHC 3268 (QB) that the appropriate standard of proof when making a conclusive grounds decision was the balance of probabilities. William Irwin also represented the SSHD in that case.

William Irwin represents the Secretary of State in human trafficking case

29/11/2018

Barristers involved: William Irwin

The claimant challenged a conclusive grounds decision made by the Defendant that she was not a victim of trafficking. As part of the claim, the claimant and the intervener challenged the SSHD's policy of applying the balance of probabilities standard of proof when making conclusive grounds decisions in trafficking cases.

Mrs Justice Farbey dismissed the claim and held that the application of the balance of probabilities standard was lawful.

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You can view the publication at http://tgchambers.com/wp-content/uploads/2018/06/TGC041_Newsletter_Fraud_issue8_v1.pdf

The Commissioners for Her Majesty's Revenue and Customs v Woodgate

08/05/2018

Barristers involved: William Irwin

In a judgment handed down on 3 May 2018, HHJ Mark Gargan – the Designated Civil Judge for Cleveland and South Durham – refused Mr Woodgate's application to set aside a default judgment obtained by HMRC.

Applying the principle in O'Reilly v Mackman [1983] UKHL 1, [1983] 2 AC 237 the Judge held that it was not open to the Defendant to challenge the validity of the APNs or PPNs in the course of enforcement proceedings. Accordingly he held that the Defendant did not have a realistic prospect of successfully defending HMRC's claim and should not be permitted to have the default judgment set aside.

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21/09/2017

Barristers involved: Anthony Johnson Paul McGrath Anthony Lenanton George Davies Ellen Robertson Robert Riddell William Irwin Matthew Waszak Alex Glassbrook

Please see link below for Issue VI of the TGC Fraud newsletter.

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

HMP/YOI Cookham Wood Adewole Inquest

26/04/2017

Barristers involved: William Irwin

Daniel Adewole was 16 years old when he was found dead in his cell at HMP/YOI Cookham Wood. He was an epileptic. Medical experts concluded that he had died of Sudden Unexplained Death in Epilepsy (SUDEP).

The Senior Coroner for Kent, Patricia Harding, concluded that Master Adewole had died from natural causes. In the course of the inquest she identified some issues of concern relating to the officers' actions when Master Adewole did not respond to knocks on his door, but was satisfied that the prison had already taken measures to meet those concerns.

You can view the publication at <http://www.bbc.co.uk/news/uk-england-kent-39720186>

William Irwin appears in death in custody inquest

03/05/2016

Barristers involved: William Irwin

William Irwin represented the Ministry of Justice in the inquest into the death of Oliver Safioulin at the Norwich Coroner's Court. Mr Safioulin was a Belorussian national who was deaf and suffered from serious psychiatric illness. He died at HMP Norwich in March 2015.

The jury returned a short narrative conclusion, finding that Mr Safioulin had hanged himself. The jury was not able to determine his intention at the time of his death.

The inquests into the deaths resulting from the Hillsborough Stadium Disaster have

concluded

27/04/2016

Barristers involved: Andrew O'Connor QC Dominic Adamson William Irwin Anthony Lenanton Piers Taylor Matthew Waszak
Andrew O'Connor QC, Dominic Adamson, William Irwin, Anthony Lenanton, Piers Taylor and Matthew Waszak represented the Independent Police Complaints Commission at the inquests. The IPCC's investigation continues.

William Irwin represents the Ministry of Justice in death in custody

22/04/2016

Barristers involved: William Irwin

Mr Roberts was a prisoner at HMP Swansea when he died on 5 July 2010.

The jury determined that Mr Roberts had hanged himself and returned a conclusion of suicide.

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.
