



T: +44 (0)20 7583 1315
E: clerks@tgchambers.com
W: tgchambers.com/

<https://tgchambers.com/member-profile/nicholas-chapman/>



Nicholas Chapman

Year of Call: 2001

Practice Areas

- Civil Fraud
- Extradition
- Health & Safety
- Inquests
- Inquiries
- Professional Discipline
- Public International Law
- Public Law

Public Access

Undertakes Public Access work

Attorney General Panel

Appointed to A panel

Email:

nchapman@tgchambers.com

Awards

Experience

Nicholas Chapman has a broad practice with an emphasis on public and regulatory law, public international law, human rights and civil liberties, national security, public inquiries, inquests, tax, and health and safety and environmental crime. His cases are generally important, complex and high-profile. He is Junior Counsel to the Crown (Attorney General's A panel) and a member of the Equality and Human Rights Commission A panel.

In recent years his experience has included:

- acting for all seven defendants in claims alleging British government and intelligence agency involvement in extraordinary rendition and torture (Belhaj & Boudchar v Rt Hon Jack Straw, Sir Mark Allen CMG, MI5, MI6 & others) and in a range of other cases in the national security and counter-terrorism field
- representing the Government in a number of judicial review challenges concerning its response to the Covid-19 pandemic, including in relation to the hospitality curfew, attendance at weddings, and the mass asymptomatic testing programme
- appearing in the leading domestic case on the scope and applicability of the UN Refugee Convention and the circumstances in which refugee status can be cancelled or withdrawn (JS (Uganda))
- representing the Ministry of Housing in the Grenfell Tower Inquiry



- representing the Department for Business, Energy & Industrial Strategy in the Post Office Horizon IT Inquiry
- challenges to the statutory fees regime for British citizenship applications (PRCBC & others)
- a series of cases involving victims' rights to challenge Parole Board decisions concerning the release of convicted murderers
- challenges concerning the Government's badger culling programme
- a series of leading appeal cases concerning the treatment of asylum-seeking children
- proceedings concerning the tax treatment of charity fundraising expenses (Friends of the Earth v HMRC)
- acting for the Financial Reporting Council in regulatory proceedings concerning the collapse of Worthington Nicholls Group plc and the transfer of the Threshers Wine Rack pension scheme
- advising Barclays Wealth in relation to its regulatory compliance obligations

Nick is often first instructed at appeal level and has appeared in a large number of reported cases. Many of his cases have an international dimension and he is accustomed to working with foreign lawyers and as part of multi-disciplinary teams. His clients include Government departments and agencies, the Security and Intelligence services, HMRC, the SFO, the National Crime Agency, multinational corporations and financial institutions, national sports bodies and Magic Circle and other leading firms of solicitors.

Appointments

- Junior Counsel to the Crown – Attorney General's A panel
- Equality and Human Rights Commission – A panel

Memberships

- Constitutional and Administrative Law Bar Association (ALBA)
- Association of Regulatory and Disciplinary Lawyers (ARDL)
- Defence Extradition Lawyers' Forum (DELFF)
- Fraud Lawyers Association (FLA)
- Health and Safety Lawyers Association (HSLA)

Cases

'Operation Moonshot' - R (Good Law Project, Dale Vince, Ecotricity Ventures and others) v The Prime Minister and The Secretary of State for Health and Social Care

24.2.21

Barristers involved: Nicholas Chapman

£100bn judicial review challenge to the Government's Covid-19 mass asymptomatic testing programme, referred to as 'Operation Moonshot'.

The claimants, led by the campaigning group Good Law Project, claimed that the Government's decision to allocate what was alleged to be around £100bn in public money and to enter into a series of contracts for rapid-turnaround Covid-19 testing technology breached procurement laws, ignored a legally enforceable duty to consult, and was irrational.

The High Court (Lavender J) refused the claimants permission on all grounds. The claimants initially renewed their application before withdrawing the claim in its entirety.

Nicholas Chapman was first junior for the Prime Minister and the Health Secretary in a team led by Philip Moser QC.

R (Project for the Registration of Children as British Citizens and O) v Secretary of State for the Home Department

[2021] EWCA Civ 193

18.2.21

Barristers involved: Nicholas Chapman

Appeal and cross-appeal concerning the fees charged to children applying to register as British citizens.

The claimants, led by the Project for the Registration of Children as British Citizens, alleged that the fees – more than £1,000 – are ultra vires the British Nationality Act 1981 and breach the principle of legality, being substantially in excess of the administrative cost and unaffordable to many child applicants and thereby cutting down rights conferred by Parliament. In a widely reported judgment, the High Court (Jay J) rejected this argument. However, Jay J allowed the claim on the secondary ground that the Secretary of State had failed in the procedural duty to have regard to the best interests of children when fixing the fees at their present level. He declined to quash the regulations setting the fees.

The Court of Appeal refused the appeals brought against each aspect of Jay J's judgment. In doing so, it made important observations concerning the related principles of ultra vires and legality. Following the intervention of both the Speaker of the House of Commons and the Clerk of the Parliaments, the Court also made observations concerning Article 9 of the Bill of Rights 1689, which regulates the use to which Parliamentary materials may be put in legal proceedings.

The Court of Appeal granted permission to appeal to the Supreme Court.

Nicholas Chapman, led by Sir James Eadie QC, represented the Secretary of State.

The judgment can be found [here](#).

R (G-A-Y Group Ltd) v Secretary of State for Health and Social Care

03.12.2020

Barristers involved: Nicholas Chapman

The judicial review of the 10pm hospitality curfew, imposed by the Government in response to the Covid-19 pandemic.

The claimant, which owns and operates a number of well-known nightclubs, challenged the curfew as contained in various Regulations made under the Public Health (Control of Disease) Act 1984 on grounds that they were irrational, unreasoned and breached its property rights as guaranteed by the European Convention on Human Rights.

Mr Justice Lane refused permission to apply for judicial review and the claimant subsequently withdrew its claim.

Nicholas Chapman, led by Sir James Eadie QC, represented the Secretary of State.

R (Marie McCourt) v Parole Board, Secretary of State for Justice and Ian Simms

[2020] EWHC 2320

01.09.20

Barristers involved: Nicholas Chapman

The judicial review of the Parole Board's decision to release Ian Simms, who murdered Helen McCourt in 1988 and who has refused to reveal the location of her remains.

The claim was brought by Marie McCourt, Helen's mother, who has led a nationwide campaign for a change in the law – known as Helen's Law – to prevent the release of murderers who refuse to reveal where they left their victim.

Following a two-day hearing, the Divisional Court dismissed Mrs McCourt's claim on all grounds. In doing so, the court (Macur LJ and Chamberlain J) held that there was no arguable unlawfulness either in the substance of the Parole Board's decision to release Ian Simms or in the process it adopted when making it. In particular, it rejected Mrs McCourt's case as to victims' rights of involvement in Parole Board proceedings. It also gave guidance as to the standing of victims to bring judicial review proceedings against Parole Board decisions.

The claim was the subject of substantial attention in the national press.

Nicholas Chapman represented the Parole Board.

The judgment can be found [here](#).

Secretary of State for the Home Department v QT

[2019] EWHC 2583 (Admin)

10.7.20

Barristers involved: Cathryn McGahey QC Nicholas Chapman

A statutory review of the Home Secretary's decision to impose terrorism prevention and investigation measures (TPIM) on QT, a member of Al-Muhajiroun (also known as ALM).

Following a 4-day hearing, the High Court upheld the Secretary of State's decision in full. In doing so, it rejected QT's claim that he was not a member of Al-Muhajiroun, and held that there was a risk that QT would travel overseas to join IS if free to do so. It also rejected QT's case that his extremist rhetoric, which the court accepted was likely to radicalise vulnerable young people, was a manifestation of his freedom of religion and of expression and that the TPIM therefore breached his human rights.

The case was unusual in that the Home Secretary relied on evidence upon which QT had been tried and acquitted in the criminal courts. The court rejected QT's argument that this presented a legal barrier to the imposition of a TPIM.

Cathryn McGahey QC and Nicholas Chapman acted for the Secretary of State.

The judgment can be found [here](#).

National Farmers Union & T&G Stone Ltd v Secretary of State for Environment, Farming and Rural Affairs & Natural England

[2020] EWHC 1192 (Admin)

13.05.20

Barristers involved: Nicholas Chapman

A very high-profile and important judicial review of the Environment Secretary's decision to prevent the introduction of badger culling in Derbyshire in 2019, involving allegations that the Prime Minister and his partner Carrie Symonds improperly interfered in the decision-making process.

The High Court dismissed the claim on all grounds, holding that the Secretary of State was not bound by his own statutory guidance, that no substantive or procedural legitimate expectation arose despite the very late stage at which the decision was made, and that – even though the scientific evidence strongly favoured the introduction of culling in the county – the executive was entitled to a wide margin of appreciation in a field involving difficult and controversial political and ethical value judgments.

Nicholas Chapman, led by Sir James Eadie QC, acted for the Secretary of State.

The judgment can be viewed [here](#).

Home Secretary v Yagnesh Devani (Kenya)

[2020] EWCA Civ 612; [2020] 1 WLR 2613

7.5.2020

Barristers involved: Nicholas Chapman

The leading case concerning the circumstances in which a court can reject a foreign government's assurances concerning treatment following extradition.

The Republic of Kenya sought the extradition of Yagnesh Devani, a well-known businessman, to face high-profile fraud charges. In doing so, it gave assurances as to his treatment. The First-tier Tribunal held that the Kenyan government was likely to breach those assurances but, by a slip of the pen, dismissed his human rights appeal. The Upper Tribunal allowed his appeal and, in doing so, declined – because they had not been raised in advance of the hearing – to consider the Secretary of State's submissions that the tribunal below should not have made the findings it did.

The Court of Appeal allowed the Secretary of State's appeal, holding that both the Upper Tribunal and First-tier Tribunal made errors of law. It concluded that the evidence that Kenya would breach its assurances failed to possess the "special force" necessary for Mr Devani's human rights claim to succeed.

In doing so, it overturned *Katsonga* [2016] UKUT 228 (IAC), which limits the application of the slip rule; and invited the Tribunal Procedure Committee to reconsider aspects of the Upper Tribunal Rules relating to Respondent's Notices.

Nicholas Chapman acted for the Secretary of State.

The judgment can be viewed [here](#).

Project for the Registration of Children as British Citizens, A & O v Home Secretary

[2019] EWHC 3536 (Admin); [2020] 1 WLR 1486; [2020] 2 All ER 572; [2020] ACD 32

19.12.2019

Barristers involved: Nicholas Chapman

An important and high-profile challenge to the fees charged to children applying to be registered as British citizens.

The Administrative Court (Jay J) refused the claimants' principal ground of challenge, which concerned the vires of the fees within the enabling Act, but held that the Secretary of State had failed lawfully to consider the best interests of children when fixing the fees at their present level. He declined to quash the relevant statutory provisions and issued a leapfrog certificate for onward appeal to the Supreme Court. He also granted the Secretary of State permission to cross-appeal.

Nicholas was led by Sir James Eadie QC.

The judgment can be viewed [here](#).

R (Al-Enein) v Home Secretary

[2019] EWCA Civ 2024; [2020] 1 WLR 1349; [2020] Imm AR 553; [2020] INLR 365

25.11.2019; [2020] 1 WLR 1349

Barristers involved: Nicholas Chapman

An important Court of Appeal case upholding the lawfulness of the Secretary of State's good character policy in connection with applications for naturalisation as a British citizen.

The Court (Flaux, Singh and Haddon-Cave LJ) rejected the Appellant's case that the policy was ultra vires the British Nationality Act, in that it required a 10-year period of compliance with principles of good character whereas the Act contemplated only 3 years.

The Court provided detailed guidance as to the true construction of the statutory scheme, holding that the Secretary of State has a broad discretion to define good character under the Act and that there was no reason why she could not impose an additional or extended requirement relating to breach of immigration law as properly being a matter relevant to the general question of good character.

Nicholas Chapman acted for the Home Secretary.

JS (Uganda)

[2019] EWCA Civ 1670; [2020] 1 WLR 43; [2020] Imm AR 258; [2020] INLR 67; The Times, 10 January 2020
10.10.2019

Barristers involved: Nicholas Chapman

The leading Court of Appeal authority concerning the meaning of "refugee" in the 1951 Refugee Convention and the circumstances in which refugee status may be withdrawn on the grounds that the reasons for the initial grant of asylum no longer endure.

The case concerned, in particular, the nature and scope of the obligations owed to individuals who have been recognised as refugees on the basis of their family relationship with a person who has already been granted asylum in the UK, rather than any individualised fear of persecution in their home country.

Nicholas Chapman was instructed by the Home Secretary at the appeal stage. Following a two-day hearing, the Court of Appeal (Underhill V-P, Newey and Haddon-Cave LJ) allowed the Home Secretary's appeal and dismissed JS's linked appeal.

The Court of Appeal held that the term "refugee" in the Convention has a single autonomous meaning independent of the differing interpretations of the contracting states; and that the Convention's cessation clause was to be construed widely, involving consideration of material changes to both relationship and risk.

The judgment can be viewed [here](#).

KA (Afghanistan) v Home Secretary

[2019] EWCA Civ 914; [2019] Imm AR 1238
06.06.2019

Barristers involved: Nicholas Chapman

Nicholas Chapman acted for the Home Secretary in this important Court of Appeal case concerning the approach to the assessment of evidence of vulnerable appellants, the weight to be attached to an unaccompanied child's failure to claim asylum in the first country of refuge, and the compatibility of the statutory adverse credibility assumption with the Dublin III Convention.

R (Msaka) v Home Secretary

4.10.18

Barristers involved: Nicholas Chapman

Nicholas was instructed by the Home Secretary at Court of Appeal level in this successful defence of an appeal concerning the time

limits for costs appeals from the Upper Tribunal and the proper interpretation of CPR Part 52.

R (WA, IJ & NH) v Home Secretary; R (TM) v Home Secretary

8.8.2018 & 9.8.2018

Barristers involved: Nicholas Chapman

Nicholas acted for the Home Secretary in lead judicial review challenges to the processing of asylum claims of unaccompanied children brought to the UK from the Calais Jungle.

R (ME) v Home Secretary

27.6.18

Barristers involved: Nicholas Chapman

Successfully responding to a judicial review challenge to the Home Secretary's decision to cancel a British passport on national security grounds.

R (Al Enein) v Home Secretary

[2018] EWHC 1615 (Admin)

26.6.2018

Barristers involved: Nicholas Chapman

Successfully defending a judicial review claim concerning the vires of the Home Secretary's naturalisation policy and the true interpretation of the British Nationality Act 1981.

Belhaj & Boudchar v Rt. Hon. Jack Straw, Sir Mark Allen CMG, Secret Intelligence Service, Security Service, Attorney General, Foreign & Commonwealth Office, Home Office

2017-2018

Barristers involved: Nicholas Chapman

Acting for all 7 defendants in this private law damages claim involving allegations of UK government and intelligence agency complicity in the extraordinary rendition and torture of the former leader of the Libyan Islamic Fighting Group and his pregnant wife. Nicholas principally focused on foreign law aspects of the claim and disclosure.

[External link](#)

CK (India) v Home Secretary

27.3.2018

Barristers involved: Nicholas Chapman

Nicholas was instructed by the Home Secretary at Court of Appeal level in this appeal concerning the residual discretion to grant near-miss immigration applications.

The Fake Bomb Detector case (R v McCormick)

2017-2018

Barristers involved: Nicholas Chapman

Instructed by CPS Head Office in these high-profile multi-million pound asset recovery proceedings heard at the Old Bailey.

[External link](#)

R (Bow Muslim Cultural Centre) v Home Secretary

2015-2017

Barristers involved: Nicholas Chapman

Judicial review of the Home Secretary's decision to revoke the trusted sponsor status of the Bow Mosque.

Carbondesk Group plc v HMRC

[2015] UKFTT 367 (TC)

2015-2016

Barristers involved: Nicholas Chapman

Nicholas acted for HMRC in the successful defence of this £100m civil tax appeal, involving allegations of fraud in the carbon credits market.

RS (Aghanistan) v Home Secretary

[2016] EWCA Civ 1179

24.11.2016

Barristers involved: Nicholas Chapman

Instructed by the Home Secretary at Court of Appeal level in successful response to an appeal brought by an unaccompanied asylum-seeking child on the basis that he had suffered historic injustice at the hands of the Home Office.

TeING Ltd v HMRC

[2016] STI 2545

12.8.2016

Barristers involved: Nicholas Chapman

Nicholas acted for HMRC in this important case concerning the lawfulness of information notices requiring production of documents by post or email.

Friends of the Earth Trust Ltd v HMRC

[2016] STI 2056

14.6.2016

Barristers involved: Nicholas Chapman

Nicholas represented HMRC in its successful defence of this important and high value tax appeal concerning the question of whether donations to a charity in exchange for membership benefits represented consideration for taxable supplies.

[External link](#)

R v James Ibori & Bhadresh Gohil

2016

Barristers involved: Nicholas Chapman

Nicholas was instructed at Court of Appeal level by CPS Head Office in relation to the high-profile appeal of the former governor of Delta State, Nigeria and his former solicitor, involving allegations of police corruption and prosecutorial misconduct.

[External link](#)

Brayfal Ltd v HMRC

2012-2016

Barristers involved: Nicholas Chapman

Nicholas successfully defended this strategically important Frankovich damages claim in the High Court, which concerned the question of whether the “repayment supplement” represented an effective remedy in compensation of incorrectly withheld VAT which could have been lucratively reinvested.

R (Samadi) v Home Secretary

[2015] EWHC 1806 (Admin)

24.06.2015

Barristers involved: Nicholas Chapman

Nicholas successfully represented the Home Secretary in this false imprisonment damages claim before Simon J.

The claim concerned the question of whether the Claimant’s mental illness could be satisfactorily managed in immigration detention, whether there was independent evidence that he was a victim of torture, and whether he was detained in breach of the statutory purpose to facilitate his removal from the UK.

Barnes v Eastenders Group

17.10.2015

Barristers involved: Nicholas Chapman

Instructed by CPS Head Office at Supreme Court level in the high-value costs proceedings following a high-profile appeal.

The HBOS fraud

2015

Barristers involved: Nicholas Chapman

Nicholas was instructed by Herbert Smith Freehills to advise Lloyds TSB in connection with the high-profile banking fraud involving the distressed assets division of HBOS.

[External link](#)

HMRC v Tommy Connors

18.6.2015

Barristers involved: Nicholas Chapman

Nicholas acted for HMRC in this £5m Chancery Division claim against a man convicted of high-profile modern slavery offences.

[External link](#)

Foncomp Ltd v HMRC

13.2.2015

Barristers involved: Nicholas Chapman

Nicholas was instructed at Court of Appeal level to represent HMRC in the successful defence of this appeal, the leading case on the applicability of the Kittel anti-abuse principle in circumstances in which transactions are indirectly connected with fraudulent tax losses.

Solutions Center Ltd & Teknocom Ltd v HMRC

2012-2015

Barristers involved: Nicholas Chapman

Leading counsel for HMRC in the successful defence of these complex linked civil tax appeals, worth £3.3m, involving allegations of fraud.

Megantic Services Ltd v HMRC

[2011] STC 1000; [2013] UKFTT 492 (TC); [2015] UKFTT 0120 (TC)

2010-2015

Barristers involved: Nicholas Chapman

Nicholas acted for HMRC in the successful defence of this highly complex civil tax appeal worth £28m. The hearing, which lasted 7 months, is the longest within the tribunal system. The case, which involved allegations of serious VAT fraud, was the first piece of government litigation to feature electronic preparation and presentation of evidence. It gave rise to a number of leading authorities, all in favour of HMRC, including on the admissibility of opinion evidence in tribunal proceedings and of material obtained pursuant criminal mutual legal assistance.

R (M) v Home Secretary

[2014] EWHC 159 (Admin)

14.1.2014

Barristers involved: Nicholas Chapman

Successfully defending a judicial review claim concerning the Home Secretary's policy for prioritising backlogged applications.

KA (Afghanistan) v Home Secretary; EU (Afghanistan) v Home Secretary

[2012] INLR 149; [2013] INLR 574

25.7.2012; 31.1.2013

Barristers involved: Nicholas Chapman

Instructed by the Home Secretary at Court of Appeal level in the successful defence of these two leading cases concerning corrective remedies in the context of the Home Office's failure to comply with its legal duty to endeavour to trace the family members of unaccompanied asylum-seeking children. The cases established that there is no "bright line" principle in relation to risk. Subsequently instructed to lead a series of related judicial review challenges in the High Court.

[External link](#)

The Facebook Juror trial (Attorney General v Kasim Davey)

29.7.2013

Barristers involved: Nicholas Chapman

Defending a juror prosecuted in the High Court for social media postings relating to the case he was trying.

[External link](#)

The Secrecy Scandal (R v Lowther)

2012

Barristers involved: Nicholas Chapman

Nicholas acted for the SFO in its first international corruption prosecution, a case concerning the corruption of the governor of a South East Asian central bank to secure contracts worth A\$200 million for the provision of polymer banknotes.

[External link](#)

R v Sander

[2011] 1 Cr App R 6; [2010] 1 WLR 2511; [2012] 1 WLR 1

2009-2012

Barristers involved: Nicholas Chapman

Acting for HMRC in the money laundering prosecution arising from one of its largest ever investigations. Tried by a protected jury. Gave rise to 3 leading authorities relating to jury tampering, judge-only trial and the use of closed evidence in criminal bail proceedings.

[External link](#)

Worthington Nicholls Group plc

2009

Barristers involved: Nicholas Chapman

Advising the Financial Reporting Council concerning its investigation into the circumstances surrounding the flotation and subsequent collapse of a former AIM new company of the year, with a market capitalisation effect of around £150m.

Threshers Pension Scheme

2009

Barristers involved: Nicholas Chapman

Advising the Financial Reporting Council in relation to its investigation into advice given to the trustee of the First Quench Pension Fund concerning its proposed transfer.

News

Good Law Project abandons £100bn 'Operation Moonshot' procurement challenge

24/02/2021

Barristers involved: Nicholas Chapman

The claimants, which included Dale Vince and Ecotricity, claimed that the Government's decision to allocate what was alleged to be around £100bn in public money and to enter into a series of contracts for rapid-turnaround Covid-19 testing technology breached procurement laws and a legally enforceable duty to consult, and was irrational.

Mr Justice Lavender refused the claimants permission on all grounds at the start of February 2021. The claimants initially renewed their application, but have now withdrawn the claim in its entirety.

Nicholas Chapman was first junior for the Prime Minister and the Health Secretary in a team led by Philip Moser QC.

Court of Appeal refuses citizenship fees appeals

18/02/2021

Barristers involved: Nicholas Chapman

The claimants, led by the Project for the Registration of Children as British Citizens, alleged that the fees are ultra vires the British Nationality Act 1981 and breach the principle of legality, being substantially in excess of the administrative cost and unaffordable to many child applicants. The High Court and, now, the Court of Appeal rejected this argument. The Court of Appeal upheld the High Court's ruling that the fees regulations had been made in breach of the statutory duty to have regard to the best interests of children, though refused the claimants' appeal against the High Court's decision not to quash the regulations.

Upon the intervention of Parliamentary counsel, the Court also made important observations about the effect of Article 9 of the Bill of Rights 1689, which concerns the "questioning" of Parliamentary proceedings and, more generally, the use to which Parliamentary materials may be put.

The Court has granted permission to appeal to the Supreme Court.

Nicholas Chapman was led by Sir James Eadie QC.

The judgment can be found [here](#).

Highways England to be referred to the CPS over fatal collision on smart motorway

12/02/2021

Barristers involved: Ellen Robertson Nicholas Chapman

The inquest is now suspended for the CPS to consider whether Highways England should be charged with corporate manslaughter.

Ellen Robertson acted for the family of Mrs Begum, instructed by Christopher Kardahji of Irwin Mitchell LLP. Nicholas Chapman acted for the Department for Transport and Highways England.

You can view the publication at <https://www.bbc.co.uk/news/uk-england-south-yorkshire-56030027>

High Court refuses permission to challenge 'Moonshot' mass asymptomatic testing programme

01/02/2021

Barristers involved: Nicholas Chapman

The claimants, led by the Good Law Project, alleged that the Government's decision to allocate what was said to be around £100bn in public money and to enter into a series of contracts for rapid-turnaround testing technology breached procurement laws and

legally enforceable duties of consultation, and was irrational. In refusing permission, Mr Justice Lavender ruled that all the grounds of challenge are unarguable. The claimants have been given 7 days to apply to renew their application.

Nicholas Chapman is first junior for the Prime Minister and Health Secretary in a team led by Philip Moser QC.

G-A-Y nightclub chain withdraws judicial review of hospitality curfew

03/12/2020

Barristers involved: Nicholas Chapman

The claimant, which operates a number of well-known venues including the Heaven nightclub, alleged that the Government's decision to impose the curfew in response to the ongoing coronavirus pandemic was irrational, unreasoned and breached its rights under the European Convention on Human Rights.

Nicholas was led by Sir James Eadie QC.

Court refuses permission in 10pm curfew challenge

23/10/2020

Barristers involved: Nicholas Chapman

The claimant alleged that the Government's decision to impose the curfew in the hospitality sector was irrational, unreasoned and breached its rights under the ECHR. In refusing permission, Mr Justice Lane ruled that all the grounds of challenge are unarguable. The claimant has been given 7 days to apply to renew its application.

Nicholas is led by Sir James Eadie QC.

High Court rejects Helen McCourt murder release challenge

01/09/2020

Barristers involved: Nicholas Chapman

Following a two-day hearing in July, the Divisional Court today handed down its judgment dismissing Mrs McCourt's claim on all grounds.

In doing so, the court (Macur LJ and Chamberlain J) held that there was no arguable unlawfulness either in the substance of the Parole Board's decision to release Ian Simms or in the process it adopted when making it. In particular, it rejected Mrs McCourt's case as to victims' rights of involvement in Parole Board proceedings. It also gave guidance as to the standing of victims to bring judicial review proceedings against Parole Board decisions.

The claim was the subject of substantial attention in the national press.

The judgment can be found [here](#).

High Court upholds TPIM on Al-Muhajiroun member

10/07/2020

Barristers involved: Cathryn McGahey QC Nicholas Chapman

Following a four-day hearing, the High Court has now published its public judgment upholding the Home Secretary's decision to impose specified anti-terrorism measures on QT.

In doing so, the court (Supperstone J) rejected QT's claim that he was not a member of Al-Muhajiroun (also known as ALM), and held that there was a risk that QT would travel overseas to join IS if free to do so. It also rejected QT's case that his extremist rhetoric, which the court accepted was likely to radicalise vulnerable young people, was a manifestation of his freedom of religion and of

expression and that the TPIM therefore breached his human rights.

The case was unusual in that the Home Secretary relied on evidence upon which QT had been tried and acquitted in the criminal courts. The court rejected QT's argument that this presented a legal barrier to the imposition of a TPIM.

The judgment can be found [here](#).

Nicholas Chapman successfully defends decision to stop Derbyshire badger cull

13/05/2020

Barristers involved: Nicholas Chapman

The High Court today handed down its judgment dismissing the National Farmers Union's claim on all grounds. The court (Andrews J) held that, even though the scientific evidence strongly favoured the introduction of culling in the county, the Government was entitled to a wide margin of appreciation in a field involving difficult and controversial political and ethical value judgments. It also found that the Secretary of State was not bound by his own statutory guidance, and that no substantive or procedural legitimate expectation arose despite the very late stage at which the decision was made and the absence of any consultation or forewarning.

Nicholas was led by Sir James Eadie QC.

The judgment can be viewed [here](#).

Nicholas Chapman successful in Yagnesh Devani extradition appeal

07/05/2020

Barristers involved: Nicholas Chapman

Judgment in this high-profile case, which concerns the extradition to Kenya of the well-known businessman Yagnesh Devani in connection with the "Triton Oil scandal", was handed down today.

The Court of Appeal (Underhill V-P, Nicola Davies and Males LJ) allowed the Secretary of State's appeal on all grounds. In doing so, it providing leading guidance as to the very high evidential threshold for disbelieving assurances given by a requesting state. It set aside the decisions of the Upper Tribunal and First-tier Tribunal, finding that Mr Devani's human rights would not be breached upon extradition to Kenya.

The Court of Appeal also overturned established authority concerning the slip rule in the Tribunal system, and invited the Tribunal Procedure Committee to reconsider aspects of the Upper Tribunal Rules.

The judgment can be viewed [here](#).

Nicholas Chapman appears in major challenge to citizenship fees regime

19/12/2019

Barristers involved: Nicholas Chapman

Judgment in the case, which was brought by the Project for the Registration of Children as British Citizens ("PRCBC") and individual claimants, was handed down today.

Jay J refused the claimants' principal ground of challenge, which concerned the vires of the fees within the enabling Act but allowed the claims on the basis that the Secretary of State had failed lawfully to consider the best interests of children when fixing the fees at their present level. He declined to declare the fees to be unlawful and issued a leapfrog certificate for onward appeal to the Supreme Court. He also granted the Secretary of State permission to cross-appeal.

Nicholas was led by Sir James Eadie QC.

The judgment can be viewed [here](#).

Nicholas Chapman succeeds in important Court of Appeal case

28/11/2019

Barristers involved: Nicholas Chapman

The Court of Appeal (Flaux, Singh and Haddon-Cave LJ) rejected the Appellant's case that the policy was ultra vires the British Nationality Act, in that it required a 10-year period of compliance with principles of good character whereas the Act contemplated only 3 years.

The Court provided detailed guidance as to the true construction of the statutory scheme, holding that the Secretary of State has a broad discretion to define good character under the Act and that there was no reason why she could not impose an additional or extended requirement relating to breaches of immigration law as properly being a matter relevant to the general question of good character.

Nicholas Chapman successful in leading Court of Appeal case

25/10/2019

Barristers involved: Nicholas Chapman

The case concerned, in particular, the nature and scope of the obligations owed to individuals who have been recognised as refugees on the basis of their family relationship with a person who has already been granted asylum in the UK, rather than any individualised fear of persecution in their home country.

Nicholas Chapman was instructed by the Home Secretary at the appeal stage. Following a two-day hearing, the Court of Appeal (Underhill V-P, Newey and Haddon-Cave LJ) allowed the Home Secretary's appeal and dismissed JS's linked appeal.

The Court of Appeal held that the term "refugee" in the Convention has a single autonomous meaning independent of the differing interpretations of the contracting states; and that the Convention's cessation clause was to be construed widely, involving consideration of material changes to both relationship and risk.

The judgment can be viewed [here](#).

Nicholas Chapman Appointed to the Attorney General 'A' Panel

17/07/2019

Barristers involved: Nicholas Chapman

TGC offers congratulations to [Nicholas Chapman](#) on his elevation to the Attorney General's London 'A' Panel of Junior Counsel with effect from 2 September 2019.

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.

Nicholas Chapman joins Temple Garden Chambers

22/10/2018

Barristers involved: Nicholas Chapman

Temple Garden Chambers is delighted to announce that Nicholas Chapman has accepted an invitation to join Chambers.

Nicholas has a broad civil, criminal, regulatory and public law practice with an emphasis on substantial, complex and high-profile litigation relating to commercial crime and other financial and corporate wrongdoing, tax, human rights and national security matters.
