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## Cathryn McGahey QC

Year of Call: 1990

Year of Silk: 2016

### Practice Areas

- Extradition
- Inquests
- Inquiries
- Public Law

### Awards



### Experience

I specialise in immigration, national security, prison law, public inquiries and inquests. I was junior counsel to the Bloody Sunday Inquiry from 2000 to 2010. I became a special advocate in 2008 and was appointed in 2012 to the Attorney General's A Panel. In 2013 I became a member of the Welsh Government's A Panel. I was appointed Queen's Counsel in 2016..

I have appeared in some of the leading immigration cases in recent years, including the Detention Action challenges to the Detained Fast Track system for asylum seekers and in a number of cases relating to the rights of Gurkhas' dependants to settle in the UK.

I have a particular interest in, and wide experience of, judicial review challenges to government policy.

I have represented both the Ministry of Justice and the Youth Justice Board in inquests into deaths in custody, including several murders and the self-inflicted deaths in custody of three children.

As a leading special advocate, I represented the only successful appellant in the Operation Pathway Manchester bomb plot case before the Special Immigration Appeals Commission. I also, as junior special advocate, appeared in a successful challenge to the Government's proposed

Deportation With Assurances of an Ethiopian national.

I represented the Secretary of State in a challenge by three individuals, alleged to be leading members of the proscribed organisation Al-Muhajiroun, against the decision to impose TPIM notices on them. The Secretary of State's decision was upheld.

I have extensive inquiry experience. As well as being junior counsel to the Bloody Sunday Inquiry for ten years, I represented "whistleblowing" soldiers in the Al Sweady Inquiry and was co-counsel to the Independent Jersey Care Inquiry, which investigated physical and sexual abuse of children in the care of the States of Jersey. In 2016 I acted as counsel to the Bulk Powers Review conducted by David Anderson QC, the Independent Reviewer of Terrorism Legislation. I am currently leading counsel for the Department for Education in the Independent Inquiry into Child Sexual Abuse, and leading counsel for the Home Office in the Grenfell Tower Inquiry.

### **Directories**

**Listed in Chambers and Partners** for inquests and public inquiries.

...She is developing a particular specialism in cases concerning child protection.

**Strengths:** "She has an extraordinary capacity to get on top of the details in a short amount of time." "She is a very impressive advocate and also a very decent person." "She is effective and extremely hard-working." *Chambers & Partners 2018*

"Routinely instructed as counsel to large public inquiries, she also demonstrates great aptitude when appearing on behalf of participants. She is a skilled representative of state agents in inquests, and has a particular focus on proceedings involving deaths in custody."

**Strengths:** "She is exceptionally bright and an excellent advocate." "A really nice manner when conducting proceedings, which is ideal for harrowing inquiries." "She is a master at acting for an inquiry and managing a large case." "Extremely deft witness-handling, she is very astute, strategically minded and calm in court." *Chambers & Partners 2017*

**Listed in the Legal 500 2017** as a 2016 silk in the fields of immigration, civil liberties and human rights and inquests and inquiries.

**Listed in the Legal 500** from 2010 as a leading immigration junior and from 2011 as a leading civil liberties and human rights junior.

“Very impressive; she surely has a bright future as silk”: *Legal 500 2017 (civil liberties and human rights)*

“Highly regarded”: *Legal 500 2017 (immigration)*

“Noted for both public inquiries and inquests”: *Legal 500 2017 (inquests and inquiries)*

“Able to draw on broad public law expertise”: *Legal 500 2016*

“She has a buoyant immigration and police law practice”: *Legal 500 2016*

“Well regarded for her work on Bloody Sunday”: *Legal 500 2007*

“Extremely hard working and very able”: *Legal 500 2006*

### **Memberships**

Constitutional and Administrative Law Bar Association  
Human Rights’ Lawyers Association  
Professional Negligence Bar Association

### **Languages**

Working knowledge of French and Welsh

## **Cases**

### **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](#).

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## **BY v District Court in Paphos, Cyprus**

**[2019] EWHC 2637 (Admin)**

10.10.2019

Barristers involved: Cathryn McGahey QC Benjamin Seifert

The Divisional Court (Rafferty LJ and J) found that the father of five children, all of whom have significant medical problems should not face prosecution in Cyprus for a fraud which is said to have taken place in 2016.

Considering Article 8 of the European Convention on Human Rights the Court found that it was a “highly unusual case concerning the interests of five children with complex personal, emotional, behavioural and psychological needs.” The Court added “it would be difficult to imagine a case involving children who are more vulnerable and needy.”

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## **BS v Court of First Instance Brussels (Belgium)**

**[2017] All ER (D) 172 (Mar)**

22.03.2017

Barristers involved: Cathryn McGahey QC Myles Grandison

Led by Cathryn McGahey QC. The case dealt with whether a Requesting State had an ongoing duty to consider proportionality throughout the extradition process. After the handing down of judgment, the Judicial Authority withdrew the EAW.

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## **Independent Inquiry into Child Sexual Abuse: Rochdale and Cyril Smith**

October 2017

Barristers involved: Cathryn McGahey QC Emily Wilsdon

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

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## **Independent Jersey Care Inquiry**

03.07.17

Barristers involved: Cathryn McGahey QC

Cathryn McGahey QC was co-counsel to this public inquiry, which investigated allegations that children in care had been physically and sexually abused over many years, and that their suffering had been covered up. The Inquiry Panel published its report on 3 July 2017. It found that there had been extensive abuse, that the authorities had failed to respond or investigate properly, and that children in care in Jersey might still be at risk.

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## **Rotherham Metropolitan Borough Council v M and Others**

**[2016] EWHC 2660 (Fam)**

03.07.17

Barristers involved: Cathryn McGahey QC

Cathryn McGahey QC represented South Yorkshire Police. The judge was required to decide whether lifelong anonymity should be granted to four men who in the past had been (but were no longer) alleged to have been involved in sexual exploitation of a minor.

The minor had been made a ward of court; the question was whether anonymity of the men should continue following discharge of

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the wardship. The police and local authority contended that it should. *The Times* opposed the application. Lifelong anonymity was granted.

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## **Secretary of State for the Home Department v LG, IM and JM**

**[2017] EWHC 1529 (Admin)**

30.06.17

Barristers involved: Cathryn McGahey QC

The Secretary of State had imposed TPIM notices on the three Respondents, alleging that they were senior leaders in the UK of the proscribed Islamist extremist group Al-Muhajiroun. The Court rejected the arguments of two of the Respondents that ALM no longer existed, and rejected the case of the third Respondent that he was no longer associated with it. The TPIM notices were all upheld. Cathryn McGahey QC represented the Secretary of State.

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## **Shabir Ahmed and Others v Secretary of State for the Home Department**

**[2017] UKUT 118**

10.02.17

Barristers involved: Cathryn McGahey QC

Cathryn McGahey QC represented the Secretary of State in this appeal, in which three members of the Rochdale paedophile ring challenged the Secretary of State's decision to deprive them of their British citizenship. Their appeals were dismissed. The President of the Upper Tribunal gave guidance on the relevance in deprivation decisions of the prospect that the individual would ultimately be removed from the UK. The case is going to the Court of Appeal.

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## **Bulk Powers Review**

2016

Barristers involved: Cathryn McGahey QC

Cathryn McGahey QC acted as counsel to this review, which was conducted by David Anderson QC, the Independent Reviewer of Terrorism Legislation. The review investigated the usefulness of some of the powers which the security and intelligence agencies would have, under the Investigatory Powers Bill, to use bulk forms of information in their counter-terrorism work. The review concluded that bulk powers were of substantial utility, and that their use in the past had saved lives.

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## **The Independent Inquiry into Child Sexual Abuse**

03/03/2016

Barristers involved: Andrew O'Connor QC Cathryn McGahey QC

Andrew O'Connor QC is instructed by the Inquiry to act in the investigation into child sex abuse in Westminster.

Cathryn McGahey QC is Leading Counsel for The Department for Education

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## **R (Detention Action) v Lord Chancellor**

**[2015] EWHC (Admin) 1689**

2015

Barristers involved: Cathryn McGahey QC

A campaign group, Detention Action, challenged the lawfulness of the secondary legislation governing the appellate procedure under the Detained Fast Track scheme. Cathryn McGahey represented the Secretary of State for the Home Department, an interested party.

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## **R (IS) v Director of Legal Aid Casework and Lord Chancellor**

**[2015] EWHC 1965 (Admin), [2016] EWCA Civ 464**

2015

Barristers involved: Cathryn McGahey QC

This case involved a challenge to the lawfulness of the LASPO Exceptional Case Funding scheme. Cathryn McGahey acted as first junior counsel for the Defendants at first instance, and as second leading counsel in the Court of Appeal. The Court of Appeal, reversing Collins J, upheld the lawfulness of the scheme.

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## **R (O'Toole and Others) v HMRC**

**[2016: Judgment given but subject to reporting restrictions]**

2015 - 2016

Barristers involved: Cathryn McGahey QC

In this Divisional Court case the Claimants challenged, unsuccessfully, the lawfulness of search warrants obtained by HMRC. Cathryn McGahey represented HMRC.

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## **Inquest into the death of Imran Douglas [2015]**

2015

Barristers involved: Cathryn McGahey QC

The inquest investigated the self-inflicted death of the first 18 year old to be sent to HMP Belmarsh. He was sent there after being sentenced to a minimum of 18 years' imprisonment for murder, and was found hanging five days later. Cathryn McGahey represented the Youth Justice Board.

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## **R (BK and RH) v Secretary of State for Justice**

**[2015] EWCA Civ 1259**

2015

Barristers involved: Cathryn McGahey QC

The appellants challenged, unsuccessfully, the lawfulness of the SSJ's policy on the strip-searching of women prisoners. Cathryn McGahey represented the SSJ.

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## **Inquest into the death of Ryan Clark**

2013-2014

Barristers involved: Cathryn McGahey QC

The Inquest investigated the death by hanging of 17 year old Ryan Clark at HMYOI Wetherby. Cathryn McGahey represented The Youth Justice Board.

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## **Inquest into the death of Alex Kelly**

**[2014]**

2014

Barristers involved: Cathryn McGahey QC

The inquest investigated the self-inflicted death at HMYOI Cookham Wood of 15 year old Alex Kelly. Cathryn McGahey represented the Ministry of Justice.

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## **Lakanal House Fire Inquest**

14.01.13 – 28.03.13

Barristers involved: Cathryn McGahey QC Fiona Canby

Fire at high rise block of flats in Camberwell caused the deaths of six people. Building Regulations in relation to fire safety and high rise structures were explored. The Inquest was heard at Inner South London Coroners Court – HHJ Frances Kirkham. Cathryn McGahey represented The Department for Communities and Local Government, and The Chief Fire Officer. Fiona Canby was instructed by SGH Martineau. January – March 2013. The Inquest took place from January to March 2013.

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## **R (Gurung) v Secretary of State for the Home Department**

**[2013] EWCA Civ 8**

2013

Barristers involved: Cathryn McGahey QC

The Appellants challenged, unsuccessfully, the lawfulness of the SSHD's policy on the rights of the adult dependants of Gurkhas to settle in the UK. Cathryn McGahey represented the SSHD.

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## **R (WGS) v Secretary of State for the Home Department**

**[2013] EWCA Civ 177**

2013

Barristers involved: Cathryn McGahey QC

The Claimant college challenged, unsuccessfully, the lawfulness of the SSHD's policy on the standards that colleges had to meet in order to be granted Highly Trusted Sponsor status. Cathryn McGahey represented the SSHD.

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## **R (Detention Action) v Secretary of State for the Home Department**

**[2014] EWHC 2245 (Admin), [2014] EWCA Civ 1270, [2014] EWCA Civ 1634**

2013 – 2014

Barristers involved: Cathryn McGahey QC

Detention Action challenged the lawfulness of the SSHD's Detained Fast Track policy and practice. The Administrative Court found the practice to be unlawful in one respect, but permitted the DFT scheme to continue. The Court of Appeal upheld the judge's decision. A differently constituted Court of Appeal held the appeal element of DFT to be unlawful.

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## **R (Secretary of State for Justice) v HM Coroner for the Eastern District of West Yorkshire**

**[2012] EWHC 1634 (Admin)**

2012

Barristers involved: Cathryn McGahey QC

Cathryn McGahey represented the SSJ in a successful challenge to the Coroner's decision to leave a verdict of unlawful killing to the jury, in circumstances in which a prisoner had taken his own life. This case remains the leading case on the issue of the test that a coroner should apply when deciding which conclusions to leave to a jury.

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## **R (West London Vocational Training College) v SSHD**

**[2013] UKSC 51, [2013] EWHC 31 (Admin)**

2012 – 2013

Barristers involved: Cathryn McGahey QC

The Claimant, a college teaching overseas students, challenged the lawfulness of the SSHD's policy on the standards that

applicants for Highly Trusted Sponsor status had to meet. The College needed such status in order to be permitted to bring foreign students to the UK. The Claimants were unsuccessful, both at first instance and on a “leapfrog” appeal to the Supreme Court. Cathryn McGahey represented the SSHD at first instance and then as junior counsel in the Supreme Court.

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## AI Sweady Inquiry

2012 - 2014

Barristers involved: Cathryn McGahey QC

The Inquiry investigated allegations that British soldiers in Iraq had murdered certain Iraqi detainees, and physically abused others. Cathryn McGahey represented a number of whistleblowing soldiers.

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## 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.

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## Bloody Sunday Inquiry

2000-2010

Barristers involved: Cathryn McGahey QC

The Inquiry investigated the shooting in 1972 by British soldiers of demonstrators in Londonderry. Cathryn McGahey was second junior counsel to the inquiry from 2000 to 2010.

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## News

### Second pre-inquest review in the inquest into the death of Dawn Sturgess.

22/09/2021

Barristers involved: Andrew O'Connor QC Cathryn McGahey QC Émilie Pottle Richard Boyle

Andrew O'Connor QC and Emilie Pottle have been appointed as Counsel to the Inquest; Cathryn McGahey QC and Richard Boyle are instructed by the Home Secretary. At the hearing, Baroness Hallett made a formal request to the Home Secretary to convert the inquest into a statutory public inquiry, to enable her to include in her investigation sensitive material held by the government. The next preliminary hearing will take place in December.

You can view the publication at <https://www.bbc.co.uk/news/uk-58652754>

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### Inquest in to the Death of Dawn Sturgess

31/03/2021

Barristers involved: Andrew O'Connor QC Cathryn McGahey QC

Lady Hallett has been appointed as Coroner to conduct the inquest. Andrew O'Connor QC is Counsel to the Inquest and Cathryn McGahey QC is acting for the Home Secretary.

You can view the publication at <https://www.bbc.co.uk/news/uk-england-wiltshire-56575091>

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## Salisbury Novichok attack: Temple Garden Chambers involved in judicial review

16/07/2020

Barristers involved: Cathryn McGahey QC Nicholas Moss QC

Cathryn McGahey QC led by Sir James Eadie QC represented the Home Secretary.

Nicholas Moss represented the Coroner.

Judgment has been reserved.

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## 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](#).

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## Cathryn McGahey QC and Benjamin Seifert successful in extradition appeal

11/10/2019

Barristers involved: Cathryn McGahey QC Benjamin Seifert

Considering Article 8 of the European Convention on Human Rights the Court found that it was a "highly unusual case concerning the interests of five children with complex personal, emotional, behavioural and psychological needs." The Court added "it would be difficult to imagine a case involving children who are more vulnerable and needy."

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

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## 3 Members of Chambers appear at preliminary hearing held by IICSA

25/09/2019

Barristers involved: Andrew O'Connor QC Cathryn McGahey QC Sian Reeves

Three members of Temple Garden Chambers appeared at the preliminary hearing: Andrew O'Connor QC appeared as Counsel to the Inquiry; Cathryn McGahey QC represented the Secretary of State for Education; and Sian Reeves represented the Home Office.

You can view the publication at

<https://www.iicsa.org.uk/key-documents/14241/view/preliminary-hearing-transcript-24-september-2019.pdf>

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## UK government pays £1m to Cyprus 'torture victims'

24/01/2019

Barristers involved: Andrew O'Connor QC Cathryn McGahey QC

The claims have now been settled, without admission of liability, for a sum of £1million, with costs to be assessed.

You can view the publication at <https://www.bbc.co.uk/news/uk-46978271>

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## **Cathryn McGahey QC is representing Geronimo the alpaca**

22/11/2018

Barristers involved: Cathryn McGahey QC

In judicial review proceedings, the owner is challenging the reliability of the TB tests, asserting that the practice of injecting an alpaca with tuberculin before testing for the disease has led to false positive results. Lang J has recently granted the owner permission to proceed with judicial review against the Secretary of State.

You can view the publication at <https://www.bbc.co.uk/news/uk-england-bristol-46253798>

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## **Manchester Bombing Inquests**

18/10/2018

Barristers involved: Andrew O'Connor QC Cathryn McGahey QC

Andrew O'Connor QC has been instructed to act for the SMG Europe Ltd, which operates the Arena, at the inquests. Cathy McGahey QC is acting for the Home Secretary and Louis Browne QC is acting for the University of Salford.

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## **Rochdale Paedophile Gang**

13/08/2018

Barristers involved: Cathryn McGahey QC

The Court of Appeal dismissed the appeal, ruling that the First-tier Tribunal and Upper Tribunal had been entitled to conclude that the three had been involved in serious organised crime and that deprivation of their citizenship was conducive to the public good. The Court also held that the lower tribunals were entitled to find that the Appellants were likely to be deported as a result of losing their citizenship.

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## **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:

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“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.

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## **IICSA commences hearings into Rochdale abuse allegations**

17/10/2017

Barristers involved: Cathryn McGahey QC Emily Wilsdon

Cathryn McGahey QC and Emily Wilsdon are representing the Department for Education before the Independent Inquiry into Child Sexual Abuse. The Inquiry is currently hearing evidence of alleged abuse by Cyril Smith MP and others associated with Cambridge House Boys' Hostel and Knowl View School.

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## **Independent Jersey Care Inquiry publishes report**

03/07/2017

Barristers involved: Cathryn McGahey QC

The Panel concluded that there had been widespread abuse over many years, that it had not been properly investigated and that children in care on the island might still be at risk. Cathryn McGahey QC was co-counsel to the Inquiry.

You can view the publication at <http://www.jerseycareinquiry.org/Pages/Final-Report.aspx>

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## **High Court upholds TPIMs on three ALM members**

30/06/2017

Barristers involved: Cathryn McGahey QC

The Court rejected the argument of two of the Respondents that ALM no longer existed, and the contention of the third that he was no longer associated with ALM. Cathryn McGahey QC represented the Secretary of State.

You can view the publication at

[http://www.bailii.org/cgi-bin/format.cgi?doc=/ew/cases/EWHC/Admin/2017/1529.html&query=\(mcgahey\)](http://www.bailii.org/cgi-bin/format.cgi?doc=/ew/cases/EWHC/Admin/2017/1529.html&query=(mcgahey))

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## **Claimant challenges the lawfulness of the Legal Aid Exceptional Case Funding scheme**

23/05/2016

Barristers involved: Cathryn McGahey QC

The Court of Appeal, reversing Collins J, expressed concerns about the operation of the scheme but held that it was a lawful one.

Lawtel [2016] [EWCA Civ 464](#)

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## **Preliminary hearing in Independent Inquiry into Child Sexual Abuse**

09/03/2016

Barristers involved: Andrew O'Connor QC Cathryn McGahey QC Fiona Canby

Cathryn McGahey QC and Fiona Canby appeared in the first preliminary hearing held by the Independent Inquiry into Child Sexual Abuse (IICSA) on allegations of child sexual abuse involving Lord Greville Janner. The hearing took place at the RCJ. Hon Dame Lowell Goddard, Chair of the IICSA gave directions. A further preliminary hearing will be held before the summer recess. It is anticipated that the public hearing will run for eight weeks between September 2016 and March 2017. More details can be found at

the IICSA's website: <https://www.iicsa.org.uk/>

Andrew O'Connor QC is instructed as Counsel to the Inquiry in the Westminster element of the Inquiry.

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## **New Silk for TGC**

22/02/2016

Barristers involved: Cathryn McGahey QC

This prestigious accolade is an outstanding achievement and Cathy's appointment as Queen's Counsel evidences the strength and depth of Temple Garden Chambers in all of our practice areas and confirms Chambers' position as a market leading set.

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