



Nicholas Moss KC

Call 1995 | Silk 2021

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Nicholas Moss KC predominantly practices in complex inquests, inquiries and public law / human rights, including national security matters.

He has extensive experience as counsel to inquiries and counsel to inquests. He has appeared in many of the major public inquiries over more than two decades. He has advised on the establishment and running of investigations and inquiries including complex e-disclosure. Before taking silk, he was a member of the Attorney General's panel of civil advocates for over 20 years including over 12 years on the A Panel. As a junior, he also had a wider common law practice including personal injury and employment law.

Nick has particular experience in matters relating to the military (including military aviation), prisons / policing and custodial and post-custodial fatalities, healthcare, national security, and health and safety fatalities. As well as judicial reviews relating to inquests and inquiries, he has a wider public law practice including discrimination claims.

He sits as an Assistant Coroner in the Cambridgeshire and Peterborough Coroner area and is involved in lectures and training relating to coronial law and military detention standards.

Expertise

Inquests & Inquiries

Nick has been consistently recognised as a leading practitioner in inquests and inquiries. Before taking silk, he was for several years a Chambers & Partners 'Star Junior' in this field.

In public inquiries, Nick has had major roles (see examples below).

Nick also accepts instructions in ad-hoc investigations including serious near-death incidents and has extensive experience of advising on the establishment and running such investigations including IT and e-disclosure solutions. Work in this area has included the Kerslake Review into the Manchester Arena attack; Deepcut; non-statutory investigations into near-deaths in custody; and investigations into allegations of mistreatment during military operations.



Notable Inquests & Inquiries cases

Infected Blood Inquiry

Joint leading counsel for the Department of Health and Department of Health former ministers and civil servants.

Detainee Inquiry

Lead junior Counsel to the Inquiry.

Baha Mousa Inquiry

Lead junior Counsel to the Inquiry.

Nimrod Review

Lead Junior for RAF personnel and MOD.

Rosemary Nelson & Billy Wright Inquiries

For the Minister of State for Northern Ireland.

Bloody Sunday Inquiry

Lead junior for one of the teams for soldiers and civil servants.

BSE Inquiry

For Department of Health former ministers and civil servants.

R (GS) V HM Senior Coroner for Wiltshire & Swindon [2020] EWHC 2007 (Admin)

Represented the Senior Coroner in relation to the judicial review of the decision on Scope in the Salisbury Novichok poisoning.

Acted as DV'd counsel / Counsel to the Inquiry in relation to several inquests involving national security /



terrorism matters and Judge-led inquests.

Westminster Bridge Terrorist Attack

Counsel for the Parliamentary Authorities in the Westminster Bridge terrorist attack inquests.

Pro-bono instruction by the family of Luke Hobson, leading to new nationwide guidance for hockey safety.

Leading a team of counsel for MOD over four years in each of the three major fresh inquests into the deaths at Deepcut Barracks.

He is frequently instructed as Counsel to the Inquest, particularly in cases involving the military, police use of force or security issues, and in cases where Coroners seek assistance in managing complex cases with heavy disclosure.

Numerous inquests into operational deaths in Iraq and Afghanistan, including: aviation fatalities; "friendly fire" fatalities; and inquests concerning safety, design and supply of military vehicles, protective equipment etc.

Counsel to the Inquest into the death of Khalil Dale (killing of Red Cross worker in Pakistan).

Public Law

Nick practices in public law and human rights, and this work dovetails with this areas of speciality in inquests and inquiries.

He is frequently instructed by Coroners or interested persons in relation to coronial judicial reviews. But Nick also has wider public law experience particularly in relation to national security, prisons and national security matters.

Notable Public Law cases

Inquest into the death of Alex Tostevin



Threatened judicial review of anonymity and protective measures applications (2021).

R (GS) V HM Senior Coroner for Wiltshire & Swindon [2020] EWHC 2007 (Admin)

Representing the Senior Coroner in relation to the judicial review of the decision on Scope in the Salisbury Novichok poisoning.

Joseph McCann

Human Rights claims arising out of the rapes committed by Joseph McCann (2020-2021).

Paul Gambaccini

Representing the CPS (2018).

R (Hottak and AL) v Secretary of State for Foreign and Commonwealth Affairs and Secretary of State for Defence [2016] EWCA Civ 438

Judicial review alleging discrimination in the terms of the scheme for Afghan interpreters as compared to the earlier Iraq scheme.

R (C & W) v Secretary of State for Work & Pensions [2015] EWHC 1607 (Admin)

Delay in payment of Personal Independence Payments; whether unlawful at common law; whether Art 6 ECHR and/or A1P1 engaged.

R (The Law Society & Others) v The Lord Chancellor [2015] EWCA Civ 230

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

R (Sumpter) v Secretary of State for Work and Pensions [2015] EWCA Civ 1033

Judicial review. Effectiveness of further consultation exercise. Personal Independence Payments replacing Disability Living Allowance.

R (K, A & B) v Secretary of State for Defence, FCO & the Attorney General [2014] EWHC 3023 (Admin) & [2014] EWHC 4343 (Admin)



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

Secretary of State for the Home Department v AF, AM & AN; AE v Secretary of State for the Home Department: [2008] EWCA Civ 1148

Disclosure of closed material in control order cases, Art. 6 requirements.

A (FC) & Others v Secretary of State for the Home Department, X & Another v Secretary of State for the Home Department [2004] UKHL 56

House of Lords consideration on derogation from human rights obligations, discrimination and detention of non-national suspected international terrorists.

Appointments

- Assistant Coroner (Cambridgeshire and Peterborough area)

Education

- Inns of Court School of Law
- MA (Hons) Law, Downing College, University of Cambridge
- Aylesbury Grammar School

Languages

- French (Conversational)
- German (Conversational)

Memberships

- Personal Injury Bar Association



Recommendations

- “An exceptional barrister who is regarded as one of the best advocates of his generation. He is much sought after to act as lead counsel on behalf of state agents in complex Article 2 inquests and public inquiries. He is particularly strong in inquests arising out of military and prison deaths, and adept in matters involving issues of national security.” **Chambers & Partners**
- “Nicholas has amazing attention to detail and is always very well prepared. The way he prepares for a case really stands out in court and reflects in a positive way for the client. It is very clear that Nick is very well respected in this field, and he makes relevant and appropriate submissions that are well received by coroners, and appreciated as helpful to the court. Nick gives strong and reassuring advice to clients, and is direct and forceful when required.” **Legal 500**