

# Landmark Chambers

## Barrister CV

David Lock KC



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# David Lock KC

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## Expertise

Public and Administrative



## Practice Summary

David Lock was called to the Bar in 1985 and made a KC in 2011. He was a public law specialist until he generally retired as a practising barrister at the end of 2022. During his career he was awarded 'Public Law Silk of the Year' at the [2020 Legal 500 UK Bar Awards](#).

He now sits part time as a Deputy High Court Judge in the King's Bench and Family Divisions and also as a Recorder in the Crown Court, as well as serving as a Visiting Professor in Practice at the London School of Economics.

David is joint editor (with [Hannah Gibbs](#)) of the leading practitioner's book, "[NHS Law and Practice](#)" (2018). A second edition is in the process of being written and will be published in late 2023. He is also one of the authors of the [Landmark Guide to the Law on Police Pensions](#).

### **Outside legal work.**

David has served as a Member of Parliament and was a Legal Minister in the UK government between 1999 and 2001. He has also served as Chair of national and regional public bodies, as well as conducting sensitive investigations for public bodies.

Currently he is the Chair of the Board of Trustees of the [Prisoners of Conscience Charity](#) and serves as an expert member of the BMA Ethics Committee. Along with his wife, Dr Bernie Gregory, he has taken extended periods of time away from legal work annually for the last 10 years to amble across obscure parts of the world on a bicycle (and now on trikes) see [www.slowcycling.uk](http://www.slowcycling.uk) for details.

## Public and Administrative

### **Information Governance**

David took the Freedom of Information Bill through the Commons as a Junior Minister and was on the Bill Committee for the Data Protection Act. He is regularly instructed on information governance matters, particularly for NHS bodies and local

government and has reported cases involving information governance and appeared in the recent AB case out the fairness of processing of personal data.

### **Police Law**

David is a recognised specialist in public law relating to the police. He has acted in many judicial reviews concerning the law relating to police officers and has a particular expertise in police pensions (see for example R (Evans) v Cheshire Constabulary [2018] EWHC 952 (Admin), R (Boskovic) v Chief Constable of Staffordshire Police [2018] EWHC 14 (Admin) [*permission has been granted for this case to the Court of Appeal*] and Commissioner of Police of the Metropolis v The Police Medical Appeal Board [2013] EWHC 1203 (Admin)). He has represented Chief Constables, senior police officers, constables and former police officers in a wide variety of cases. David acted for the successful former police officer in the case of AB v A Chief Constable (June 2014) which established that Chief Constables are bound by promises made by other officers.

### **Public Sector Pensions**

David is a recognised national authority on public sector pensions, particularly police pensions where he has a series of reported cases involving the proper interpretation of the police pension scheme.

### **Court of Protection**

David has acted in a series of complex cases in the Court of Protection. He appeared in the widely reported case of Wye Valley NHS Trust v B [2015] EWCOP 60 about the right of a patient lacking capacity to refuse life-saving medical treatment and in leading case of Re RK in the Court of Appeal concerning the law relating to the deprivation of liberty of children in local authority care. He also appeared in Re SK which is the leading case on parallel CoP and QB proceedings.

### **Human Rights and Civil Liberties**

Many of the cases David is instructed on have a human rights or EU law element. He has advised and acted on EU and HR cases up to the Supreme Court, such as the case of *MM* concerning the rights of restricted mental health patients where judgment is awaited. He was also counsel in R (KG) v Secretary of State for the Home Department [2018] EWHC 1767 (Admin) concerning the rights of immigration detainees to medical treatment.

David has advised or appeared in cases on issues as wide as whether development schemes constitute state aid through to whether it is a breach of the HR rights to prevent detained mental health patients from smoking (see [here](#)).

### **Local Government including Local Government Finance**

David is regularly instructed on a wide range of local government issues and has reported cases acting for and against local authorities in the High Court and Court of Appeal. This includes the recent case of R (CP) v North East Lincolnshire Council [2018] EWHC 220 (Admin). His expertise includes procurement, election law, social care responsibilities, governance and public sector finance. He acted for Cornwall Council in the PH case, which is a leading case about ordinary residence of service users without capacity (which was heard in the Supreme Court in March 2015) and Walsall Council in the ZYN case about charges for

services users who have personal injury awards.

## NHS, Health and Community Care

David has a nationally reputation as a leading lawyer concerning the law of the NHS.

Chambers and Partners, 2018: *“When it comes to healthcare, he’s unrivalled – his knowledge is encyclopaedic. He’s a first choice for complex medical law questions.”*

His practice includes all areas of work within Healthcare Law including:

- Consent to treatment and patient applications
- Vires and legality of actions of NHS bodies
- NHS Continuing care
- List management and regulatory law for the NHS
- GP, dental and pharmacy contracts
- EU law affecting the NHS
- Procurement and contracting issues.

David has appeared in leading cases involving the NHS, including:

- ***Richards v Worcestershire County Council & Anor* [2017] EWCA Civ 1998** (restitution for alleged breach of mental health duties).
- ***National Health Service Commissioning Board v Silovsky & Anor* [2017] EWCA Civ 1389** (premises payments for GP practices).
- ***R (Wolverhampton Council) v South Worcestershire Clinical Commissioning Group Shropshire (CCG)* [2018] EWHC 1136 (Admin)** (allocation of funding responsibilities and responsible commissioner).
- ***R (Shepherd n Behalf of 999 Call NHS) v National Health Service Commissioning Board* [2018] EWHC 1067 (Admin).**
- ***Keep Wythenshawe Special Ltd v NHS Central Manchester CCG & Ors* [2016] EWHC 17 (Admin)** (challenge concerning the reconfiguration of NHS service Manchester).
- ***Re N* [2015] EWCOP 76** (case concerning the continuation of artificial nutrition and hydration for a multiple sclerosis patient).
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He regularly advises a large number of NHS bodies on public law issues. However, he also advises and acts for patients who are challenging decisions of the NHS and for doctors who are subject to regulatory action by NHS bodies including the recent case of ***R (Richmond Pharmacology Ltd) v The Health Research Authority* [2015] EWHC 2238 (Admin).**

David edits the [Guide to the Law of the NHS](#) on the Landmark website.

David has in the past chaired the Steering Groups for Public Law at Landmark Chambers.

## Recommendations

"He is a delight to work with." "He has wide experience of issues involving medical human rights issues and family law."

**Administrative and Public Law, Chambers and Partners, 2023**

"David knows everything about medical law."

**Community Care, Chambers and Partners, 2023**

"David has an encyclopaedic understanding of how the health service works."

**Court of Protection: Health and Welfare, Chambers and Partners, 2023**

"He has exceptional analytical skills and is devastating in both written and oral argument."

**Administrative and Public Law, Chambers and Partners, 2022**

"David is my first port of call for judicial review challenges." "David is really helpful and practical, explaining everything in really simple steps."

**Community Care, Chambers and Partners, 2022**

"A leading silk in this field. He is very sharp and has excellent attention to detail."

**Court of Protection: Health and Welfare, Chambers and Partners, 2022**

"David is one of the true specialists in NHS public law who has an unrivalled knowledge in this area. He is reserved for those truly challenging cases. He is very easy to work with and clients like and appreciate his wider knowledge of the NHS that he brings to bear on cases."

**Administrative and Public Law, Legal 500, 2022**

"A very strong advocate with a detailed and strong knowledge of the law in this area."

**Court of Protection: Health and Welfare, Chambers and Partners, 2021**

"Very pleasant, so user-friendly, and has an ability to come to really good solutions. His knowledge of NHS law is really second to none."

**Administrative and Public Law, Chambers and Partners, 2021**

"Very energetic and persuasive in court."

**Community Care, Chambers and Partners, 2021**

"One of a handful of true NHS experts. Powerhouse in this area. True public law specialist. Real problem solver."

**Administrative and Public Law, Legal 500, 2021**

"Has the ability to disseminate complex legislation, case law and legal concepts into simple, understandable and manageable advice."

**Court of Protection and Community Care, Legal 500, 2021**

"I have absolute trust in David's ability to quickly assess a problem, and more often than not he comes up with a solution which nobody else has thought of." "He's very imaginative and is a good lateral thinker; he's genuinely inspiring." "An amazing barrister whose technical knowledge of the complexities of election law, pension law and the NHS is second to none."

**Administrative and Public Law, Chambers and Partners, 2020**

"He's cerebral, academic and knowledgeable." "He has an absolutely brilliant mind and is very approachable and easy to work with."

**Community Care, Chambers and Partners, 2020**

"He's very good at what he does and is a real expert in NHS law."

**Court of Protection: Health and Welfare, Chambers and Partners, 2020**

"Brings his deep expertise in healthcare to his public and administrative law practice. He is frequently involved in appeals concerning serious medical treatment. He is also experienced in judicial reviews relating to local government and police law."

**Chambers and Partners, 2018**

"A noted expert on all law relating to the NHS, he has been involved in many of the leading cases in this area. Lock has specialist health, local authority governance and judicial review expertise. ... He is a very inventive and imaginative thinker."

**Chambers and Partners, 2018**

"He is exceptionally knowledgeable about NHS regulation and patient rights." "He is exceptionally knowledgeable and gains the confidence of vulnerable clients."

**Legal 500, 2018**

## Cases and inquiries

20 07 20 Bayer Plc & Anor v NHS Darlington CCG & Ors [2020] EWCA Civ 449

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20 07 20 R (Buckingham) v NHS Corby Clinical Commissioning Group [2018] EWHC 2080 (Admin)

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20 07 20 R (CP) v North East Lincolnshire Council [2019] EWCA Civ 1614

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20 07 20 A Healthcare B NHS Trust v CC [2020] EWHC 574 (Fam)

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20 07 20 R (Michaelides & Anor) v Police Medical Appeal Board [2019] EWHC 1434 (Admin)

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20 07 20	R (Boskovic) v Chief Constable of Staffordshire Police [2019] EWCA Civ 676
20 07 20	R (KK) v Tavistock And Portman NHS Foundation [2019] EWHC 3565 (Admin)
20 07 20	R (Raqeeb) v Begum & Anor [2019] EWHC 2976 (Admin)
20 07 20	B v A Local Authority [2019] EWCA Civ 913
20 07 20	R (Chief Constable Of South Yorkshire Police) v The Crown Court At Sheffield & Anor [2020] EWHC 210 (Admin)
18 12 18	Supreme Court gives strong hint that it may convene larger panel to reconsider Cheshire West tests for deprivation of liberty
21 06 18	Pitalia v NHS Commissioning Board
31 05 18	Laws v Metropolitan Police Authority [2010] CA
31 05 18	Walther v PMAB and MPA [2010] EWHC 3009 (Admin)
31 05 18	Williams v Merseyside Police Authority [2011] EWHC 1119 (Admin)
30 05 18	AC v Berkshire West Primary Care Trust [2010] EWHC 1162 (Admin) and [2011] EWCA Civ 247
30 05 18	R (on the application of Crudace) v Northumbria Police Authority [2012] EWHC 112 (Admin)
30 05 18	R (on the application of Simpson) v Police Medical Appeal Board & Ors [2012] EWHC 808 (Admin)
30 05 18	R (on the application of Haworth) v Northumbria Police Authority [2012] EWHC 1225 (Admin)
30 05 18	Re SK [2012] EWHC 1990 (COP)
30 05 18	R (On the Application of Condliff) v North Staffordshire Primary Care Trust [2011] EWCA Civ 910, [2011] EWHC B8 (Admin)
30 05 18	Commissioner of Police of the Metropolis v The Police Medical Appeal Board [2013] EWHC 1203 (Admin)
30 05 18	Cronin v The Greyhound Board of Great Britain Ltd [2013] EWCA Civ 668
30 05 18	Derbyshire County Council v High Peak Magistrates' Court [2013] EWHC 1762 (Admin)
30 05 18	R (on the application of Whapples) v Birmingham East & North Primary Care Trust & Anor [2013] EWCA Civ 258

30 05 18	The Police Superintendents Association of England and Wales & Ors v The Chief Constable of Bedfordshire Police [2013] EWHC 2173 (Admin)
29 05 18	AB v A Chief Constable
29 05 18	R (London Borough of Lewisham & Anor) v Trust Special Administrator Appointed To South London Healthcare NHS Trust & Anor [2013] EWCA Civ 1409
29 05 18	Krebs v NHS Commissioning Board [2013] EWHC 3474 (Admin)
29 05 18	R (on the application of Cornwall Council) v Wiltshire Council & Ors (Rev 1) [2014] EWCA Civ 12
29 05 18	R (Cornwall Council) v. Secretary of State for Health [2016] A.C. 137
29 05 18	R (ZYN) v Walsall Metropolitan Borough Council [2014] EWHC 1918 (Admin)