



David Lock QC

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Expertise

Public, Public Procurement, European Union Law

Overview

David Lock was called to the Bar in 1985 and made a QC in 2011. He is a public law specialist and was judged by a panel of leading lawyers to be the Legal 500 Public Law QC of the Year for 2020. He sits as a Deputy High Court Judge in the Queen's Bench and Family Divisions.

David has appeared in the Supreme Court, the Court of Appeal on many occasions, the High Court, the County Court, the Court of Protection, has drafted Parliamentary Bills and has advised individuals, companies and government bodies in a variety of

international jurisdictions. He has vast trial experience, including cross-examining expert and lay witnesses, but also has a wide-ranging public law and appellate practice.

He is exceptionally knowledgeable and gains the confidence of vulnerable clients. Legal 500 2018

"Absolutely outstanding. He has all the attributes of a great silk. His knowledge of the case is second to none, and his knowledge of the law is absolutely superb. His judgement is impeccable." Chambers and Partners 2015

David took silk in 2011 and since then has appeared in a series of high profile administrative and public law cases, acting for public bodies and against them. David is joint editor (with Hannah Gibbs) of the leading practitioner's book, "NHS Law and Practice" and his technical expertise as a public lawyer has been recognised by his appointment as one of the joint editors (along with David Blundell) of the leading journal "Judicial Review".

David has a particular expertise in public sector pension schemes, particularly in cases involving medical retirement or pension rights associated with injuries suffered by public servants in the course of their work. He is the author of the Landmark Guide to the Law on Police Pensions.

He was on the panel of Treasury counsel before taking silk. David has also appeared in leading cases concerning local government, immigration, police, prisoners' rights and procurement law. David was appointed as a member of the Equality and Human Rights Commission's 'A' panel in May 2019. This panel of counsel plays an important role in helping the Commission to achieve its objectives which include reducing inequality, eliminating discrimination and protecting human rights.

Outside work

David takes time away from practice annually to complete another leg of a charity cycle ride from England to Australia - in segments over a number of years: see www.decade2australia.org for details. So far he and his wife have covered about 15,000km and got as far as Southern Thailand earlier this year but then had to return quickly due to Covid19!

Healthcare and the Law of the NHS

Healthcare and the Law of the NHS

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

"When it comes to healthcare, he's unrivalled - his knowledge is encyclopaedic. He's a first choice for complex medical law questions." Chambers and Partners 2018

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 in recent years 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) and *R (Shepherd n Behalf of 999 Call NHS) v National Health Service Commissioning Board* [2018] EWHC 1067 (Admin).

He also appeared in *Keep Wythenshawe Special Ltd v NHS Central Manchester CCG & Ors* [2016] EWHC 17 (Admin) (challenge concerning the reconfiguration of NHS service Manchester) and *Re N* [2015] EWCOP 76 (case concerning the continuation of artificial nutrition and hydration for a multiple sclerosis patient).

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 leads the Public Law Group at Landmark and edits the Guide to the Law of the NHS on the Landmark website.

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.

Local Authorities

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, including 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.

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.

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.

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.

Human Rights and EU Law

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).

Recommendations

'He is exceptionally knowledgeable about NHS regulation and patient rights: Legal 500 2018

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 & 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 & Partners 2018

“He knows what clients want and need, is very practical and has a huge brain.” “He is so incisive and gets the idea that you’re working as part of a team.” – *Chambers UK 2015*

“Able to reduce complex and esoteric legal quandaries into simple propositions” – *Legal 500 2015*

Highly respected for his broad public law expertise, David Lock QC receives particular plaudits for his expertise in matters at the intersection of public law and healthcare law. a very good advocate. He has served in local government and is very highly respected in the legal profession at a local and national level – *Chambers UK 2014*

Background

David has had an interesting and diverse career. After spending 10 years at the Bar in Birmingham he was elected as a Member of Parliament and was appointed to be a Minister at the Lord Chancellor’s Department from 1999 to 2001. He has also served as a local councillor and chaired substantial Non-Departmental Public Bodies. He has also worked within a major law firm, Mills & Reeve, leading the healthcare practice and seeing life from the other side of the solicitor/barrister divide.

David is a member of the BMA Ethics Committee, was chair of Innovation Birmingham Limited (the company which runs the Birmingham Science Park). He has also served as a non-Executive director of a major NHS Foundation Trust.

David was selected by the Birmingham Law Society to be their ‘Barrister of the Year’ in 2011.

Provides good political, legal and commercial insight

Chambers & Partners

Cases

25 Mar 2020	Bayer Plc & Anor v NHS Darlington CCG & Ors [2020] EWCA Civ 449
25 Mar 2020	A Healthcare B NHS Trust v CC [2020] EWHC 574 (Fam)
06 Feb 2020	R (Chief Constable Of South Yorkshire Police) v The Crown Court At Sheffield & Anor [2020] EWHC 210 (Admin)
20 Dec 2019	R (KK) v Tavistock And Portman NHS Foundation [2019] EWHC 3565 (Admin)
11 Nov 2019	R (Raqeeb) v Begum & Anor [2019] EWHC 2976 (Admin)
03 Oct 2019	R (CP) v North East Lincolnshire Council [2019] EWCA Civ 1614
28 Jun 2019	R (Michaelides & Anor) v Police Medical Appeal Board [2019] EWHC 1434 (Admin)
11 Jun 2019	B v A Local Authority [2019] EWCA Civ 913
16 Apr 2019	R (Boskovic) v Chief Constable of Staffordshire Police [2019] EWCA Civ 676
01 Aug 2018	R (Buckingham) v NHS Corby Clinical Commissioning Group [2018] EWHC 2080 (Admin)

08 Jul 2015	R (Cornwall Council) v. Secretary of State for Health [2016] A.C. 137
16 Jun 2014	AB v A Chief Constable
12 Jun 2014	R (ZYN) v Walsall Metropolitan Borough Council [2014] EWHC 1918 (Admin)
16 Apr 2014	Pitalia v NHS Commissioning Board
18 Feb 2014	R (on the application of Cornwall Council) v Wiltshire Council & Ors (Rev 1) [2014] EWCA Civ 12
11 Nov 2013	Krebs v NHS Commissioning Board [2013] EWHC 3474 (Admin)
25 Jul 2013	The Police Superintendents Association of England and Wales & Ors v The Chief Constable of Bedfordshire Police [2013] EWHC 2173 (Admin)
04 Jul 2013	R (on the application of Whapples) v Birmingham East & North Primary Care Trust & Anor [2013] EWCA Civ 258
27 Jun 2013	Derbyshire County Council v High Peak Magistrates' Court [2013] EWHC 1762 (Admin)
18 Jun 2013	Cronin v The Greyhound Board of Great Britain Ltd [2013] EWCA Civ 668
17 May 2013	Commissioner of Police of the Metropolis v The Police Medical Appeal Board [2013] EWHC 1203 (Admin)
11 Jan 2013	Pitalia v NHS Commissioning Board
09 Jul 2012	Re SK [2012] EWHC 1990 (COP)
16 May 2012	R (on the application of Haworth) v Northumbria Police Authority [2012] EWHC 1225 (Admin)
21 Feb 2012	R (on the application of Simpson) v Police Medical Appeal Board & Ors [2012] EWHC 808 (Admin)
02 Feb 2012	R (on the application of Crudace) v Northumbria Police Authority [2012] EWHC 112 (Admin)
05 Nov 2011	Williams v Merseyside Police Authority [2011] EWHC 1119 (Admin)
27 Jul 2011	R (On the Application of Condliff) v North Staffordshire Primary Care Trust [2011] EWCA Civ 910 and [2011] EWHC B8 (Admin)
11 Mar 2011	AC v Berkshire West Primary Care Trust [2010] EWHC 1162 (Admin) and [2011] EWCA Civ 247
23 Nov 2010	Walther v PMAB and MPA [2010] EWHC 3009 (Admin)
13 Oct 2010	Laws v Metropolitan Police Authority [2010] CA
01 Jan 1970	R (London Borough of Lewisham & Anor) v Trust Special Administrator Appointed To South London Healthcare NHS Trust & Anor [2013] EWCA Civ 1409

Publications

14 Sep 2020	Review of Administrative Law: challenges on scope and exercise of powers
14 Sep 2020	The Review of Judicial Review: Reflections on the Faulks Review – Webinar

10 Sep 2020	The Looming Public Inquiry on COVID-19: Tips on Preparation for the NHS and Other Public Bodies - Webinar
24 Jul 2020	What is indirect discrimination and how to identify the right comparator - Talk
24 Jul 2020	What is indirect discrimination and how to identify the right comparator
24 Jul 2020	Indirect Discrimination - A powerful, effective but under-used tool in tackling discrimination in the UK - Webinar
17 Apr 2020	Health and Social Care Law and COVID-19 - Webinar
17 Apr 2020	Medical Decision Making When Demand For Respiratory Services Exceeds NHS Capacity
13 Feb 2020	Introduction to the IFR Process and How it Fits With CCG Commissioning Policies and Patient Rights
04 Apr 2019	Appeals and Remedies
04 Apr 2019	Case Study used for the Masterclass on NHS Continuing Care seminar
05 Mar 2019	The Consequences And Uncertainties For NHS Procurement Arising From The ACO Cases
18 Oct 2018	Public engagement and NHS decision making: A legal fiction or a practical reality?
25 Sep 2018	Is there a future for procurement within the NHS?
30 Jul 2018	Police injury pension scheme and conflicting medical assessments (R (Evans) v Chief Constable of Cheshire Constabulary) (first published on Lexis®PSL on 10 May 2018)
21 Jun 2018	Factual Disputes in Judicial Review Cases
13 Jun 2018	Brexit and Drugs
12 Sep 2017	Reconfiguration of NHS Services: The framework for NHS decision making - Paper
12 Sep 2017	The NHS framework for making service reconfiguration decisions
12 Jun 2017	Procurement in the NHS
16 Mar 2017	How will Brexit affect the NHS? If at all
03 Jan 2017	Guide to NHS Law - A Guide to the Law on Patient Choice
03 Jan 2017	Guide to NHS Law - Direct Payments and Personal Health Budgets
20 Dec 2016	Can NHS bodies lawfully move away from a "payment by results" contract?
12 Oct 2016	A Guide to the Law on NHS Continuing Care and NHS Funded Nursing Care
16 Aug 2016	Protective Costs Orders and Costs Capping Orders: The new law
21 May 2015	Update on Procurement Law for Local Authorities
18 Apr 2015	Residence and 'Ordinary Residence': How can it possibly be that difficult!
24 Feb 2015	Care Act 2014: The Main Themes
11 Jun 2014	NHS Bodies, Procurement, the 2013 Regulations: How to avoid tying the NHS up in red tape

