



Admas Habteslasie

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Expertise

Property, Rating, Public Law/Human Rights, International Law, Planning

Overview

Admas specialises in property law (including rating), public and human rights law and international law. He is a member of the Attorney-General's C Panel of Counsel and Public International Law C Panel of Counsel. Admas regularly appears in the highest appellate courts and has extensive advocacy experience.

Recent highlights of Admas' practice include:

- Acting for intervener Reprieve in ECtHR application concerning repatriation of French nationals detained in Syrian Democratic Forces camps in north-eastern Syria (*HF and MF v France*)
- Acting for a claimant challenging the Home Secretary's mandatory fee of £1,012 for children to register as British citizens (*R (PRCBC & O) v SSHD* (Supreme Court))
- Representing a commercial tenant (Sports Direct) resisting a claim for rent on the basis that COVID-19 measures suspended or nullified its rent obligation (*AEW UK REIT plc v Sportsdirect.com Retail Limited* [2021] EWHC 1013 (QB))
- Representing a local authority in a dispute regarding the beneficial ownership of land used for a high-profile community project in the 1980s and 90s (*Brent v Johnson and others* [2020] EWHC 2526 (Ch))
- Representing the Ministry of Defence in a 8-day private nuisance trial in the Queen's Bench Division, raising the question of whether overflight by military jets constituted a nuisance or breach of human rights under ECHR Articles 8 and A1P1
- Acting for Liberty as intervener in multiple claims challenging asylum accommodation at Napier Barracks (*R (NB and others) v SSHD* [2021] EWHC 1489 (Admin))
- Acting for the respondent in Commercial Court proceedings in respect of the dispute over the chairmanship of the Libyan Investment Authority (*Mohamed v Breish*)
- Acting for ATLEU as intervener in an appeal challenging provisions of the criminal injuries compensation on the basis of their impacts on victims of trafficking (*A & B v Criminal Injuries Compensation Authority* (Supreme Court)):

Prior to joining Chambers, Admas spent a year as the judicial assistant to Lord Neuberger, President of the Supreme Court and worked in Syria and Jordan for the UN Refugee Agency. He carried out postgraduate law studies as a Thouron Scholar at the University of Pennsylvania Law School, focusing on international and human rights law, graduating joint 1st in his year. Admas speaks fluent Arabic.

Admas is a member of ILA, HRLA, ALBA, ILPA and CHBA.

Property Law

Admas has a busy property practice and appears regularly in the High Court (Queens Bench and Chancery Divisions), County Court and First-tier Tribunal in a wide variety of property disputes, with expertise in landlord and tenant and real property matters. He has a busy property trial practice, but also appears in application hearings and appeals.

In his property practice, Admas is able to draw on his knowledge of planning and public law (e.g. work advising Government on school playing fields issues). He has particular expertise in advising on issues arising at the overlap of planning and property law, in particular disputes arising from overage agreements and s.106 agreements.

Admas regularly advises on and acts in cases in the following areas of property litigation:

- Nuisance
- Opposed lease renewals under the Landlord and Tenant Act 1954
- Priorities of interests in a registered land context
- Forfeiture and relief from forfeiture
- Easements
- Land registration
- Discharge/modification of restrictive covenants
- Professional negligence (in a property litigation context)

Admas has recently appeared in/advised on the following matters:

- ***Jones v Ministry of Defence***: Representing the Ministry of Defence in an 8-day nuisance trial in the Queen's Bench Division (led by David Elvin QC), regarding the question of whether jets flying over and near to a complainant's land constituted a nuisance
- ***AEW UK REIT plc v Sportsdirect.com Retail Limited*** [2021] EWHC 1013 (QB): representing a commercial tenant resisting a claim for rent on the basis that government measures imposed in the wake of COVID-19 suspended or nullified the obligation to pay rent under the lease (led by Katharine Holland QC)
- ***Nathwani & Anor v Kivlehan & Ors*** [2021] UKUT 84 (LC) (22 April 2021): Appearing for an objector in a two-day hearing of an application to modify a restrictive covenant in relation to residential property, raising issues of amenity impact
- Advising public and private bodies on issues relating to redress for defective cladding installed on residential buildings
- Advising as to whether occupation of a property booked through an online site for short-term stays created a lease
- Appearing for a commercial landlord in a 4-day trial regarding a dispute about the existence of a public/private right of way
- Acting for the Chief Land Registrar in judicial review claims raising property issues
- ***Mayor and Burgesses of the London Borough of Brent v Johnson and others*** [2020] EWHC 2526 (Ch) (currently on appeal): appearing for the claimant local authority in a 2-week trial in the Chancery Division (led by Katharine Holland

QC) raising issues of constructive and charitable trust, locus to enter a restriction and whether an unincorporated association could be a beneficiary under a private trust

- Advising on stamp duty land tax and nuisance issues arising from a public body's exercise of statutory powers
- Appearing in a 2-day adverse possession trial in the First-tier Tribunal (Land Registration Division) regarding a boundary dispute
- A dispute regarding a historic transfer of publicly owned land subject to various statutory obligations
- 1954 Act proceedings on behalf of a local authority landlord seeking possession on ground (f), in the context of a broader major development raising politically sensitive issues
- Injunction proceedings in a 4-day trial in the County Court, acting for the Claimant
- An application by a tenant to set aside a statutory demand for liabilities arising under a commercial lease
- A dispute arising from the interpretation of Covid-19 clauses in sale contracts
- A dispute arising from overage provisions in a sale contract
- A misrepresentation claim in the context of a property bought at an auction

As a judicial assistant to the (then) President of the Supreme Court, Lord Neuberger, Admas worked on a number of property-related appeals:

- **Edwards v Kumarasamy** [2016] UKSC 40: a disrepair case concerning the application of section 11 of the Landlord and Tenant Act 1985 as between a tenant and subtenant, and the question of when a landlord is liable under a repair covenant despite not having had notice of the disrepair
- **Lynn Shellfish v Loose and another**: a case concerning a dispute as to the boundaries of a fishing right acquired by prescription
- **Marks & Spencer v BNP Paribas Securities Services Trust Company**: construction of a commercial lease, implication of terms
- **McDonald v McDonald**: an appeal concerning the question of whether Article 8 of the ECHR applied in the context of possession claims in relation to tenancies granted by private landlords
- **Commissioners for Her Majesty's Revenue and Customs v Investment Trust Companies (In Liquidation) and others; Bank of Cyprus v Menelaou** [2015] UKSC 66: claims in unjust enrichment

Rating and Valuation

Admas has a busy rating practice advising and appearing for billing authorities, private entities and central Government in a range of courts and tribunals. He is a member of the Attorney-General's C Panel of Counsel.

In assisting his clients on rating matters, Admas is able to draw on his expertise in property law, including in property disputes involving charitable bodies/charitable trust issues.

Examples of Admas' recent rating work include:

- Advising on rates mitigation schemes, including for charities
- Advising ratepayers on various issues arising from the effects of government restrictions imposed in response to Covid-19
- Advising and appearing in the Magistrates' Court for ratepayers seeking to challenge the imposition of liability orders on a variety of grounds
- Appearing in the Valuation Tribunal for ratepayers in valuation disputes and completion notice appeals
- Drafting statements of case in challenges to retrospective imposition of business rates liability following *Woolway (VO) v Mazars*;
- Advising on a range of rating issues, including: exemptions from unoccupied rates; state aid issues; transitional relief; valuation tribunal practice and procedure; the VOA's powers and duties; and a wide range of business rates liability issues relating to the occupation of office buildings

As a pupil to Dan Kolinsky QC, Admas assisted on appeals in the Upper Tribunal, Court of Appeal and in the Supreme Court (*Woolway (VO) v Mazars*).

Public Law / Human Rights

Admas has a broad public law practice and acts for claimants, defendants and interveners. He has significant experience of appellate public law litigation and a particular expertise in cases raising human rights and public international issues. Admas is a member of the Attorney General's C Panel and Public International Law C Panel.

His recent public law experience includes:

- **HF and MF v France** (ECtHR, Grand Chamber): acting for intervener Reprieve in application to the ECtHR by French nationals detained by Syrian Democratic Forces camps in north-eastern Syria following their capture in territory controlled by Islamic State, with the applicants arguing that the ECHR requires their repatriation to France (due to be heard before the Grand Chamber in September 2021).
- **R (NB and others) v SSHD**: acting for intervener Liberty in multiple claims challenging the adequacy of asylum accommodation at Napier Barracks
- **NA v Secretary of State for Work and Pensions** (Court of Appeal): acting for the Secretary of State in an appeal relating to whether exclusion of the widow to a void polygamous marriage from bereavement payment and widow parent's allowance is compatible with Article 14 of the ECHR (with Zoe Leventhal and Jack Anderson)
- **Project for the Registration of Children as British Citizens & O v Secretary of State for the Home Department** (Court of Appeal): acting for one of the claimants in a challenge to the Home Secretary's mandatory fee of £1,012 for children to register as British citizens (with Richard Drabble QC and Jason Pobjoy)
- **A & B v Criminal Injuries Compensation Authority** (Supreme Court): acting for the interveners in this appeal challenging provisions of the criminal injuries compensation relating to victims of trafficking on the basis of incompatibility with Article 4 ECHR, and raising the relevance of Articles 15 and 26 of the Council of Europe Convention on Action Against Trafficking (with Karon Monaghan QC and James Robottom)
- **R (KK) v Tavistock & Portman NHS Foundation Trust** (Court of Appeal): acting for the appellant transgender prisoner in their challenge to a decision by a NHS trust to refuse to recommend gender reassignment surgery, raising Article 8 ECHR issues (with David Lock QC)
- **R (Article 39) v Department for Education** (Court of Appeal): acting for the DfE in a wide-ranging challenge to regulations introduced to deal with predicted capacity issues in the children's social care sector in the wake of Covid-19 (with Clive Sheldon QC and Galina Ward)
- **R (Hoareau and others) v Secretary of State for Foreign Affairs** (Court of Appeal): acting for Chagos Islanders expelled to the Seychelles in the 1960s and 70s in a challenge to the UK government's decision to refuse to allow resettlement of the Chagos Islands; the appeal raises a number of international law issues, including the relevance of a recent Advisory Opinion of the ICJ which concluded that the UK's continued administration of the Chagos Islands was unlawful as a matter of international law (with Ben Jaffey QC and Paul Luckhurst)
- **HM Attorney General v Akther** (Court of Appeal): appearing for the Attorney-General in the Court of Appeal in an appeal concerning the effect of Art.12 of the ECHR on domestic rules regarding the validity of marriages
- **Mohamed v Abdi**: appearing as the Advocate to the Court in a case concerning the status in English law of foreign marriages celebrated in unrecognised states (with Deepak Nagpal)
- **R (SHU) v Secretaries of State for Health and Social Care and the Home Department**: acting for the claimants in a challenge to the NHS charging regime (on the basis of Art.8 and 14 of the ECHR) and the vires/rationality of Immigration Rules provisions requiring NHS debts to be taken into account in applications for leave to remain (with Samantha Broadfoot QC)
- **R (ERA) v Basildon and Thurrock University Hospitals NHS Foundation Trust (Secretary of State for Health and Social Care intervening)**: acting for a vulnerable claimant challenging the decision of two NHS trusts to charge her for life-saving treatment (with Stephen Knafler QC)
- Acting for a local authority in a judicial review challenge brought by one of the UK's largest private social care providers to the authority's decision not to increase fees following the outbreak of Covid-19, alleging breaches of s.5 of the Care Act 2014, the ECHR and the Equality Act 2010
- Acting for a number of victims of trafficking challenging decisions of the Criminal Injuries Compensation Authority on, inter alia, grounds that refusals to grant compensation are contrary to EU law and the ECHR
- Advising a central Government department on Brexit issues raising a range of public international law issues
- Acting both for claimants and for the Department for Work and Pensions in relation to claims relating to the exportability of benefits, including a large number of claims in the Upper Tribunal stayed behind the litigation in **Secretary of State for Work and Pensions v Tolley C-430/15**.

Admas is the co-author of the chapter on judicial review procedure in *Judicial Review* (Supperstone, Goudie and Walker); the chapter on Article 10 of the ECHR in *Human Rights Practice* (Simor); and a contributing author to *Children's Social Care Law* (LAG, 2018) and *Adult Social Care Law* (LAG, 2019).

International Law

Admas is a member of the Attorney-General's Public International Law C Panel of Counsel. He has a varied practice in public and private international law, both in the context of domestic litigation and disputes governed by international law, and a busy advisory practice, with a particular focus on issues arising from counter-terrorism policies and practices. Some of Admas' recent experience includes:

- **Mohamed v Breish**: acting for the respondent (with Shaheed Fatima QC) in the ongoing Commercial Court proceedings in respect of the dispute over the chairmanship of the Libyan Investment Authority, raising questions of Libyan law and

the scope of the one-voice doctrine

- Advising an NGO on public international law issues arising out a complaint to the African Commission on Human and Peoples' Rights
- Advising Transparency International on the design and implementation of anti-corruption measures
- Advising private entities on commercial arrangements that raise issues under the law of the sea and the law of armed conflict
- Advising an NGO on possible liability in UK domestic law for certain breaches of international criminal law in the Middle East.

Admas is regularly instructed in domestic public law proceedings that raise public international law issues:

- ***R (Hoareau and others) v Secretary of State for Foreign Affairs***: (with Ben Jaffey QC and Paul Luckhurst) acting for the claimant in a challenge to the UK government's 2016 decision to refuse to allow resettlement of the Chagos Islands, raising issues of the relationship between the lawfulness of the UK's administration of overseas territory and Art.56 of the ECHR, and the domestic effect of ICJ advisory opinions
- ***Mohamed v Abdi***: appearing (led by Deepak Nagpal) as the Advocate to the Court in a case concerning the status of foreign marriages celebrated in unrecognised states in English law, raising the issue of the scope of the exception to the principle of non-recognition of the laws of unrecognised states/governments
- ***A & B v Criminal Injuries Compensation Authority (Supreme Court)***: acting for the interveners in this Supreme Court appeal regarding the interplay of Article 4 ECHR, Articles 15 and 26 of the Council of Europe Convention on Action Against Trafficking and the criminal injuries compensation scheme (with Karon Monaghan QC and James Robottom)

Admas takes a particular interest in international law issues relating to the Middle East and the Horn of Africa. He speaks fluent Arabic and has extensive experience of working in Arabic, including with Arabic-language documents and working closely with experts in Arabic, particularly in relation to foreign law expert reports.

Admas also worked on public international law issues in the context of domestic appellate litigation as a judicial assistant at the Supreme Court, in particular in the following appeals:

- ***Serdar Mohamed v Ministry of Defence***: legal basis for detention powers in non-international armed conflicts
- ***Youssef v Secretary of State for Foreign and Commonwealth Affairs*** [2016] UKSC 3: a challenge to the United Kingdom's decision to allow the appellant's name to be added to the United Nations Security Council's list of people subject to asset freezing
- ***Ministry of Defence v Iraqi Civilians*** [2016] UKSC 25: a claim concerning the application of conflict of laws principles on the determination of the correct limitation period to claims applying Iraqi law

Prior to commencing practice at the Bar, Admas worked as a caseworker for the UN Refugee Agency focusing on exclusion issues, carrying out determinations of whether applicants were excluded from protection on the basis of involvement in war crimes or crimes against humanity, and interviewed applicants in Arabic. Admas' other international law experience prior to commencing practice includes:

- As a legal assistant to the Legal Adviser to a state party to an inter-state post-war claims arbitration, carrying out legal research, assisting with the production of sworn declarations by witnesses and drafting sections of the state party's memorials
- Carrying out legal research into developing areas of public international law and international human rights law pertaining to the conflict in Syria (with a focus on the powers of the UN Security Council) for the Legal Adviser to the Joint Special Envoy of the UN and Arab League to Syria
- Advising non-governmental organisations in Haiti on the procedure and principles underpinning the UN Human Rights Council's Universal Periodic Review process

Admas has published a number of articles on the interplay between public international law principles and the development of ECHR jurisprudence domestically and in the ECtHR (see articles). As an LLM student at the University of Pennsylvania, Admas graduated with the joint highest Distinction in his year, carried out research on public international law for a number of professors, and was awarded a discretionary A+ in his public international law examination.

Planning and Environmental Law

Admas has significant experience of planning work both in inquiries and in the Planning Court. He is a member of the Attorney-General's C Panel of Counsel. Admas regularly advises on matters at the intersection of planning and property law.

Recent examples of appeal and CPO inquiry work include:

- Appearing for Southwark Council in a two-day appeal hearing regarding a residential development offering no affordable

- housing, raising viability issues
- Appearing (as junior to Sasha White QC) for the developer in a two-week appeal relating to a proposal for care/assisted living facilities and dwellings in an Area of Outstanding Natural Beauty in West Sussex
- Appearing (as junior to Christopher Katkowski QC) for the developer in an appeal relating to a proposal for 150 homes in the Green Belt in Maidenhead
- Appearing (as junior to James Maurici QC) for Swindon Borough Council in a s.78 appeal against the refusal of planning permission for an Energy for Waste plant in Swindon; this was the first appeal to consider the Secretary of State's new waste strategy for England, *Our Waste, Our Resources*
- Appearing (as junior to John Hobson QC) for Birmingham City Council in the CPO inquiry in relation to the compulsory acquisition of 27.6 ha of land in Perry Barr, Birmingham, for the Commonwealth Games 2022 and legacy redevelopment
- Appearing (as junior to James Maurici QC) for Highways England and Walsall Borough Council in a CPO inquiry in relation to proposed improvement works to Junction 10 of the M6

Admas has extensive experience of appearing in the Planning Court, both led and unled. Recent experience includes **R (Dawes) v Birmingham City Council** [2021] EWHC 1676 (Admin), a judicial review claim raising human rights and public sector equality duty issues in the context of a challenge to a General Vesting Declaration.

Other relevant experience includes:

- Advising the Department for Transport on airports issues
- Appearing (as junior to Christopher Katkowski QC) for the defendant local authority in relation to a judicial review claim brought by a major developer
- Appearing for a local planning authority in County Court proceedings relating to the enforcement of a s.106 agreement
- Appearing for the appellant at a two-day enforcement inquiry raising issues of abandonment of residential use, 5-year housing supply, and the principle of development in an AONB
- Appearing for the planning authority in a two-day enforcement inquiry raising issues of the principle of development in an AONB and the meaning of a 'building' for the purposes of s.171B of the TCPA
- Acting for the developer in a 3-day trial in the Magistrates' Court on a challenge to a section 215 notice on both statutory and public law grounds
- Appearing (as junior to Tim Corner QC) for the Rule 6 party Magdalen College, Oxford at an appeal inquiry relating to a proposed student residential development in Oxford adjacent to a number of Oxford colleges and raising issues of heritage impact

Admas also has experience of advising on a wide range of planning matters, including: contaminated land; highways issues (seeking stopping up orders under the Highways Act and the TCPA), Green Belt and AONB policy, the Community Infrastructure Levy, compulsory purchase, lawful use certificates, and planning obligations.

Admas has a particular expertise in issues arising at the overlap of planning and property law and regularly advises on disputes arising from overage agreements and s.106 agreements.

Qualifications

- University of Warwick: BA Film and Literature (2003)
- University of the Arts London: MA Documentary Photography (Distinction, 1st in year, 2005)
- Kaplan Law School: GDL (Commendation, 2009)
- University of Pennsylvania Law School: LLM (Distinction, Award for Excellence (joint 1st in year), 2012)
- City Law School: BPTC (Very Competent, 2014)

Scholarships and Awards

- Horace Avory Scholarship, Exhibition and Duke of Edinburgh Scholarship (Inner Temple, 2012)
- Thouron Scholarship (2011)
- Full GDL scholarship (Kaplan Law School, 2008)

Publications

October 2020

Estates Gazette Q&A: *Leasing Conundrums Answered* (with Louise Clark of Charles Russell Speechlys LLP)

November 2019

A Humanitarian Intervention? The Court of Appeal Decision in CAAT v Secretary of State for Trade | Judicial Review 2019, Issue 3

August 2019

When does the “no substantial difference test” make a difference in judicial review applications? Does the outcome differ, depending on whether the case is based on EU or UK law? | Judicial Review 2019, Issue 2 (with James Maurici QC)

August 2018

Costs conditions on permission: a neglected tool in the claimant public lawyer’s toolbox? | Judicial Review 2018, Issue 2 (with Tim Buley QC)

January 2017

Room for improvement (commentary on Supreme Court decision in *R (Carmichael and Rourke) v Secretary of State for Work and Pensions* [2016] UKSC 58, the ‘bedroom tax’ appeal) | New Law Journal, Issue 7731

February 2017

Derogation in Time of War: The Application of Article 15 of the ECHR in Extraterritorial Armed Conflicts | Judicial Review 2016, Issue 4

March 2017

Detention in times of war: Article 5, UN Security Council Resolutions and the Supreme Court decision in Serdar Mohammed v Ministry of Defence | European Human Rights Law Review 2017, Issue 2

Inquiries

04 Dec 2017	Oxford student accommodation appeal dismissed on heritage grounds
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Publications

14 Sep 2021	The Higher Education (Freedom of Speech) Bill 2021: what does the bill do?
14 Sep 2021	The freedom of speech bill for universities: necessary or superfluous? - webinar
07 Jul 2021	Rates Mitigation and Charitable Relief Case Law Discussion - webinar
17 Mar 2021	BIICL’s webinar series - Rising Sea Levels: Climate Displacement as a Human Right Violation
04 Feb 2021	Public and regulatory law issues for halls of residence and private tenancies (including rent strikes)
04 Feb 2021	COVID-19 and University Students: Renting a room you can’t use - webinar
06 Aug 2020	Social Care - Part 4 - Webinar
06 Aug 2020	Contractual Disputes
22 Jun 2020	Asylum and ECHR caselaw update
22 Jun 2020	Asylum and Human Rights Update - Webinar
07 May 2020	Article 14 ECHR - from nuts and bolts to some big themes troubling the courts now - Webinar
07 May 2020	Status and Comparators
01 Oct 2019	A Practical Introduction To The 2008 Act Process
25 Feb 2019	Duty of candour, disclosure and information in judicial review
13 Sep 2018	Trafficking ECHR and international law issues

22 May 2018	Remedies and limitation periods under the PCRs
25 Apr 2018	What rating practitioners need to know about state aid
19 Mar 2018	Lessons from the HS2 Special Reports: What are Select Committees interested in?
31 Jan 2018	Extensions of time in the UT: Hammerson v Gowlett explained
23 Nov 2017	Waiver: the test and basic elements, timing, acts of waiver, types of breach
25 Sep 2017	JS Bloor (Wilmslow) Ltd v Homes and Communities Agency [2017] UKSC 12: The statutory planning assumptions and the no scheme world
13 Jul 2017	Section 94B: The impact upon Article 8 and the appeal rights - The landscape post-Kiarie
26 Jun 2017	Lessons from the HS2 Special Reports: What are Select Committees interested in?
