



## **Richard Drabble QC**

Call: 1975    Silk: 1995

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## **Expertise**

Planning, Public, Environment, Rating and Valuation, International, European Union Law

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## **Overview**

Richard Drabble QC was called to the Bar in 1975 and took silk in 1995. He is a Bencher of Inner Temple; a former Chairman of ALBA and a current member of the Bar Council's Law Reform Committee.

He practices in public law. He has appeared in many leading human rights and environmental cases. He appeared as (very) junior counsel in *CCSU v Minister for the Civil Service (GCHQ)*. He acted for the government in connection with the decision to grant planning permission for Terminal 5 at Heathrow; with a judicial review challenge to the Airports White Paper; and resisting

a challenge by Greenpeace to consultation on nuclear policy. His practice has a particular emphasis on social security, immigration, environmental, planning, local government and human rights law. He has appeared at all levels of the domestic court system, including the Supreme Court and House of Lords. He has also appeared before the ECtHR in Strasbourg (for example in *Chapman v UK*; *Stec v UK*; and *Tsfayo v UK*) as well as the CJEU (for example *Stewart v SSWP* [2012] PTSR 1; and the Grand Chamber hearing of the joined cases of *Tele 2 Sverige* and *Watson and others v SSHD* [2017] QB 771). He appeared in Trinidad in *Jones v AG* in a successful constitutional challenge to the law criminalizing homosexual activity; and before the Privy Council in *The Minister of Home Affairs (Bermuda) v Barbosa* [2019] UKSC 41. He has recently appeared in the Supreme Court in cases raising important human rights issues, including *KV (Sri Lanka) v SSHD* [2019] 1 WLR 1849; *Kiarie v SSHD* [2017] 1 WLR 2380; and *IT (Jamaica) v SSHD* [2018] 1 WLR 5273. In terms of social security, he appeared in the Supreme Court in the challenges to both versions of the benefits cap; and for the claimants in the bedroom tax case of *R (Carmichael) v SSWP* [2016] 1 WLR 4550 and the later case on remedies *RR (Appellant) v SSWP* [2019] 1 WLR 6430. He is instructed by Sainsburys to resist the Valuation Officers appeal concerning the rating of supermarket ATMs in the Supreme Court in March 2020.

He is listed in eight practice areas in Chambers 2020 (and in the top rank in four). He is also a “Star of the Bar” in that edition, with the comment that he is “quite simply one of the most talented and influential public lawyers of the last forty years”.

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## Qualifications

Richard Drabble read History at Downing College, Cambridge. He has lectured frequently on public law matters, particularly recently on human rights issues in planning. Richard is currently Vice-Chair of the Bar Council Law Reform Committee.

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## Recommendations

The latest editions state –

Chambers UK, administrative & public law – “His particular virtue is that he’s undoubtedly the leading expert on social security law and so he has a tremendous chronological reach when analysing cases.” “He has great gravitas and control of the court, and he’s calming and considered as an advocate.” “The court love him and listen to anything he’s got to say because he is so persuasive.”

Chambers UK, civil liberties & human rights – “Richard is an eminent silk of long standing who has done absolutely fantastic human rights work over the course of his career. The cases he does are all extremely important.” “He knows the law inside out and he’s very effective.” “He’s the doyen of social security law and trusted by the judges in that area; nobody knows more about the subject.”

Chambers UK, environment – “An excellent silk.”

Chambers UK, social housing – “He is so experienced, and the court loves him and listens to anything he has got to say because he is so persuasive.”

Chambers UK, immigration – “Very popular with juniors and a master of his material, with many years’ experience doing cutting-edge cases.” “He has a wealth of knowledge and is a lawyer I truly respect and admire.”

Chambers UK, local government – “A top-quality lawyer.” “He is very thorough, knowledgeable and knows how to pitch realistically, always presenting his case to judges in a very attractive manner.”

Chambers UK, planning – “An absolutely brilliant advocate.” “A very strong strategist.”

Chambers UK, European Law – “He is a phenomenal brain.”

Legal 500, administrative & public law – “A pleasure to work with, and precise and insightful on his feet”.

Legal 500, EU Law – “Precise and insightful on his feet”.

Legal 500, environment – “A major player in public law, planning and environment matters”.

Legal 500, immigration – “He is making exceptional waves in the area, dealing with some great cases”.

Legal 500, social housing – “His social housing work is part of a wider public law and planning practice”.

## quite simply one of the most talented and influential public lawyers of the last forty years

Chambers & Partners

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### Cases

15 Nov 2017	R (HC) v Secretary of State for Work and Pensions [2017] 3 W.L.R. 1486
04 Apr 2017	Akinyemi v Secretary of State for the Home Department [2017] EWCA Civ 236
11 May 2016	Iran Country Guidance Heard
06 May 2016	Whitby v SST [2016] EWCA Civ 444
01 Mar 2016	Affordable Housing Contributions: West Berks in the Court of Appeal
23 Feb 2016	R (on the application of Gerber) v Wiltshire Council [2016] EWCA Civ 84
27 Jan 2016	Mirga v Secretary of State for Work and Pensions, Samin v Westminster City Council [2016] 1 W.L.R. 481
31 Jul 2015	Horada v Secretary of State for Communities and Local Government [2015] EWHC 2512 (Admin)
17 Jul 2015	R on the application of David Davis MP; Tom Watson MP; Peter Brice and Geoffrey Lewis [2015] EWHC 2092 (Admin)
26 Jun 2015	R (SS) v Secretary of State for the Home Department [2015] EWCA Civ 652
25 Mar 2015	R (AQ & Ors) v Secretary of State for the Home Department [2015] EWCA Civ 250
10 Feb 2015	R (Sanneh & Others) v. Secretary of State for Work and Pensions [2015] C.M.L.R. 27
15 Dec 2014	Court of Appeal hands down judgment in Exceptional Case Funding challenge
30 Jul 2014	Abdi v Secretary of State for the Home Department [2014] EWHC 2641 (Admin)
27 Jun 2014	R (on the application of Powell) v Brighton Marina Co Ltd 2014 [EWHC] 2136 (Admin)
19 Jun 2014	Case C-507/12 Saint Prix v Secretary of State for Work and Pensions [2014] P.T.S.R. 1448
20 Dec 2013	R (Islington LBC & 7 others) v The Mayor of London, London Fire and Emergency Planning Authority and the London Fire Commissioner [2013] EWHC 4142 (Admin)
20 Sep 2013	Permission refused on alternative remedy grounds in JR of the MMO
17 Jul 2013	R (New London College Ltd) v Secretary of State for the Home Department [2013] 1 WLR 2358
09 Apr 2013	Abdi v UK App 27770/08 [2013]
09 Apr 2013	Mustafa Abdi v United Kingdom (2013) 57 EHRR 16
01 Nov 2012	Marine Management Organisation succeeds in first judicial review

31 Oct 2012	Jessy St Prix v Secretary of State for Work and Pensions [2013] 1 CMLR 38
18 Jul 2012	R (Munir) v. Secretary of State for the Home Department [2012] 1 W.L.R. 2192 & R (Alvi) v. Secretary of State for the Home Department [2012] 1 W.L.R. 2208
23 May 2012	Important Supreme Court case on Article 14 discrimination and objective justification
16 Mar 2012	JD (Congo) v. Secretary of State for the Home Department [2012] 1 W.L.R. 3273
21 Jun 2011	R (Cart) v. Upper Tribunal [2011] 3 W.L.R. 107 (Supreme Ct); [2011] Q.B. 120 (CA & Div Ct)
16 Mar 2011	R (Patmalniece) v. Secretary of State for Work and Pensions [2011] 1 W.L.R. 783 (SC)
26 Jan 2011	Supreme Court rules on meaning of "domestic violence" in the Housing Act 1996
24 Nov 2010	MA (Somalia) v Secretary of State for the Home Department [2010] UKSC 49
29 Jul 2010	R (on the application of Garner) v Elmbridge Borough Council [2001] EWCA Civ 1006
17 Jun 2010	Tel-Ka Talk v The Commissioners to HM Revenue and Customs (SCCO-Master Hurst 17/6/10)
23 Feb 2010	Richard Buxton Solicitors v Mills-Owen [2010] EWCA Civ 122
22 Jan 2010	JO (Uganda) and JT (Ivory Coast) v Secretary of State for the Home Department [2010] 1 W.L.R. 1607
18 Mar 2009	R(on the application of G) and The Governors of X School and Y City Council [2009] EWHC Admin
10 Mar 2009	Court of Appeal refers question on the Citizenship Directive to ECJ
18 Feb 2009	RB (Algeria)(FC) and U v Secretary of State for the Home Department
11 Dec 2008	Kier Tankard v John Fredricks [2008] EWCA Civ 1375
30 Jul 2008	R(Heffernan) v The Rent Service [2008] UKHL 58
29 Jul 2008	R (Baiai) v. Secretary of State for the Home Department [2009] 1 A.C. 287 (HL)
01 Jul 2008	R (Lewis) v Redcar & Cleveland Borough Council and Persimmon Homes Teeside Limited [2008] EWCA Civ 746
02 Jun 2008	Odelola v SSHD, Court of Appeal [2008] EWCA Civ 308
01 May 2008	High Court rejects challenge to grant of planning permission relating to Thames Basin Heaths SPA
19 Feb 2008	R (Howsmoor) v South Gloucestershire District Council
31 Jan 2008	Evans v Gloucester County Council Court of Appeal
01 Jan 2008	Beoko-Betts V Secretary of State for the Home Department [2008] UKHL 39
01 Jan 2008	EB (Kosovo) (FC) v Secretary of State for the Home Department [2008] UKHL 41
30 Jul 2007	R(Merrick) v Secretary of State for Trade and Industry
12 Jul 2007	R(Greenpeace Limited) v Secretary of State for Trade and Industry Admin Court 2007 Env LR 29
24 Jun 2007	R(Weaver) v London and Quadrant [2008] EWHC 1377
19 Jun 2007	Court of Appeal decides that the Child Support Agency does not owe a common law duty of care

30 May 2007	High Court rejects further challenge to Olympic Compulsory Purchase Order
23 May 2007	Legislation on marriages of convenience breaches ECHR – SSHD v Baiai and others
04 May 2007	High Court rejects challenges to Olympic Compulsory Purchase Order
23 Jan 2007	FP (Iran) and MB (Libya) v Secretary of State for the Home Department [2007] Imm. A.R. 450
01 Jan 2007	R(Heffernan) v Rent Service [2007] EWCA Civ 544
01 Jan 2007	FP(Iran) v Secretary of State [2007] EWCA Civ 13
01 Jan 2007	R(M) V Secretary of State Court of Appeal 2007 1 WLR 3067
01 Jan 2007	R on the application of British Union for abolition of vivisection [2007]
01 Jan 2007	Rowley V Secretary of State for Department of Works and Pensions [2007] EWCA Civ 598 [2007] 1WLR2861
01 Jan 2007	Instructed by Persimmon Homes Ltd in the Court of Appeal in R(Lewis) v Redcar BC [2007] EWHC 3166 (Admin)
01 Jan 2007	3C Ltd v Merseywaste Holdings Ltd
01 Jan 2007	Kola v Secretary of State for Work and Pensions House of Lords [2007]
01 Jan 2007	Sole v Secretary of State for Trade and Industry [2007] EWHC 1527 (Admin)
01 Jan 2007	MT (Algeria) v Secretary of State Court of Appeal [2007] HRLR 41
01 Jan 2007	OSS Group Limited v Environment Agency
01 Jan 2007	R(A) v Secretary of State for Home Department [2007] EWCA Civ 804
01 Jan 2007	R(Baia) v Secretary of State Court of Appeal 2007 3 WLR 573
01 Jan 2007	Crane v Canons Leisure Centre
31 Dec 2006	Rogers v Merthyr Tydfil BC
15 Nov 2006	Kehoe v UK
14 Nov 2006	Tsfayo v United Kingdom
18 Jul 2006	Garrett v Halton BC [2006] EWCA Civ 1017
10 Apr 2006	R (on the applications of Mahmoud Baiai & Izabela Trzcinska, Leonard Bigoku & Agollo Melek Tilki) v Secretary of State for the Home Department; and Joint Council for the Welfare of Immigrants (Intervener)
11 Nov 2005	Wealden DC v Martin Grant Homes Ltd
27 Oct 2005	Szoma v Secretary of State for Work and Pensions
06 Sep 2005	Stec & Others v UK
01 May 2005	Kehoe v Secretary of State for Work and Pensions in the House of Lords
03 Mar 2005	Secretary of State for Work and Pensions v Hinchy [2005] UKHL 16

01 Mar 2005	R (Corner House Research) v. Secretary of State for Trade and Industry [2005] EWCA Civ 192
01 Jul 2004	Atkinson v Home Secretary
05 Feb 2004	Al-Ameri v. Royal Borough of Kensington & Chelsea (HL)
01 Jan 2004	Drury v. Secretary of State for the Environment, Food & Rural Affairs
31 Jul 2003	Moyna v Secretary of State for Work and Pensions (House of Lords)
01 Jan 2003	Knowsley Housing Trust v Revell [2003] EWCA Civ 496
09 May 2002	Willowslea Farm Kennels v Secretary of State for Transport, Local Government and the Regions
01 Jan 2001	Banks v Chief Adjudication Officer
01 Jan 2001	Callery v Gray (2001)
01 Jan 2001	Callery v Gray (Nos 1 & 2) [2001] 1 WLR 2112 and 2142
01 Jan 2001	Richmond upon Thames LBC v Secretary of State for the Environment, Transport and the Regions
01 Jan 2000	Chapman v UK ECHR
01 Jan 1999	Nessa v Chief Adjudication Officer
01 Jan 1998	R v. Secretary of State ex p. Camden
01 Jan 1996	R v. Secretary of State ex p. Kirkstall Valley Campaign
01 Jan 1995	Plewa v Chief Adjudication Officer

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## Inquiries

12 Jul 2007	Advisory work for Transport for London and the Greater London Authority
29 Jun 2007	European Court of Human Rights decides that Mrs Kehoe's application is partly admissible
19 Mar 2007	Opinion for Natural England on the Thames Basin Heath SPA
25 Oct 2006	Judgment in 3C Waste Limited on Landfill Directive
29 Jul 2005	Divisional Court uphold Brian Haw's challenge
13 Dec 2004	Hearing for judicial review of Airports White Paper
01 Dec 2002	Dibden Bay Deep Sea Container Terminal (Nov 2001 - Dec 2002)

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## Publications

14 Sep 2020	Independent Review of Administrative Law (IRAL): introduction
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14 Sep 2020	The Review of Judicial Review: Reflections on the Faulks Review - Webinar
08 Jun 2020	EU free movement law and the EU settlement scheme - Webinar
07 May 2020	Article 14 ECHR - from nuts and bolts to some big themes troubling the courts now - Webinar
07 May 2020	Manifestly without reasonable foundation: Where are we now?
12 Jun 2018	Standing and Person Aggrieved
16 Mar 2017	The Great Challenge Of The Great Repeal Bill
07 Feb 2017	The Bedroom Tax Litigation Local Authorities, Human Rights And Discretionary Housing Payments
21 May 2015	Benefits - Local Authorities and Austerity
24 Oct 2013	Housing Benefit and Council Tax Reduction: Legal issues for the near future

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