

## ASHLEY UNDERWOOD KC

Year of call 1976    Silk 2001



Ashley Underwood KC is a hugely experienced public lawyer.

He routinely conducts judicial review work for and against public bodies. He is on the Attorney General's panel of Special Advocates for national security work and regularly appears in SIAC and the High Court in relation to terrorism cases.

He is also a member of the Bar of Northern Ireland and is instructed in many of the major 'legacy' cases concerning allegations of State collusion in torture and murder. He is instructed on highly confidential matters of national security.

He has extensive experience of international sanctions work, on behalf of significant foreign institutions and individuals. This work has inevitably involved very sensitive materials and is unreported. His clerks may be able to provide more information on request.

He is a prominent practitioner in inquests and inquiries, having acted as Counsel to a significant number of important investigations and also as Counsel to Interested Parties and Core Participants in others. Ashley's current instructions include:

- *Representing family members in the inquests into the deaths of Shukri Abdi and Dylan Freeman*
- *The challenge in Grand Cayman to the decision to remove two prisoners serving life sentences for murder to prisons in the UK*
- *As Special Advocate, in challenging the failure to hold a public inquiry into the Omagh bombing*

Ashley has extensive experience in commercial and regulatory work for companies and for local government, which has included drafting standard terms of business and policies, arbitrating in disputes and acting in relation to licensing disputes. He has also appeared in many of the leading housing cases in the Appellate Courts.

Ashley's regular clients include the Government Legal Department, local authorities, coroners, police services, NGOs and individuals seeking to vindicate their human rights.

## LEGAL EXPERTISE

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### Inquests & Inquiries

Ashley is one of the most experienced practitioners at the Bar in this field. He was, successively, Counsel to the Robert Hamill Inquiry, the Azelle Rodney Inquiry and the Inquest into the death of Mark Duggan. He was Counsel to the Coroner for the In Amenas Inquests, dealing with intelligence issues. In addition he has advised Government departments and Coroners in relation to investigations. He has been retained to train Coroners in relation to the use of Counsel and to the treatment of sensitive materials.

He has advised on and acted in, a number of high-profile judicial reviews relating to inquests and inquiries, such as *Re Officer L* and the *R (on the application of Pamela Duggan) v HM Assistant Coroner*.

Ashley was instructed by the families of victims in the Birmingham Pub bombings and secured the Coroner's decision to conduct inquests into those deaths. He acted for two Core Participants in the IICSA. He is presently acting for family members of Shukri Abdi and Dylan Freeman in relation to their inquests.

He acts for a number of victims in "legacy" cases in Northern Ireland, including those concerning the Omagh bombing and the Kincora Boys' Home.

Ashley's experience has resulted in an ability to manage large and difficult investigations which include the handling of intelligence materials, the examination of planned covert operations, the need to deal with PII and anonymity.

### Public Law and Judicial Review

Ashley regularly represents the interests of claimants in national security cases and of local authorities in regulatory cases. He advises local authorities on issues as diverse as finance, equalities, and housing allocation.

### Selected Cases

#### National security and immigration control

*S2 v Secretary of State for the Home Department* – Judgment awaited

#### TPIMs

*JM v Secretary of State for the Home Department* – Judgment awaited.

*R (Hussain) v Waltham Forest LBC [2020] EWCA Civ 1539*

Effect of the Rehabilitation of Offenders Act 1974 on applications for licenses. 19.11.2020

## Strict liability for operators of unlicensed HMOs - 07.05.2020

R (Mohamed) v Waltham Forest LBC, Secretary of State for Housing, Communities and Local Government (HCLG) intervening and R (Mohamed) v Wimbledon Magistrates' Court, Waltham Forest LBC et al, Secretary of State for HCLG intervening [2020] EWHC 1083 (Admin)

## Commercial and Regulatory

Ashley has considerable experience in advising and drafting in relation to commercial contracts as well as regulatory compliance.

He is a lead lawyer for "The Uhuru Project" initiative on modern slavery. He was the leading Special Advocate on behalf of Bank Mellat in its claim against HM Treasury for damages for infringing its Article 1 First protocol rights to conduct business in the UK.

## Selected Cases

### Family Law

Ashley has extensive experience in dealing with disputes concerning children in both private and public law proceedings, financial remedies and cases in the Court of Protection involving both welfare and financial issues.

This has resulted in him being instructed numerous occasions for the local authority in relation to Wardship matters. Which has extended into contested adoption work, including interventions in adoptions on behalf of the Central Government.

Ashley has recently been involved in parental disputes over children as a Special Advocate because sensitive material was involved. He has trained Special Advocates in family work.

He has done considerable PII work on behalf of local authorities, where social service records have been the subject of witness summonses in other proceedings.

Ashley has recently been involved in public inquiries on behalf of core participants, namely in IICSA and the Northern Ireland Historical Child Abuse Inquiry. He has also acted on behalf of claimants for damages for abuse sustained when children.

He has considerable experience of Article 8 Human Rights claims arising out of family life. Most recently, he succeeded in obtaining entry clearance for a self-confessed Iranian secret agent on that basis. Ashley is leading the team (including Jennifer Carter-Manning KC) on behalf of one of the English girls who went to Syria and had her citizenship revoked, where the claim rests on her family life with her children here. Those claims involve complex issues of the jurisdiction of the HRA and the tests the Courts should adopt.

More broadly, Ashley has advised many local authorities over financial disputes about financial responsibility for looked-after children. He has recently acted in the Court of Appeal, on the leading authority on local government responsibility for the provision of secure children's homes. This case is awaiting permission for appeal to the Supreme Court.

Ashley regards this as an extension of his wardship work, involving similar skills. He has acted for, and advised, local authorities in cases concerning welfare but also damages claims for unlawful detention.

Ashley has done a vast amount of ancillary relief cases over the years and as a silk has been involved in a number of cases which have high-net-worth individuals.