

STEVEN GRAY

Year of call
2000



Steven Gray is currently a member of the Attorney General's A panel of civil counsel and undertakes a range of high-profile public law and common law work for a variety of government departments. In addition, Steven has extensive experience of working on public inquiries. In 2016, Steven was appointed First Junior Counsel to the Undercover Policing Inquiry. Currently, Steven is acting for HM Treasury in the UK Covid-19 Inquiry and for the Ministry of Defence in the recently announced Independent Inquiry Relating to Afghanistan.

Since 2009 Steven has acted regularly on behalf of the government in national security-related civil litigation, and in particular in cases involving control orders, terrorism prevention and investigation measures, national security deportations and exclusions, terrorist asset-freezing and claims for damages in connection with alleged torture. Steven has appeared regularly in the Administrative Court and the Special Immigration Appeals Commission and has also appeared in both the Court of Appeal and Supreme Court in connection with such cases.

Steven acts for the Ministry of Defence, including in claims for damages and judicial review proceedings arising from the conflicts in Iraq and Afghanistan. Steven also acts for the Ministry of Justice in relation to prison matters.

Steven also has extensive experience of advising in connection with public law and regulatory issues relating to financial services businesses (in particular anti-money laundering and compliance issues), often with an offshore and international angle. Steven's clients have included domestic and offshore financial services institutions, high net-worth individuals and domestic and offshore government agencies. For example, Steven has advised corporate clients in the UK in relation to an internal bribery investigation and corporate clients offshore in relation to a substantial regulatory investigation arising out of a failed Eastern European property investment scheme. Steven has lectured around the world on related financial crime and terrorism financing issues.

LEGAL EXPERTISE

Public Law

Steven is currently a member of the Attorney General's A panel of civil counsel and undertakes a range of high-profile public law and common law work for a variety of government departments.

Since 2009 Steven has acted regularly on behalf of the government in national security-related civil litigation, and in particular in cases involving control orders, terrorism prevention and investigation measures, national security deportations and exclusions, terrorist asset-freezing and claims for damages in connection with alleged torture. Steven has held Developed Vetted (DV) security clearance continuously since 2009. Steven has appeared regularly in the Administrative Court and the Special Immigration Appeals Commission and has also appeared in both the Court of Appeal and Supreme Court in connection with such cases.

Steven has also acted for the Ministry of Defence in both claims for damages and judicial review proceedings arising from the conflicts in Iraq and Afghanistan. Steven also represents the Ministry of Justice in relation to prison matters and the Home Secretary in immigration cases.

Steven also has extensive experience of advising in connection with public law and regulatory issues relating to financial services businesses (in particular anti-money laundering and compliance issues), often with an offshore and international angle.

Selected Cases

[Hussain v Secretary of State for the Home Department \[2022\] 4 WLR 4](#)

The Court of Appeal concluded that the Secretary of State had been entitled to cancel 10-year multi-entry visit visas held by two Pakistani businessmen. The evidence as a whole, which included judgments in civil proceedings by the Supreme Court of Pakistan, supported the conclusion that their exclusion from the UK would be conducive to the public good by reason of their involvement in corruption and financial misconduct.

[Secretary of State for the Home Department v JM & LF \[2021\] EWHC 266 \(Admin\)](#)

Farbey J upheld the lawfulness of two TPIM notices imposed on two individuals alleged to be members and senior leaders of Al-Muhajiroun (ALM).

[QX v Secretary of State for the Home Department \[2021\] QB 315](#)

Farbey J held Article 6(1) ECHR to apply to a review under the Counter-Terrorism and Security Act 2015 s.11(2)(d) of obligations imposed on a British citizen after his return to the UK under a temporary exclusion order. The applicable disclosure principles are those set out in [Secretary of State for the Home Department v](#)

AF (No. 3) [2010] 2 AC 269.

U2 v Secretary of State for the Home Department (SC/130/2016; judgment dated 19 December 2019)

The Special Immigration Appeals Commission (SIAC) dismissed the appellant's appeal against the decision to deprive him of his British citizenship on the grounds that his presence in the UK was not conducive to the public good, for reasons of national security.

HTF & ZMS v Ministry of Defence (The two lead cases in Schedule 3 of the Iraqi Civilian litigation) [2018] EWHC 1623

Males J determined an application pursuant to s.8 of the Justice and Security Act 2013 and a claim for public interest immunity in a claim for damages arising from the conflict in Iraq.

AL v Secretary of State for the Home Department [2018] EWCA Civ 278

The Court of Appeal upheld the Secretary of State's approach to making a control order and the judge's subsequent approach to determining its lawfulness.

R (on the application of B) v Secretary of State for the Home Department [2015] 3 WLR 1031

The Court of Appeal concluded that the Special Immigration Appeals Commission has no power to impose bail conditions where a person is not lawfully detained pursuant to Hardial Singh principles. Decision upheld by the Supreme Court: see [2018] AC 418.

Secretary of State for the Home Department v (1) CB & (2) BP [2012] 1 WLR 3259

The Court of Appeal concluded that the Administrative Court did not have the power to stay or discontinue proceedings concerning a non-derogating control order under section 3(10) of the Prevention of Terrorism Act 2005, unless the controlled person requested it, thereby overturning the decision of Silber J to stay the proceedings.

IR (Sri Lanka) & Ors v Secretary of State for the Home Department [2012] 1 WLR 232

The Court of Appeal considered the impact of the procedural requirements of Article 8 ECHR on the procedure of the Special Immigration Appeals Commission when considering cases concerning the removal or exclusion of foreign nationals on national security grounds.

Gulam Mastafa v HM Treasury [2012] EWHC 3578

Collins J held that the European Convention on Human Rights 1950 art.6 is applicable to appeals under the Terrorist Asset-Freezing etc. Act 2010. In so concluding, Collins J disapproved of the case of Bhutta.

R (on the application of Bhutta v HM Treasury [2011] EWHC 1789 (Admin))

Mitting J held that Article 6 did not apply to asset-freezing proceedings under either the Counter Terrorism Act 2008 or the Terrorist Asset-Freezing etc Act 2010, given CA authority in Khaled.

Naseer & others v Secretary of State for the Home Department, Special Immigration Appeals Commission (SC/77/80/81/82/83/09), Hearing dates 9-26 March 2010, Date of Judgment 18 May 2010.

Deportation (on basis of assurances) and exclusion proceedings concerning the Operation Pathway Manchester bomb plot suspects.

Inquests & Inquiries

Steven has extensive experience of working on public inquiries, as a result of which he has a detailed knowledge of both the legal and practical issues involved.

From 2016 to date, Steven has been appointed First Junior Counsel to the Undercover Policing Inquiry, a major statutory public inquiry chaired by Sir John Mitting (a retired High Court judge). Steven's role has included advising in connection with the gathering and management of evidence, appearing at hearings on behalf of the Inquiry, questioning witnesses, advising on privacy and data protection issues and acting in judicial review proceedings arising from the conduct of the Inquiry.

Steven has also been instructed to act for a major government department in the UK Covid-19 Inquiry.

Offshore & International Disputes

Steven has been instructed in offshore jurisdictions since 2001. His clients have included offshore financial services institutions as well as offshore government agencies. He has been regularly asked to advise on money laundering and compliance issues in an offshore context. He co-authored the review of Jersey's new anti-money laundering regime in the Jersey & Guernsey Law Review when it came into force in 2008. He has lectured on the abuse of offshore financial structures in Jersey, Switzerland, Jamaica and South Africa.

Between 2001 and 2015, Steven was instructed by the Attorney General of Jersey on a number of major investigations into suspected international fraud. Steven has also advised offshore financial services institutions in relation to both fraud and regulatory investigations. Cases have concerned corporate fraud, the collapse of investment funds, allegations of political corruption in Africa, the Middle East and South America, suspected illegal corporate trading in Africa (alleged arms dealing), issues connected with the UN inquiry into alleged corruption relating to the Oil for Food programme in Iraq, export control issues and cross-jurisdictional money laundering involving offshore trust and company structures (in particular as a result of alleged political corruption). As a result, Steven has a detailed understanding of the offshore financial services industry including both traditional and more innovative offshore financial structures and products. Steven has also advised prospective purchasers of offshore financial services businesses on certain compliance and due diligence matters. This has involved analysis of complex financial arrangements.

Steven has significant experience of advising in connection with mutual legal assistance and international co-operation. Steven has advised on draft letters of request and worked closely with overseas authorities, including the District Attorney's office in New York, from whom he received public thanks for his efforts in connection with a corruption and money laundering investigation. The investigation resulted in a significant financial settlement with a New York bank. In *Durant International Corporation v Attorney General for Jersey*, Steven successfully advised the Attorney General for Jersey in relation to two judicial review challenges to the exercise of mutual legal assistance powers by the Attorney General [see [2006] JLR 112]. More recently, Steven has advised an international bank regarding issues arising from the registration in an offshore jurisdiction of an external civil asset recovery order.

Regulatory & Professional Discipline

Steven has longstanding experience of advising offshore financial services institutions facing potential regulatory investigation and sanction. He has also worked with the Jersey Financial Services Commission.

Steven has been regularly asked to advise on money laundering and compliance issues in an offshore context. He co-authored the review of Jersey's new anti-money laundering regime in the Jersey & Guernsey Law Review when it came into force in 2008. He has lectured on the abuse of offshore financial structures in Jersey, Switzerland, Jamaica and South Africa.

Selected Cases

Advising a large offshore financial services institution in connection with an ongoing regulatory investigation into the circumstances surrounding the failure of Eastern European property investment funds.

Advising an offshore trust company in connection with regulatory inspections and findings as well as migration of business to a different jurisdiction.

Advising prospective purchaser(s) of offshore trust company on certain due diligence matters. This involved analysis of complex tax planning structures.

Memberships

- Administrative Law Bar Association
- Criminal Bar Association
- Financial Services Lawyers Association

- Fraud Lawyers Association