

## Christian Howells

Call: 2007



Christian J Howells is a door tenant at 1 Crown Office Row and a public law specialist. He is on the Counsel General for Wales' B Panel and the Attorney General's Regional B Panel. He is ranked in the Legal 500 as a leading junior in public law, described as "*tenacious with a very sharp intellect*". He has extensive experience in the higher courts, including the Administrative Court, Court of Appeal and Supreme Court. He is instructed on behalf of claimants, local authorities, the Home Department, the Ministry of Justice, the Ministry of Defence and several charities.

So far in 2018:

- He appeared in the Supreme Court and overturned the Court of Appeal's reasoning relating to the best interests of the child and deportation under s117C(5) of the Nationality, Immigration and Asylum Act 2002 in *IT (Jamaica) v Secretary of State for the Home Department* [2018] UKSC 53, [2018] 1 WLR 5273;
- He successfully challenged Northamptonshire County Council's decision to close 21 libraries in *R (WX) v Northamptonshire County Council* [2018] EWHC 2178 (Admin);
- He is instructed on behalf of 300 Welsh and Northern Ireland victims in the *Infected Blood Inquiry*;
- He acted for the claimant in a claim against the Welsh Ministers challenging the lawfulness of the policy on funding further education for young people with learning difficulties; *R (DJ) v Welsh Ministers* [2018] EWHC 2735 (Admin). Permission to appeal has been granted.

*'A tenacious advocate with a very sharp intellect.'*

**Legal 500 2018**

# Public Law

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His administrative law practice includes local government, social care, education, immigration, health and planning. He often raises points of Welsh law and interpretation and has been involved in the first couple of cases under the Social Services and Well-Being (Wales) Act 2014. His experience includes a challenge to the UK Government's refusal to hold a public inquiry into the contaminated blood scandal, local government funding challenges, library closures, leisure centre closures, hospital closures, school closures, care planning, education funding, student discipline, residential planning, immigration and advising charities. He has an in-depth knowledge of human rights law.

## Selected Cases

- **R (DJ) v Welsh Ministers [2018] EWHC 2735 (Admin):** JR challenging the lawfulness of the policy on funding further education for young people with learning difficulties arguing unlawful fetter.
- **R (WX) v Northamptonshire County Council [2018] EWHC 2178 (Admin):** successful challenge to closure of 21 libraries arguing a failure to consider results of consultation, irrationality, library duty, PSED.
- **Contaminated Blood Scandal:** Advised and drafted a letter before claim on behalf of victims and their families against the UK Government's refusal to hold a public inquiry into the contaminated blood scandal arguing article 2 ECHR.
- **R (Peter Lloyd) v Cardiff City Council:** Successful claim against the Council's refusal to make direct payments under the Social Services and Well-being (Wales) Act 2014 on the basis that the Claimant could not manage the payments.
- **R (Kristina Wray) v HM Deputy Coroner for Pembrokeshire:** JR against refusal to hold an article 2 ECHR compliant inquest.
- **R (Tilley) v Vale of Glamorgan Council [2016] EWHC 2272 (Admin):** JR against a decision to implement community libraries arguing irrationality, PSED, comprehensive and efficient library service duty, best interests of child.
- **R (Tilley) v Vale of Glamorgan Council [2015] EWHC 3194 (Admin):** JR against a challenge to a decision to implement community-led libraries arguing unfair consultation, PSED and library duty.

## Public Inquiries

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Christian is instructed on behalf of over 300 victims from Wales and Northern Ireland in the Infected Blood Inquiry which will look into the circumstances surrounding the contaminated blood scandal of the 1970s and 1980s and the allegation of a cover-up.

# Inquests

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Christian has experience of high profile and complex inquests, including article 2 ECHR compliant inquests involving allegations of systemic failure by organs of the state and breaches of the operational duty to protect life.

He is also instructed by the mother of a 13 year old boy who died in school grounds. It is argued that social services failed to make a referral to Specialist Child and Adolescent Mental Health Services and that there was a systemic failure of information sharing between the two agencies.

Christian was also instructed on behalf of the family of a man who died as result of a counter-intuitive metro system on the Swansea Kingsway.

He is instructed on behalf of families, the NHS, the MOD and the MOJ.

## Selected Cases

- **Inquest into the death of D:** Acted on behalf of the mother of a deceased school child. We make allegations that the failure by numerous agencies, including social services, to ensure that a “looked after” child was referred for mental health treatment in light of threats to commit suicide amounted to a breach of article 2 ECHR.
- **Inquest into the death of Daniel Foss:** Represented the family of the deceased. The Coroner found that the road layout of the Kingsway, Swansea, which consisted of a contra-flow metro system, was counter-intuitive and encouraged pedestrians to walk into the bus lane before checking both directions. Further, the Coroner found that the speed of the bus, close to 30mph, the speed limit of the road, was also a contributory factor. This inquest was extensively reported in the national press.

# Immigration

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Christian has been involved in a number of important appeals relating to article 8 ECHR, best interests of the child and was at the forefront of the Gurkha children settlement litigation.

## Selected Cases

- **IT (Jamaica) v Secretary of State for the Home Department [2018] UKSC 53, [2018] 1 WLR 5273:** Appeared in the Supreme Court and overturned the Court of Appeal’s reasoning relating to the best interests of the child and deportation under s17C(5) of the Nationality, Immigration and Asylum Act 2002.
- **Gurung v SSHD [2016] EWCA Civ 358:** Argued it was unfair for the Tribunal to assess an article 8 ECHR claim by reference to the facts as at the date of a second decision to refuse entry clearance, in circumstances where the first decision was set aside as unlawful and the delay in the interim had

served to weaken the article 8 claim.

- **R (Gurung) v SSHD [2013] 1 WLR 2546:** successfully argued that the historic injustice caused to Gurkha veterans was an important factor in the article 8 ECHR proportionality balancing exercise.
- **KR (Nepal) v SSHD:** successfully argued that it was procedurally unfair for the UT to change a decision in the written determination after it announced the appeal would be allowed at the end of the hearing.
- **UG (Nepal) v SSHD [2012] EWCA Civ 48:** argued that the policy for settlement of the adult children of Gurkha veterans created a presumption that leave would be granted.
- **AR (Nepal) v SSHD [2011] EWCA Civ 1439:** successfully argued that the appellant could rely upon post-decision evidence that he now satisfied the 10 year long residence rule.

## Clinical Negligence

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Christian is regularly instructed in claims against dentists, oncologists, abdominal surgeons, orthopaedic surgeons and GPs. He recently advised and drafted pleadings in a case where negligent abdominal surgery led to the death of a patient and his widow brought a dependency claim on his lost earnings and pension in the sum of almost £400,000. The claim was successfully compromised.

His healthcare professional regulation practice includes complex, multi-handed misconduct cases including assault on vulnerable adults, allegations of a sexual nature, drug errors contributing to death, neglect contributing to death, theft of drugs, dishonesty and systemic management failure.

## Personal Injury

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Christian is instructed on behalf of claimants in several fatal accident claims in excess of £1,000,000 in value. His defence practice is focussed on employer's liability and he acts on behalf of the NHS and Ministry of Defence

## Professional Discipline & Regulation

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Christian focuses his professional discipline practice on healthcare professional regulation, including complex, multi-handed misconduct cases including assault on vulnerable adults, allegations of a sexual nature, drug errors contributing to death, neglect contributing to death, theft of drugs, dishonesty and systemic management failure.

## Appointments

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- Attorney General's Civil Panel of Approved Regional Counsel B (present)
- Welsh Government Panel of Approved Junior Counsel B (present)

## Education

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- LLB (Hons), University of Bristol

## Memberships

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- ARDL
- ALBA
- ILPA (Corporate)
- Wales Public Law & Human Rights Association (Corporate)