

Michael  
Spencer  
Call: 2017



Michael Spencer accepts instructions in all areas of Chambers' work and is developing a broad practice, particularly in Clinical Negligence, Personal Injury, Tax, Environmental law, Immigration, Discrimination, Public Law, Human Rights and Data Protection & Cyber law. He has appeared in courts and tribunals in a variety of civil hearings on behalf of both claimants and defendants.

Prior to coming to the bar, Michael had a successful career as a solicitor-advocate specialising in public law and human rights. He has worked at Freshfields Bruckhaus Deringer LLP, the Asylum Support Appeals Project, the Child Poverty Action Group, and as a Judicial Assistant to Lord Kerr at the UK Supreme Court.

## Personal Injury

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Michael has appeared in court and advised Claimants and Defendants on liability and quantum in a variety of civil hearings and trials. His broad experience covers road traffic accident claims, public liability, employer's liability (including stress claims), data protection, harassment and discrimination claims.

He recently spent six months on secondment to HMRC's personal injury team advising on liability and quantum in employer's and occupier's liability claims.

## Immigration

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Michael is an experienced immigration practitioner, having advised on and appeared in numerous asylum and immigration appeals before the First Tier Tribunal and Upper Tribunal on behalf of both appellants and the Secretary of State, as well as in applications for permission to appeal to the Court of Appeal. He has a particular interest in asylum, human rights, EEA and derivative rights and business immigration.

Michael has also represented appellants before the First-tier Tribunal (Asylum Support) and is the Chair of the Asylum Support Appeals Project, a pro bono advocacy charity for destitute asylum seekers.

## Selected Cases

- **FB v SSHD (2020)**: Successful appeal on behalf of a critically ill man on Article 3 medical and Article 8 private and family life grounds.
- **AW v SSHD (2019)**: Appeared for the appellant in an Upper Tribunal appeal against a decision to proceed with an asylum appeal in the appellant's absence.
- **KD v SSHD (2019)**: Successful human rights appeal on behalf of an elderly dependent relative in the UK.
- **JS v SSHD (2019)**: Appeared for the appellant in an appeal on behalf an EEA dependant extended family member.

## Public Law

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Michael is developing a broad public law practice, having spent 8 years prior to coming to the bar as a solicitor-advocate specialising in public law and human rights. He has a particular interest in discrimination, social security, immigration, migrant rights, mental health, environmental and regulatory law.

Michael is a member of the Equality and Human Rights Commission's C Panel of Counsel and the Chair of the Asylum Support Appeals Project. He co-authored the Migrants for Benefits Handbook and the Disabled Children Handbook. In 2017 he spent a year as the judicial assistant to Lord Kerr at the Supreme Court, where he assisted in a number of high profile public law cases including:

- *R(Miller) v SExEU* [2017] UKSC 5,
- *In Re Brewster* [2017] UKSC 8,
- *R(Kiarie and Byndloss) v SSHD* [2017] UKSC 42
- *Unison v Lord Chancellor* [2017] UKSC 51.

## Selected Cases

- **Repsol Sinopec Resources UK Ltd v Secretary of State for BEIS [2019] UKFTT GGE\_2019\_0001 (GRC)**: Appeared as a junior with David Hart QC in an appeal in the First-tier Tribunal (General Regulatory Chamber) relating to the Carbon Emissions Trading Scheme.
- **SK and LL v SSWP (2019)**: Appeared unled in a test case appeal before the Upper Tribunal (Administrative Appeals Chamber) relating to discrimination against refugees and kinship carers.
- **IS v SSHD (2019)**: Judicial review of decision to refuse permission to appeal to the Upper Tribunal in an immigration appeal.
- **YS v SSHD (2019)**: Successful claim for judicial review of decision to house an asylum seeker with mental health problems in shared accommodation.
- **MM and SI v SSWP [2016] UKUT 149 (AAC)**: Successful appeal establishing exemption for refugees from the past presence test for disability living allowance.

# Human Rights

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As a barrister, Michael continues to build on his experience as a solicitor-advocate pursuing human rights test cases before the tribunals and higher courts. Michael is a member of the Equality & Human Rights Commission C panel of counsel. He is also a regular contributor to the [UK Human Rights Blog](#).

## Clinical Negligence

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Michael is developing a varied practice in clinical negligence matters. He is regularly instructed for Claimants and Defendants to draft pleadings, appear in Court and to advise in conference on liability and quantum. Michael was seconded to a leading claimant clinical negligence firm for a year, where he gained significant experience in high value claims.

Recently he has appeared in various CCMCs, PTRs, approval and application hearings.

### Selected Cases

- Successfully defended a hospital trust at trial in an informed consent case.
- Advised in conference on liability and quantum in claims involving misdiagnosis and Montgomery.
- Drafted a Schedule of Loss in a high value obstetric negligence claim.
- Successfully opposed an application to extend time for service and an application to strike out a Defence.
- Appeared for a Mental Health Trust in a successful application to set aside summary judgement.
- Successfully opposed an application to extend time for service.
- Successfully opposed an application to strike out a Defence as contrary to a pre-action admission.
- Appeared for a Mental Health Trust in a successful application to set aside summary judgement and order an assessment of the Claimant's capacity.

## Public Inquiries

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Michael is developing a strong public law practice, including major inquiries. He is currently instructed in the Grenfell Tower Inquiry in relation to a large-scale disclosure exercise.

## Professional Negligence

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As a pupil, Michael assisted members of Chambers in drafting pleadings and advice on liability and quantum in various clinical and professional negligence matters. He has appeared in the County Court and High Court in a variety of applications and case management hearings.

# Tax

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Michael has a particular interest in indirect tax, having spent pupillage in a specialist EU law set. He has appeared in the First-tier Tribunal and assisted other members in a variety of indirect tax and regulatory matters, covering VAT, customs duties, landfill tax and carbon emissions trading.

## Selected Cases

- **Jacobowski v the Border Force TC/2019/06417**: Successful application for a late review request in a customs appeal.

# EU Law

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Michael has developed a strong expertise in EU law. Prior to joining Chambers, Michael spent twelve months as a pupil at Monckton Chambers, where he assisted in a broad range of complex commercial EU law matters, covering VAT, customs duties, indirect taxes, environmental law, competition law and the implications of Brexit. This built on Michael's exposure to EU law as a judicial assistant at the Supreme Court and as a solicitor at the Child Poverty Action Group. As a tenant, Michael has appeared in numerous immigration appeal hearings involving complex issues of EU law.

# Data Protection & Cyber

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Michael accepts instruction in all of Chambers practice areas representing claimants and defendants. He is building a practice in cyber law, in particular the law governing information rights and data protection.

## Appointments

- Equality & Human Rights Commission (C panel)

## Awards

- Peter Duffy Scholar, Bar European Group (2018)
- Pegasus Scholar, American Inns of Court (2017)
- Legal Aid Lawyer of the Year Awards, Finalist (social welfare category) (2015)
- Wig and Pen prize for pro bono (2009)

## Education

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- College of Law – Higher Rights of Audience (2012)
- Diploma in Legal Practice (Distinction) Nottingham Law School (2005-2006)
- Graduate Diploma in Law (Commendation) BPP Law School (2004-2005)
- MA in Intellectual and Cultural History, Warburg Institute (2003-2004)
- BA (Hons) in History(First Class) St Hugh's College, Oxford (2000-2003)

## Memberships

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- Bar European Group
- ALBA

## Publications

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- *Disabled Children Handbook*, LAG, 3rd Edition (welfare benefits section)
- *Benefits for Migrants Handbook*, Chapters 21-24, CPAG, 7th Edition (2015)
- Welfare Rights Bulletin, *What hope has the Court of Appeal left for human rights?* (Apr 2014)
- Contributor to the [UK Human Rights Blog](#)