



GARDEN COURT CHAMBERS

# Amanda Weston KC

YEAR OF CALL: 1995 | YEAR OF SILK: 2018



Amanda is a leading public and administrative law silk. She co-authors *Judicial Review: A Practical Guide* (Lexis Nexis) and is a member of the 'A' Panel of preferred Counsel who act for the Equality & Human Rights Commission.

Amanda is shortlisted for 'KC of the Year' at the Family Law Awards 2024.

Amanda Weston KC was shortlisted for 'Human Rights & Public Law Silk of the Year' at the Chambers UK Bar Awards 2021.

"Amanda is a specialist for SIAC matters and she's very hot on victim support work. She does a lot of work with trafficking victims and those who are less able to represent themselves."

CHAMBERS UK, 2024 (IMMIGRATION, BAND 1)

"Amanda is thoroughly committed and fearless in advancing her clients' interests. An excellent lawyer."

LEGAL 500, 2024 (IMMIGRATION, TIER 2)

"She fights her client's corner really hard in a way where she manages to get what we want because she sticks to her grounds."

CHAMBERS UK, 2024 (CIVIL LIBERTIES, BAND 3)

"Amanda is extremely passionate about her client's cases and works very hard to achieve a just outcome. She always goes the extra mile."

LEGAL 500, 2024 (FAMILY: CHILDREN, TIER 4)

"Amanda's advocacy is passionate and fearless. She knows the case better than anyone, running rings around her opponents in court."

LEGAL 500, 2024 (COURT OF PROTECTION AND COMMUNITY CARE, TIER 3)

"Her advocacy and advice is clear and persuasive."

CHAMBERS UK, 2024 (COMMUNITY CARE, BAND 3)

If you would like to get in touch with Amanda please contact the clerking team:

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## ADMINISTRATIVE AND PUBLIC LAW

Amanda has over 20 years of experience in judicial review at all levels including the Supreme Court in which she appeared in two successful cases last year. Substantive areas of her leading public law practice include social care, mental health and mental capacity, immigration, unlawful detention, trafficking, national security measures such as deprivation of citizenship, prison law, human rights and discrimination. She has particular experience in challenges to both local and central government policy, rules and subordinate legislation. She is currently appearing in challenges to the Legal Aid regulations governing funding for Special Educational Needs and Disability appeals, Home Office policy on granting temporary leave to remain to victims of

trafficking and a number of cross-cutting damages claims arising from deprivations of citizenship which were later withdrawn. She advises and represents both local authorities and claimants on the duties to looked after children with complex needs.

The breadth of her public law expertise can be seen from her leading cases. They include *McNally*, the successful judicial review of the Education Secretary's decision to intervene in a teacher's disciplinary proceedings where natural justice principles were 'read-in' to primary statute and *AHK* on the principles which apply where the Secretary of State wishes to rely on undisclosed material in judicial review. She writes, teaches and trains other lawyers on the cutting-edge of public law and is co-author of *Judicial Review: A Practical Guide* (Lexis Nexis). She has extensive experience in systemic and public interest JR including cost-capping orders.

Amanda's paper on the threats to children's rights in public law, delivered at the Public Law Project's 2016 Conference in London, can be [read here](#). Her keynote speech on Human Dignity in a Time of Austerity, delivered to the inaugural LAG conference on Support for Migrants in 2018 can be [read here](#).

## **NOTABLE CASES**

Past notable cases can be viewed below. [Click here to see a list of recent notable cases](#).

### ***R (IB) v (1) The Governor of HMP/YOI Elmley and (2) The Secretary of State for Justice – (Interested Party - Crown Prosecution Service)***

Claim challenged Prison and MoJ's unlawful failure to produce safeguarding policy or procedures within HMP Elmley/Prison Estate. Following settlement, HMP Elmley subsequently produced internal policy guidance on safeguarding age disputed putative children remanded into their detention. Led Maria Moodie.

### ***CR v Director of Legal Aid Casework [2023] EWCA Civ 717, 23 June 2023***

Highly complex and novel judicial review of Defendant's refusal to disregard means of prospective adoptive parents in applications for Exceptional Case Funding and separate appeal arguing full costs should be awarded for whole claim where mandatory criteria for Cost Capping Orders are no longer fulfilled. Led Ollie Persey & Isaac-Ricca Richardson. See press coverage [here](#).

### ***R (Majera) v Secretary of State for the Home Department [2021] UKSC 46***

Amanda represented Sofian Majera in his challenge to bail conditions imposed by the Secretary of State. In a 'constitutionally important' judgment, the President of the Supreme Court Lord Reed, giving the judgment of the court rejected the Secretary of State's case that she was not bound to obey the order of the First-tier

Tribunal Judge granting Mr Majera bail because it contained defects.

***R (JN) v Secretary of State for Education [2022] EWHC 15 (Admin)***

Amanda represented JN in his successful challenge on grounds of discrimination to the regulations governing student loans.

***AG v FTT and CICA [2013] UKUT 357 (AAC) (23 July 2013)***

The court's duties to provide a fair opportunity for a rape victim to put her case for compensation to the Criminal Injuries Compensation Authority where the police had failed adequately to investigate.

***W, R (On the Application Of) v Secretary of State for the Home Department [2019] EWHC 254***

Successful judicial review challenge to the imposition of 'restricted leave' on a mentally-disordered migrant with learning disabilities who had been acquitted in the 'Ricin' trial.

***CL, R (on the application of) v The Secretary of State for the Home Department [2018] EWHC 3333 (Admin)***

Challenge brought against the policy of recording incidents of 'sexting' among school children as sexual offences recorded against the child's name.

***R (ILPA) v Tribunals Procedure Committee [2016] EWHC 218 (Admin)***

Challenge to rule 13 of the 2014 First tier Tribunal Procedure Rules (leading Sadat Sayeed).

***R (ota Taylor) v Secretary of State for Justice & others [2015] EWHC 3245 (Admin)***

Whether the failure to release a prisoner for 18 months pursuant to the Parole Board's direction for release arose from a discriminatory failure to make disability-adapted approved premises available (leading Felicity Williams).

***R (ota Rahman) v the Passport Service [2015] EWHC 1146 (Admin)***

Challenge to a refusal to issue a new passport.

***R (ota Secretary of State for the Home Department) v SIAC, AHK & others Interested Parties [2015] EWHC 1236 (Admin)***

The Secretary of State's challenge to SIAC's ruling on the scope of disclosure on an application for statutory review.

***R (ota Whiston) v Secretary of State for Justice [2014] UKSC 39; [2015] A.C. 176***

Supreme Court case on whether recall after release on Home Detention Curfew triggered a right to an oral hearing.

***R (ota FI by his litigation friend GI) v SSHD [2014] EWHC 2287 (Admin)***

Challenge to refusal to register a child as a British citizen.

***R (ota DP) v Secretary of State for Justice [2013] EWHC 3613 (Admin)***

The status of Mental Health Tribunal decisions when considering a warrant under s.50 Mental Health Act 1983 for transfer from hospital to prison.

***R (ota BB) v SIAC [2012] EWCA Civ 1499***

Whether a hearing to determine bail conditions engaged Article 6 ECHR.

***R (ota AHK & others) v SSHD [2012] EWHC 1117 (Admin)***

Whether the Administrative Court has the power to order a closed material procedure and the correct balancing exercise in public interest immunity hearings in challenges to refusal of naturalisation on national security grounds.

***R (ota SM & others by their litigation friends) v SSHD [2013] EWHC 1144 (Admin)***

Successful judicial review challenge to the Secretary of State's policy of granting Limited Leave to Remain to children who cannot be removed from the UK.

***R (ota Benmahfoud) v SSHD [2010] EWHC 2057 (Admin)***

Successful challenge to detention of foreign national offender where there was no prospect of removal.

***R (ota Omer) v SSHD [2010] EWHC Admin***

Challenge to lawfulness of detention where decision-triggering power to detain was flawed.

***R (ota Daq) v SSHD [2009] EWHC Admin***

Successful challenge to detention of foreign national offender.

***R (ota) Appiatse & Samuels v LB Enfield [2008] EWHC 1886 (Admin)***

Whether the decision to place a child on the at risk register was lawful.

***R (ota) Karas & Milandinovic v SSHD [2006] EWHC 747 (Admin)***

Finding by the Administrative Court that the Secretary of State had acted with 'improper purpose' in detaining the claimants and denying them access to legal advice. Substantial damages awarded including exemplary damages. This case received national news coverage, including in [\*The Guardian\*](#).

***R (ota) N v LB Lambeth [2006] EWHC 3427 (Admin)***

Successful challenge to local authority refusal to support and accommodate a destitute asylum-seeker with

HIV.

***McNally v SS Education & Employment* [2001] EWCA ELR 348, Independent June 26 2000**

Secretary of State's powers to intervene in disciplinary proceedings, instructed by the NASUWT.

## **FAMILY AND CHILDREN'S PUBLIC LAW**

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Amanda acts in the Family Division, Administrative Court and appeal courts where the rights of children and young people are in play. She is instructed by children and young people, including through their Children's Guardians, parents, including adoptive and foster parents and local authorities. Her particular areas of 'crossover' expertise involve safeguarding, local authority corporate parenting duties, education and disability, deprivation of liberty, immigration and citizenship matters and sensitive cross-cultural areas including FGM, 'radicalisation', trafficking and forced marriage. She advises on and undertakes human rights claims, including HFEA and paternity related matters, and breaches of statutory duties to children and young people. Amanda originally trained in family and child law as a pupil to Elizabeth Woodcraft.

Amanda acted for the local authority in the Supreme Court (leading Amanda Meusz and Lyndsey Sambrooks-Wright) in ***Re T* [2021] UKSC 35**, an important and difficult appeal addressing the lack of section 25 secure accommodation for children and the court's inherent jurisdiction to make orders authorising the deprivation of liberty of a 'Gillick competent' 15-year-old with complex needs. She also represented two of the appellants (B-B and H) in the lead test case before the President of the Family Division on 'finding of fact' hearings in private law cases where domestic abuse is alleged and the application of PD 12J: ***RE H-N & others*** [2021] EWCA Civ 448.

Her recent cases include ***Re T & others (Children: Adequacy of Reasons)*** [2023] EWCA Civ 757 in which findings against a vulnerable young person were set aside by the Court of Appeal (read our news item on the case [here](#)) and ***A local authority v M & others*** [2022] EWHC 81 (Fam) (leading Artis Kakonge) in which a Special Advocate was ordered by the court in order to protect the children and mother from the risks from a religious sect with which it was alleged that the father remained involved. Amanda acted successfully for the child 'K' in the case concerning deemed paternity and the HFEA provisions of the British Nationality Act.

In addition to her complex care work including NAI and neglect allegations, Amanda provides representation and advises courts, the Official Solicitor and local authorities on cross-cutting duties to children and young people, including care leavers, arising under the Children Acts, Care Act, Mental Capacity Act and Mental

Health Act, Human Rights Act and the UN Convention on the Rights of the Child. She acted in the test case following the introduction of s 69 Immigration Act 2016 and the 'National Transfer Protocol' for unaccompanied asylum-seeking children: *R (JA) v LB Croydon* (Home Secretary, Interested Party) CO/2669/2017 (settled, with costs). She is highly experienced in the use of Special Advocates in sensitive cases. She advises on and drafts submissions to UN Treaty Bodies and provided detailed assistance to the Upper Tribunal (IAC) on the legal principles governing orders for disclosure of children's social media accounts in age assessment cases. Amanda also acts for 16/17-year-olds in the Court of Protection (instructed by the Official Solicitor) and in complex 'age assessment' cases. She has extensive experience of 'closed material' procedures and of representing both children and adults on the autistic spectrum who require adjustments or support to access justice.

## **NOTABLE CASES**

Past notable cases can be viewed below. [Click here to see a list of recent news items for all areas of law.](#)

### ***Article 39 v Home Secretary and SS for Education* [2023] EWHC 1398 (Fam)**

Whether the court should make orders under its inherent jurisdiction in respect of missing asylum seeking children.

### ***Re T & others (Children: Adequacy of Reasons)* [2023] EWCA Civ 757**

Findings against a vulnerable young person were set aside by the Court of Appeal. Read our news item on the case [here](#).

### ***A local authority v M & others* [2022] EWHC 81 (Fam)**

A Special Advocate was ordered by the court in order to protect the children and mother from the risks from a religious sect with which it was alleged that the father remained involved.

### ***Re T* [2021] UKSC 35**

An important and difficult appeal addressing the lack of section 25 secure accommodation for children and the court's inherent jurisdiction to make orders authorising the deprivation liberty of a 'Gillick competent' 15-year-old with complex needs.

### ***RE H-N & others* [2021] EWCA Civ 448.**

Lead test case before the President of the Family Division on 'finding of fact' hearings in private law cases where domestic abuse is alleged. This case was covered in *The Guardian*.

***Re A (A child) (Rev 1) [2020] EWCA Civ 731***

The Court of Appeal upheld the President's judgment that neither the Secretary of State for the Home Department nor the First tier Tribunal could not 'tie the hands' of the Family Courts considering whether an FGMPO should be made.

***Re KP***

Whether the court had jurisdiction to make a secure accommodation order under s 25 Children Act 1989 for a 17 year old, court's jurisdiction to make post-18 arrangements by way of declarations in the Court of Protection.

***T (A Child) [2018] WCA Civ 2136 (04 October 2018)***

Test case concerning the court's jurisdiction to make an order depriving a 'Gillick competent' trans-gender teen of her liberty.

***CL, R (on the application of) v The Secretary of State for the Home Department [2018] EWHC 3333 (Admin) (06 December 2018)***

Challenge brought against the policy of recording incidents of 'sexting' among schoolchildren as sexual offences recorded against the child's name.

***Birthright citizenship: R (K) v SSHD C1/2018/2085***

Amanda is instructed (with Alex Burrett of 1 Pump Court) for K in the Home Office appeal against the declaration of incompatibility made under the Human Rights Act by the Administrative Court regarding the paternity provisions in s50(9A) British Nationality Act 1981. The issue concerns the right of a child born outside marriage to inherit the nationality of her birth father.

***ZX, R (on the application of) v The Secretary of State for Justice [2017] EWCA Civ 155***

The weight to be attached to children's rights and the impact of section 11 Children Act 2004 safeguarding and welfare duties on the probation service and licence conditions for ex-offenders.

***R (Y a minor by his litigation friend) v (1) LB Croydon (2) Secretary of State for the Home Department (Interested Party) JR/8568/2015 judgment October 2017***

(Leading Maria Moodie instructed by Nina Rathbone-Pullen at Wilsons) Lack of relevance of (1) dental evidence (2) facial comparison photographs to age assessment - proper approach to social work records, relevance of foster carer evidence.

***FI, R (on the application of) v Secretary of State for the Home Department [2014] EWHC 2287 (Admin)***



Successful challenge to refusal to grant discretionary citizenship to a settled teenager.

## IMMIGRATION AND NATIONALITY LAW

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Amanda has a long history of upholding the rights, including citizenship rights, of migrant communities.

### ASYLUM

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Amanda has acted in hundreds of asylum and human rights appeals including in high-profile and sensitive cases and those involving extradition. She recently succeeded in obtaining a fresh hearing in one of the very few successful 'Cart' JRs in the Court of Appeal in *PA (Iran) v SSHD* [2018] EWCA Civ. Her cases include gender and sexuality cases, complex political and religious cases and appeals for children and vulnerable adults. She operates a 'trauma informed' practice.

### IMMIGRATION

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Amanda acts for businesses and individuals, and has particular expertise in financial and free-movement sanctions imposed pursuant to money-laundering and counter-terror measures. Her reported cases include *R (Granovski) v SSHD* [2014] EWHC (Admin) a successful challenge to a refusal of settlement outside the rules and *R (SM & others) v SSHD* the successful challenge to the discretionary leave policy default grant of limited leave to children. She specialises in early advice and input into applications, seeking to avoid the need for appeals. She has acted successfully for high profile individuals such as *Snoop Dogg* and *Busta Rhymes* in their challenges to exclusion from the UK.

### IMMIGRATION DETENTION AND CIVIL CLAIMS

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Amanda's many ground-breaking detention challenges include *Karas & Milandinovic* (2006) in which the court accepted the submission that the Home Secretary had acted with 'improper purpose' in seeking to 'spirit the claimants out of the jurisdiction' before they could obtain legal advice and *MDA* (2017) in which the court found the Home Office had breached common law duties of fairness in detaining a mentally-disordered former child soldier. She represented 'VC' in his successful appeal in the Court of Appeal and resulting concession on appeal to the Supreme Court, that the Secretary of State had breached his Article 3 rights. Settlements and

mediations in which Amanda has negotiated have achieved substantial damages, including exemplary damages.

## CITIZENSHIP

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Amanda has an excellent track-record in challenging refusals to grant discretionary registration to children under s 3(1) British Nationality Act 1981 and in advising applicants and their parents. She has also succeeded in obtaining declarations of British citizenship in disputed passport cases: see e.g. *R (Rahman) v SSHD* [2014] EWHC (Admin). She acted for the child 'K' in the successful challenge to the law on paternity, which excluded children from acquiring British citizenship if born to a father other than the mother's husband, resulting in a change in the law.

### NOTABLE CASES

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#### ***PA (Iran) v SSHD* [2018] EWCA Civ 2495**

Successful 'Cart' JR appeal in the Court of Appeal concerning the failure by the FtT and UT judges to understand the significance of the evidence of the appellant's learning disability. Fresh asylum appeal reordered.

#### ***MS & MBT v The Secretary of State for the Home Department* [2017] EWCA Civ 1190 (31 July 2017)**

Whether the Home Office 'restricted leave' policy was lawful and compatible with article 8 ECHR and section 55 Borders Citizenship & Immigration Act 2009.

#### ***Rahman, R (on the application of) v Secretary of State for the Home Department* [2015] EWHC 1146 (Admin) (28 April 2015)**

Successful challenge to refusal to renew a British passport.

#### ***FI, R (on the application of) v Secretary of State for the Home Department* [2014] EWHC 2287 (Admin) (11 July 2014)**

Successful challenge to refusal to grant discretionary registration of British citizenship to a teenager under s 3(1) British Nationality Act 1981

#### ***VC, R (On the Application Of) v The Secretary of State for the Home Department (Rev 1)* [2018] EWCA Civ 57**

Leading case on reasonable adjustments and lawfulness of detention for mentally disordered immigration detainees.

***MDA , R (On the Application Of) v The Secretary of State for the Home Department [2017] EWHC 2132 (Admin)***

Immigration detention in excess of 14 months found to be unlawful by reason of the failure to ensure adequate procedural safeguards for a mentally disordered former child soldier who lacked capacity to instruct a representative.

***R (ota Granovski) v Secretary of State for the Home Department [2015] EWHC 1478 (Admin)***

Successful challenge to the refusal to grant settlement (ILR) to a family who could not meet the Home Office limit on absences.

***JCWI & ECCA (R ota) v SSHD [2010] EWHC 3524 (Admin)***

Successful challenge to cap on non-European Economic Area (EEA) migrant care workers.

***Calvin Broadus v SSHD***

Snoop Dogg's successful appeal against exclusion from the UK. This case was reported in the *Wall Street Journal*.

***R (ota MAJERA) v SSHD [2009] EWHC Admin 825***

Secretary of State was wrong to reject fresh claim where previous decisions had failed to take into account important evidence that the claimant was a minor.

***AM (Cameroon) v AIT (No.2) [2008] EWCA Civ 100***

Court underlined residual right of access to judicial review remedies in cases of breach of natural justice in the Asylum and Immigration Tribunal (AIT).

***R (ota Trevor Smith aka Busta Rhymes) v SSHD***

Successful challenge on behalf of Busta Rhymes and Rockcorps Inc to SSHD's refusal to admit Busta to the UK for a concert at the Royal Albert Hall. This case was reported in [\*The Guardian\*](#).

***B v SSHD [2000] UKHRR 498***

Proportionality as a question of domestic law.

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## **MENTAL HEALTH, COURT OF PROTECTION AND COMMUNITY CARE**

Amanda's leading practice for and concerning vulnerable adults who may lack mental capacity to make their own decisions and access justice includes advice and representation in the Court of Protection, the inherent jurisdiction of the High Court and in Tribunals. Amanda appeared in one of the earliest high-profile deprivation of liberty cases in which she represented Mark Neary in his successful application for the return of his son, Steven, home. Mark wrote about this extraordinary case in his book *Get Steven Home*, available on Amazon. See also what The Times reported [here](#).

Amanda has a particular interest in cases concerning the care of elders wishing to remain at home, adult safeguarding policy including for prisoners and detainees, and the rights of those with learning disabilities to lead independent lives. She also acts in community care judicial review matters (including securing appropriate S117 aftercare in detained Mental Health Act cases) and human rights and Equality Act claims.

Amanda uses her expertise in mental capacity law and safeguarding practice to inform her approach to the representation of vulnerable adults and their litigation friends in a wide range of cases including access to legal aid and welfare benefits, damages claims for unlawful detention and breaches of the human rights and civil liberties of people with disabilities. She has particular experience in acting for people who may be neuro-diverse or on the autism spectrum and need support and adjustments to access justice. She is adept in advising and representing in discrimination matters touching on mental capacity, disability and fair access to social care.

## **NOTABLE CASES**

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### ***R (IB) v (1) The Governor of HMP/YOI Elmley and (2) The Secretary of State for Justice – (Interested Party - Crown Prosecution Service)***

Claim challenged Prison and MoJ's unlawful failure to produce safeguarding policy or procedures within HMP Elmley/Prison Estate. Following settlement, HMP Elmley subsequently produced internal policy guidance on safeguarding age disputed putative children remanded into their detention. Leading Maria Moodie.

### ***CR v Director of Legal Aid Casework [2023] EWCA Civ 717, 23 June 2023***

Highly complex and novel judicial review of the Defendant's refusal to disregard the means of prospective adoptive parents in applications for legal aid Exceptional Case Funding. Leading Ollie Persey and Isaac Ricca-Richardson.

### ***MOC (by his litigation friend) v Secretary of State for Work and Pensions***

MOC (by his litigation friend) challenged the 28-day hospital rule whereby his benefits were suspended if he was a patient in hospital for 28 days or more. Upper Tribunal granted permission to appeal. Leading Desmond Rutledge.

### ***GW v A Local Authority & Anor [2014] EWCOP 20 (31 July 2014)***

Whether the lower court's approach to assessment of capacity where P's capacity was affected by Huntington's disease, was flawed.

### ***Neary v LB Hillingdon [2011] EWHC 413 (COP)***

Leading case on misuse of local authority powers to deprive a young person with autism, who lacks capacity, of his liberty, important ruling on press attendance at hearings.

## **NATIONAL SECURITY**

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Amanda acts for individuals subject to counter-terror measures outside the Criminal Justice System including civil and immigration measures such as exclusion, passport withdrawal, bespoke licence conditions, measures taken through the family courts and deprivation of citizenship. She is deeply experienced in the use of 'closed material procedures' or CMPs by courts and tribunals.

Having been instructed in many of the leading cases on deprivation of citizenship (e.g. Abu Hamza's case) and refusal of naturalisation for national security reasons, this has become a niche specialism for Amanda who has been involved in driving the case law on procedural fairness in this developing area in SIAC, domestic appellate courts and the European Court of Human Rights.

She acted in *Ignoua* on the Home Secretary's powers to certify and thereby 'terminate' judicial review under the Justice and Security Act 2013 and in the successful challenge in SIAC to the 'deportation with assurances' of six men to Algeria. She has successfully represented individuals who have wrongly been accused of terrorism involvement in clearing their names for the purposes of meeting the 'good character' requirement for naturalisation as a British citizen.

Amanda has appeared on BBC Radio 4's *Law in Action* and at the British Institute of International and Comparative Law speaking about deprivation of citizenship and the rule of law. She also writes and lectures on the subject.

## **NOTABLE CASES**

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***W2 And IA, R (On the Application Of) v The Secretary of State for the Home Department [2017] EWHC 928 (Admin) (26 April 2017)***

Collateral judicial review challenge to the procedure adopted by the Home Office in depriving W2 of his citizenship while outside the UK. Amanda represented IA, W2's wife, and their children.

***S1, T1, U1 & V1 v Secretary of State for the Home Department [2016] EWCA Civ 560 (16 June 2016)***

Leading case on the scope of deprivation of citizenship appeals and extra-territorial reliance on article 3 ECHR in sovereign matters of British citizenship.

***BB, U, PP, Y & W v SSHD SC/39/2005 18 April 2016 (SIAC)***

Successful long-running appeals against 'deportation with assurances' that 6 Algerian appellants would not be tortured. SIAC found that the assurances were inadequate to protect against the risk.

***L1 v SSHD [2013] EWCA Civ 906, [2015] EWCA Civ 1410***

Whether the Secretary of State's conduct in deliberately delaying service of a decision to deprive L1 of his British citizenship until after he had left the UK was unlawful and an abuse of power.

***BB, PP, QJ & Y v SSHD 16 December 2014 (SIAC)***

Successfully resisted Secretary of State's attempt to impose GPS tagging on 4 SIAC appellants on bail

***R (ota Ignaoua) v SSHD [2013] EWHC 2512 (Admin)***

Test case on the lawfulness of certification of a direction to exclude the claimant from the UK and whether that had the effect of unilaterally terminating the claimant's extant judicial review.

***R (ota G1) v SSHD [2012] EWCA Civ 867***

Whether a decision to exclude G1 from the UK pending his appeal against deprivation of British citizenship was unlawful, and whether deprivation decisions engage EU law.

***IR (Sri Lanka) & others v SSHD [2011] EWCA Civ 704***

Impact of Article 8 ECHR procedural guarantees on disclosure in national security cases.

***Abu Hamza SC/23/2003 [2010]***

Abu Hamza's successful challenge to deprivation of British citizenship. This case was reported in [The Telegraph](#).

## ***MK (Tunisia) (Rota) v SSHD [2010] EWHC (Admin) (upheld by Court of Appeal)***

Established in-country right of appeal against revocation of refugee status and leave to remain on national security grounds.

## **CIVIL ACTIONS AND INQUESTS**

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Amanda acts in civil claims such as false imprisonment, abuse of power, misfeasance and discrimination by the police, prison, security and immigration services. Examples of her settled cases include the 'Bus fire' claims involving 6 claimants whose lives were threatened and property lost when the bus taking them from detention to the airport exploded en route, and a claim against a private prison provider for the unlawful use of handcuffs during medical treatment.

Her in-depth expertise in human rights and historic negligence claims brought by and on behalf of children is informed by her multi-disciplinary practice in child law, judicial review and community care. She brings this expertise to her inquest practice which focuses on deaths in immigration detention, prisons and mental health and learning disability units.

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Challenged Prison and MoJ's unlawful failure to produce safeguarding policy or procedures within HMP Elmley/Prison Estate. Following settlement, HMP Elmley subsequently produced internal policy guidance on safeguarding age disputed putative children remanded into their detention. Leading Maria Moodie.

### **~~*CR, R (On the Application Of) v Director of Legal Aid Casework & Ors [2023] EWCA Civ 717*~~**

Appeal concerning the correct application of the rules on Costs Capping Orders ('CCOs') in public interest litigation. Leading Ollie Persey & Isaac Ricca-Richardson.

Press coverage: [Law Society Gazette](#)

### ***TW v LB Enfield, Secretary of State for Health Intervening [2013] EWHC 1180 (QB), [2014] EWCA Civ 362, [2014] WLR 3665***

Whether s.139 Mental Health Act 1983 is compatible with Articles 5, 8 and 6/14 ECHR and the meaning of 'reasonably practicable' under s.11(4) MHA 1983, whether the MHA Code of Practice requires amendment.

### ***Hossain v Home Office* [2015]**

Unlawful immigration detention of 2 months, damages awarded over £35,000 after a contested hearing on quantum

### ***A v SSHD* [2014]**

Unlawful immigration detention of a schizophrenic man for over three years, settled for a six-figure sum This case was reported in [\*The Guardian\*](#).

### ***AY Children v SSHD***

Detention case involving longest immigration detention period of children in the UK Settled for a six-figure sum. [“Child asylum seekers win compensation for 13-month detention”](#). *The Guardian*. 6 January 2012.

### ***S v Home Office* [2011]**

Unlawful detention and removal, aggravated assault by escorts. Damages in excess of £12,000 awarded by court.

## **WHAT OTHERS SAY**

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Amanda is ranked in the *Legal 500* and *Chambers UK* in the fields of Civil Liberties and Human Rights, Immigration and Court of Protection (Welfare).

*“Phenomenally knowledgeable about this area of law. She’s also excellent at the academic side of things.”*

*“She’s brilliant, a proper human rights lawyer who’s really creative and open-minded.”*

### **Chambers UK 2019 (Court of Protection)**

*“Her tenacity is impressive. She is bright and able.” “She is speedy, clever and leaves no stone unturned.”*

### **Chambers UK 2019 (Civil Liberties and Human Rights)**

*“A standout barrister intellectually.” “Very clear and persuasive.”*

### **Chambers UK 2019 (Immigration)**

*“Experienced and approachable.”*

### **Chambers UK 2019 (Community Care)**

*“She is a genuinely fearless advocate and often runs difficult cases and difficult legal points.”*

### **Legal 500 2019 (Administrative and Public Law)**



*“She is hugely committed and does not give in easily, especially in cases involving children.”*

**Legal 500 2019 (Immigration)**

*“A passionate and committed advocate with a huge breadth and depth of knowledge.”*

**Legal 500 2019 (Civil Liberties and Human Rights)**

*“She is very knowledgeable.”*

**Legal 500 2019 (Court of Protection)**

*“Speedy and clever, she leaves no stone unturned.” “She is a real fighter.” “Amanda is very committed and never gives up.”*

**Chambers UK 2018 (Civil Liberties and Human Rights)**

*“She’s a very clever and effective advocate,” who is “very committed to her clients and has a real feel for vulnerable groups.”*

**Chambers UK 2018 (Community Care)**

*“The best thing about her is her intrinsic knowledge about human-rights damages claims and public law proceedings, she adds that even deeper level of insight.”*

**Chambers UK 2018 (Court of Protection)**

*“She is a machine gun for hire.” “She is extremely clever, has a very creative legal brain, and I like the street-fighter side to her.” “She does really tricky cases in a really brainy way.”*

**Chambers UK 2018 (Immigration)**

*“At the top of her game in national security and human rights cases.”*

**Legal 500 2017 (Administrative and Public Law)**

*“She is absolutely fearless and tireless in pursuit of the best outcome for her clients.”*

**Legal 500 2017 (Court of Protection)**

*“Quick and creative; a determined advocate.”*

**Legal 500 2017 (Civil Liberties and Human Rights)**

*“It is a real pleasure to work with her; her knowledge and ingenuity is second to none.”*

**Legal 500 2017 (Immigration)**

*“She has vast experience and a huge amount of knowledge.” “She is extremely bright, tactically excellent, tenacious and determined.”*

**Chambers UK 2017 (Civil Liberties and Human Rights)**

*“She is an absolute standout claimant barrister.” “She does lots of complex work for vulnerable clients and always does an excellent job.”*

**Chambers UK 2017 (Immigration)**

*“She’s a very persuasive advocate in court, who is also very good in pre-court discussions.”*

**Chambers UK 2017 (Court of Protection)**

*“She can be relied upon for incisive, intellectual and cutting-edge argument.”*

**Legal 500 2016 (Civil Liberties and Human Rights)**

*“She can turn what looks like a lost cause into a winning case.”*

**Legal 500 2016 (Immigration)**

*“She has a brilliant legal mind, not only academically but also in terms of tactics.”*

**Legal 500 2015 (Civil Liberties and Human Rights)**

*“Thoughtful, tactical and really good at seeing the overall strategic picture. Excellent.” “She has top creative skills – she never misses a point and is well loved by the judiciary.”*

**Chambers UK (Immigration)**

*“If you were backed into a corner and wanted somebody to fight for you, Amanda would be the best one. She fights and she’s clever.”*

**Chambers UK (Court of Protection)**

*“She is very tenacious and known to be a fighter on behalf of her client.”*

**Chambers UK 2015 (Civil Liberties and Human Rights)**

*“Experienced and expert; thinks outside the box.”*

**Legal 500 2014 (Civil Liberties and Human Rights)**

*“Very passionate and committed.”*

**Legal 500 2014 (Immigration)**

*“Sparky and imaginative” in the way that she deals with some of the most difficult cases involving terrorist suspects and reoffending foreign criminals. “It is important to go the extra mile and she does.” Amanda “takes the most difficult cases, and is a leading radical lawyer.”*

**Chambers UK 2014 (Immigration)**

*“She is great. She gets excellent results in court and has very good judgement. You feel you are in very safe hands.”*

### **Chambers UK 2014 (Civil Liberties and Human Rights)**

*“Solicitors commend Amanda for her ‘excellent tactical acumen’ and ‘amazing eye for detail’.”*

### **Legal 500 2013**

Sources comment that *“she is an amazingly dedicated barrister who works incredibly hard for her lay clients.”* Amanda Weston *“has expertise in cases concerning exclusion and refusal of naturalisation on national security grounds, and has recently been instructed in the Court of Appeal”*. Instructing solicitors praise her intellect and *“ability to always get a very good result.”* Amanda has a *“practice that largely revolves around vulnerable adults, and proves particularly adept at acting for private individuals. In the past year, she has acted in LB Hillingdon v Steven Neary & Mark Neary, the much-publicised case concerning a young man’s deprivation of liberty”*. Solicitors observe that she brings a deft and reassuring approach to complex and distressing cases and inspires confidence in her clients.

### **Chambers UK 2013**

*“A ‘true fighter’ who displays ‘breathtaking determination at times.’* Instructing solicitors comment that she adds value to a case due to her wealth of immigration experience and the fact *‘she never misses a point.’* Weston handles complex cases for vulnerable clients where human rights issues versus government policy scenarios come into play. She is *‘recommended for her commitment to producing work of the highest standard.’* She has *‘a blend of experience in community care and immigration work which is particularly useful,’* say instructing solicitors, who further comment on her brilliance in cases concerning mental incapacity and unlawful detention.”

### **Chambers UK 2012**

*“Amanda Weston’s unflappable judgement and increasing experience make her a top choice.”*

*“Amanda is highly intelligent and extremely thorough.”*

### **Legal 500 2012**

**“Excellent ... rapidly identifies the issues and finds novel solutions.”**

### **Legal 500 2011**

Amanda Weston is *“unstoppable on immigration related-issues,”* sources enthuse. She was involved in a test case regarding the procedure for challenging refusals of citizenship on human rights grounds.

Amanda Weston's administrative and public law practice focuses on human rights and immigration. Sources describe a barrister who is *"highly intelligent, instinctive, creative and great fun to work with."*

#### **Chambers UK 2010**

"Of the juniors, Amanda Weston *'has a wealth of experience,'* and *'a good tactical approach.'*"

#### **Legal 500 2009**

## **BACKGROUND**

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Amanda taught public law, including the theory and practice of judicial review, at Birkbeck College, University of London before being called to the Bar in 1995. Since being called to the Bar, she has specialised in judicial review and civil actions against public authorities notably in the fields of mental health and community care, immigration and civil liberties generally. She has a particular interest in representing people on the autism spectrum who face discrimination and inappropriate treatment from public authorities.

## **PUBLICATIONS**

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*Judicial Review: A Practical Guide*, Jordans (2017) 3rd ed (co-author)

*Judicial Review: A Practical Guide*, Jordans (2012) 2nd ed (co-author)

*Judicial Review: Law & Practice*, Jordans (2011) 1st ed (contributor)

*Macdonald & Webber* 5th, 6th & 9th eds (contributor)

'A witness of truth' *Immigration and Nationality Law and Practice*, Vol 12, No 3 1998

## **TRAINING AND SEMINARS**

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Amanda regularly trains and lectures on public law-related subjects. See a list of past events below:

Neurodivergence Webinar Series: Witness Handling - May 2024

"Upholding Children's Rights? Implementation of the UNCRC: A Comparison of England, Wales, Scotland & Northern Ireland" - May 2024

Local Family Justice Board Bristol Conference - May 2024

[Release from Detention: Mental Health Act 1983 and Court of Protection - April 2024](#)

[Accommodation and support for destitute migrants: case law update - April 2024](#)

[Neurodivergence Webinar Series: Neurodivergent Children in the Justice System - February 2024](#)

[Children's Community Care and Education law: A Year in Review - January 2024](#)

HJT Training - Judicial Review Conference - December 2023

LAG Education Law Conference - November 2023

[Children's Rights Autumn Conference: Children and Detention - November 2023](#)

[Neurodivergence Webinar Series: Representing Neurodiverse Clients - November 2023](#)

[How to make effective use of the Court of Protection in cross-practice cases - November 2023](#)

[Special Immigration Appeals Commission \(SIAC\): Fair Enough? - November 2023](#)

Human Rights Lawyers Association (HRLA) Careers Day - October 2023

[European University Institute - Linking Legislation and Litigation - September 2023](#)

[Children's Rights Summer Conference: Children and Trafficking - July 2023](#)

The Guantánamo Military Commissions: fair trial rights, justice & human rights - May 2023

[Implications of the Illegal Migration Bill - Part Three - Unaccompanied Children - March 2023](#)

[Community Care Law Update - The Year in Overview - Part 2 \(Adults\) - January 2023](#)

[Rwanda High Court Judgment: implications and next steps - January 2023](#)

Advocacy Before the European Courts: Perspectives from Practitioners - December 2022

[Children & Trafficking Seminar: Public Law for Criminal Practitioners - November 2022](#)

[Nationality and Borders Bill Conference - January 2022](#)

## **AWARDS**

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Amanda Weston KC was shortlisted for 'Human Rights & Public Law Silk of the Year' at the Chambers UK Bar Awards 2021.

Amanda was a finalist for the Legal Aid Barrister of the Year Award 2013.

## EDUCATION

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LLB Hons 1st Class

Sweet & Maxwell Prize

ERASMUS Scholar (Orléans)

## PROFESSIONAL MEMBERSHIP

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Administrative Law Bar Association (ALBA)

Mental Health Lawyers Association (MHLA)

If you would like to get in touch with Amanda please contact the clerking team:

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