



GARDEN COURT CHAMBERS

Sebastian Elgueta

YEAR OF CALL: 2014



Sebastian is ranked in the Legal 500 2023 for Court of Protection and Community Care.

Sebastian practices primarily in Court of Protection, homelessness appeals and judicial review cases. He is frequently instructed in complex trials and appeals. He also consults on international human rights research and practice.

'Sebastian is a very safe pair of hands who can provide clear advice to clients. He is a very competent advocate in court.'

LEGAL 500, 2024

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

contactmyclerks@gclaw.co.uk | +44 (0)20 7993 7600

COURT OF PROTECTION

Sebastian has a substantial practice in the Court of Protection, appearing frequently on behalf of P by way of the Official Solicitor and ALRs, family members and local authorities before all tiers of Judges. He is noted for his client care and regularly complimented by professional clients and Judges for his approach to complex and sensitive issues.

Health and Welfare

Sebastian has acted in numerous cases centring on capacity and best interests, covering a range of complex diagnoses. He has a particular experience and interest in cases where P is neurodiverse. Wernicke-Korsakoff Syndrome is another area of interest.

Property and Affairs

Sebastian regularly acts for local authorities and family members in cases focusing on both deputies and attorneys. He is able to thoroughly navigate through financial and property issues, often drawing on previous experience in housing law, and is frequently commended for his practical advice.

Medical Cases

Sebastian acted for P in the case of *BG* which was covered in the national media. A complex and sensitive case, Sebastian worked closely and extensively with professional and lay clients and expert professionals.

NOTABLE CASES

***A Mental Health Trust v BG* [2022] EWCOP 26**

Sebastian acted for P in the case of *A Mental Health Trust v BG* (by her ALR, SB) [2022] EWCOP 26 which was covered in the national media. The High Court reserved judgment following declarations that it was in *BG's* best interests for no further treatment and no hydration or nutrition against her wishes. Although initially disputed, by the time of the hearing it was agreed that *BG* lacked capacity.

HOMELESSNESS

Sebastian has a wide range of experience in matters of homelessness. He has acted in appeals concerning suitability, intentionality and priority need.

There is ample crossover with mental health, family and discrimination law in Sebastian's cases, and he is regularly instructed to represent vulnerable clients. He has been noted for his ability to explain law and procedure in plain language and provide an understanding environment for clients under stress.

NOTABLE CASES

Southwark LBC v Ibidun 19 October 2017. The High Court found that the Circuit Judge at trial had correctly applied Islington LBC v Boyle [2011] EWCA Civ 1450 and dismissed the local authority's appeal as no more than a disagreement with the facts.

R (Hakima Alemi) v Westminster City Council [2015] EWHC 1765 (Admin)

As a pupil, Sebastian assisted Tim Baldwin (led by Jan Luba QC). The local authority's denial of bidding rights for the first 12 months to those to whom it accepted a homelessness duty was found to be unlawful.

JUDICIAL REVIEW

Sebastian has acted in numerous judicial reviews, including of local authorities, the Home Office, the Ministry of Justice and other authorities. Most recently, Sebastian was led by Tim Baldwin of Garden Court Chambers in settling a judicial review in which a local authority agreed to conduct a review of a Care Act 2014 assessment, produce a care & support plan and provide adequate ongoing care.

NOTABLE CASES

A Mental Health Trust v BG [2022] EWCOP 26

Sebastian acted for BG. The High Court reserved judgment following declarations that it was in BG's best interests for no further treatment and no hydration or nutrition against her wishes. Although initially disputed, by the time of the hearing it was agreed that BG lacked capacity.

Southwark LBC v Ibidun [2017] EWHC 2775 (QB)

The High Court found that the Circuit Judge at trial had correctly applied Islington LBC v Boyle [2011] EWCA Civ 1450 and dismissed the local authority's appeal as no more than a disagreement with the facts.

R (Hakima Alemi) v Westminster City Council [2015] EWHC 1765 (Admin)

As a pupil, Sebastian assisted Tim Baldwin (led by Jan Luba QC). The local authority's denial of bidding rights for the first 12 months to those to whom it accepted a homelessness duty was found to be unlawful.

INTERNATIONAL

Sebastian has in-depth expertise in human rights, rule of law and administration of justice issues in Central America and of international human rights mechanisms, recently completing consultancies for the International Legal Assistance Consortium in its [Rule of Law Assessment Report on Guatemala](#) and the UK Government's Stabilisation Unit report [Elite Bargains and Political Deals](#) (Guatemala Case Study). Most recently Sebastian has advised Amnesty International (International Secretariat) on trial observation and extradition proceedings.

Sebastian has worked on reports for various international human rights bodies, including the Human Rights Council, Universal Periodic Review and international treaty bodies including the Human Rights Committee, Committee on Economic, Social and Cultural Rights, Committee on the Elimination of Racial Discrimination, Committee on the Elimination of Discrimination against Women, Committee against Torture, Committee on the Rights of the Child, Committee on Enforced Disappearances.

Sebastian also has in-depth field experience of human rights research having designed (methodology and security) and led research missions to Guatemala over many years, investigating issues ranging from corporate accountability of mining companies to police death squads.

BACKGROUND

Sebastian completed his pupillage at Garden Court Chambers under the supervision of Maya Sikand, Tim Baldwin, Marc Willers KC and Edward Fitzpatrick.

Prior to coming to the Bar, Sebastian worked at the International Secretariat of Amnesty International as a researcher focusing on Guatemala, Panama and Costa Rica. He worked on numerous issues including researching evictions of rural indigenous communities, genocide and war crimes committed during the civil war, corporate accountability (mostly mining companies), violence against women and extrajudicial executions. His work included advocacy with governments and UN treaty bodies and representing the organisation in the media.

PUBLICATIONS

'A Human Rights Murder Mystery in Guatemala: Alternative Formats for Reporting on Complex Challenges to Human Rights', *Journal of Human Rights Practice* [2010] 3 408-421

Contributing author, three chapters in *Housing Law Handbook* (2nd edition, Law Society, 2020)

AWARDS

Middle Temple, Winston Churchill award (2011)

EDUCATION

Bar Professional Training Course, BPP (2014)

LLB Law (Hons), Birkbeck College (2011)

MSc History of International Relations, London School of Economics (2003)

BSc (Hons) Economics and Geography, University College London (1998)

PROFESSIONAL MEMBERSHIP

Court of Protection Bar Association

Housing Law Practitioners Association

Administrative Law Bar Association

LANGUAGES

Spanish (fluent)

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