



Franck Magennis

YEAR OF CALL: 2016



Franck Magennis practises in public, civil and criminal defence. His work centres on challenging rights breaches by the British and other states, employers and landlords. He has expertise in legal claims connected to Palestinian emancipation from Israeli occupation.

He is developing legal arguments in relation to the international crime of apartheid as a ground for asylum. His practice spans asylum and immigration, public law, housing, employment and industrial relations, civil actions against public authorities, inquests, criminal defence, prison law, and international law.

"I just got a call from the client in prison who Franck represented [at an immigration bail application] on 29 May 2020. He didn't have enough to describe how fantastic he thought Franck was and made me promise to pass on his thanks and provide feedback for him. He said Franck was the best!"

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

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IMMIGRATION LAW

Franck regularly appears in the First-tier Tribunal representing asylum seekers, migrants facing removal and deportation. He has acted for clients from numerous countries, with particular country knowledge of Palestine as well as former British colonies and countries affected by British military violence. He has represented unaccompanied asylum-seeking children.

He has extensive experience of obtaining immigration bail for vulnerable clients and foreign national offenders. He regularly helps bring applications for Judicial Review to overcome delays in obtaining bail from the First-Tier Tribunal, especially in circumstances where the Home Office relies on its own unlawful failure to provide accommodation to justify continued detention. He has a firm command of the law relating to victims of torture and trafficking and the National Referral Mechanism.

In the context of his practice in asylum law Franck has helped to develop a legal ground that for Palestinians – as well as Jewish-Israeli conscientious objectors, pursuant to UN General Assembly resolution A/RES/33/165 of 20 December 1978 on ‘Status of persons refusing service in military or police forces used to enforce apartheid’ – subjection to or conscription into a regime meeting the legal definition of apartheid amounts to persecution under the 1951 Refugee Convention and a breach of human rights under the Human Rights Act 1998.

NOTABLE CASES

Claimant with severe mental health problems secures accommodation and release from immigration detention

APKC v Secretary of State for the Home Department (2019, settled out of court)

Judicial Review of immigration detention of a Claimant with Post Traumatic Stress Disorder (PTSD) and psychotic symptoms. The Secretary of State agreed to release the Claimant to accommodation provided under section 4 of the Immigration Asylum Act 1999.

Detained Claimant secures interim injunction mandating release to section 95 accommodation

JK, R (JK) v Secretary of State for the Home Department [2020] EWHC 3303 (Admin)

Successful application for an interim injunction mandating that the Secretary of State release the claimant to accommodation provided under section 95 of the Immigration and Asylum Act 1999.

HOUSING LAW

Franck specialises in representing people resisting possession proceedings against both public and private landlords, those reviewing adverse Local Authority homelessness decisions under sections 188 and 204 of the Housing Act 1996, those enduring unlawful disrepair, and those who have been unlawfully evicted. He has experience of: suspending warrants for possession; appearing at ex parte hearings seeking relief against rogue landlords; advising on enforcement of damages orders to reduce the risk of landlords dissipating their assets; advising on adverse possession, and; representing clients up to trial.

Franck was a pupil under [Liz Davies](#), who is the co-author of *Housing Allocation and Homelessness*. Through her he gained extensive insight into homelessness appeals under the Housing Act 1996 and all areas of defendant side housing law.

NOTABLE CASES

Family of seven resist possession and retain introductory tenancy following successful public law defence

Thurrock Borough Council v Scamp (2018, unreported)

The Defendant, her partner, and their five children faced eviction from an introductory tenancy. On appeal, a Circuit Judge accepted a public law defence relating to the Local Authority's failure to consider alternatives to eviction pursuant to its duties under s.11 Children Act 2004. The family remained in possession, and their introductory tenancy was converted into a secure tenancy.

London Borough of Lewisham v (1) Persons Unknown & (2) CC (2019, unreported)

The Claimant Local Authority landlord brought an expedited possession claim against persons unknown who were occupying a piece of land adjacent to the Tidemill wildlife garden in protest against the Claimant's controversial decision to destroy one of Deptford's few remaining green spaces. A Defendant agreed to be named to contest the proceedings. The judge ordered that the claim was genuinely disputed on grounds which appeared to be substantial in that the Landlord had failed to consider the protestors' rights under Articles 10 and 11 of the European Convention on Human Rights.

EMPLOYMENT AND DISCRIMINATION LAW

Franck specialises in representing those bringing claims against employers before the Employment Tribunal. He has particular expertise of bringing trade union victimisation and group holiday pay claims. He has acted for sex workers asserting their status as 'limb b' workers, and for workers in the legal sector alleging disability discrimination.

He is dedicated to representing members of radical 'base' trade unions who organise in economic sectors with large numbers of migrant and precarious workers. From September 2019 to March 2020 he was seconded to the trade union United Voices of the World ('UVW') as the head of their legal department. As part of that position he participated in numerous indirect race discrimination challenges under section 41 of the Equality Act 2010, in respect of Respondents' outsourcing arrangements resulting in a racially segregated workforce. He has extensive knowledge of discrimination law.

Franck advises trade unions on taking industrial action under the Trade Union Labour Relations (Consolidation) Act 1992 ('TULR(C)A').

Franck has appeared before the Central Arbitration Commission and has advised trade unions in relation to the law, procedure, strategy and tactics of voluntary and statutory recognition agreements under TULR(C)A.

Franck is an executive committee member of UVW. He co-founded, and is the elected treasurer of, the Legal Sector Workers United branch of UVW. He is also a member of Unite the Union.

CLAIMS AGAINST THE POLICE AND PUBLIC AUTHORITIES

Franck's knowledge of asylum, prison and criminal law strengthens his grasp of how successfully to sue public authorities. He has experience of suing the police, prisons, and the Home Office, including where claims begin in the Administrative Court.

NOTABLE CASES

Prisoner and his daughter secure compensation following imposition of closed visits

D and M v Secretary of State for Justice (2018, unreported)

A claim for breach of Article 8 of the European Convention on Human Rights arising from the Defendant's decision to place the first Claimant on closed visits, thereby preventing him from having physical contact with his daughter, the second Claimant. The claim settled out of court after the Defendant agreed to pay damages.

Prisoner secures compensation following assault

M v The Ministry of Justice (2020, unreported)

A claim that settled out of court after the Defendant agreed to pay the Claimant damages after he was unlawfully assaulted by Prison Officers while serving a prison sentence.

PRISONERS' RIGHTS

Franck has experience of parole board hearings, prison law judicial reviews, and resulting civil damages claims. His knowledge of immigration and deportation inform his prison law practice. Before being called to the bar he regularly volunteered at the Prisoners' Advice Service, where he developed his knowledge of the practical and legal realities of life inside.

NOTABLE CASES

Ex-gang member serving life sentence for murder secures transfer to open conditions

S v The Parole Board (2017, unreported)

A man who had been convicted of a gang-related murder at the age 17 secured transfer to open conditions.

CRIMINAL DEFENCE

Franck represents those charged with criminal offences. He has particular expertise in cases relating to public protest and where police officers are involved as complainants. He has acted for people charged while resisting

their illegal eviction from squats, for anti-fracking protesters, and for activists monitoring and disrupting badger culls. He has expertise advising on the tactical and political considerations surrounding defences of justification. He has advised on the merits of bringing claims for malicious prosecution.

NOTABLE CASES

Anti-fracking activists charged with “watching and besetting” receive conditional discharges

R v B and N (2017, unreported)

Two defendants were jointly charged with watching and besetting. The defendants had ‘locked on’ outside the entrance to a hydraulic fracturing exploration site, which the prosecution alleged had disrupted operations for the day. Both defendants were convicted following trial and were sentenced summarily, receiving conditional discharges pursuant to *R v Jones (Margaret)* [2006] UKHL 16.

Activist charged in connection with monitoring of badger cull acquitted

***R v A* (2017, unreported)**

The defendant was charged with failing to provide information contrary to s172(2) of the Road Traffic Act 1988 in respect of a motor vehicle used by a number of people to monitor badger culls. She was acquitted.

***R v Andrew Rowe* (2019, unreported)**

The defendant had previously served a 15-year prison sentence for terrorism offences in 2005. Following his release he was later charged with falsely claiming benefits. Following a guilty plea the judge handed down a suspended sentence.

ADMINISTRATIVE AND PUBLIC LAW

Franck accepts instructions in all areas of administrative and public law. He has experience of the Special Immigration Appeal Commission, including nationality and control order cases. He has also been instructed in civil proceedings arising from SIAC decisions.

He is committed to supporting those interested in bringing strategic litigation relating to tax justice, migration and borders, and housing.

INQUESTS AND INQUIRIES

Franck specialises in representing injured interested parties and bereaved families before inquests and inquiries. In light of the difficulties bereaved families often face when seeking Legal Aid at inquests, Franck's fees are highly flexible and he is willing to act pro bono where necessary.

NOTABLE CASES

Inquest touching on the deaths of Muhamadou Jagana and others (2018), representing five families and an Interested Party injured in the incident

Five migrant labourers were killed when a shoddily constructed wall collapsed on them at a metal recycling plant in Birmingham. The inquest jury found that there was a "foreseeable risk" that the wall would collapse. Franck acted for the families of the five deceased, and for Tombong Camara Conteh, an Interested Party who had been badly injured in the collapse.

INTERNATIONAL LAW

Franck conducts research on international humanitarian law and international human rights law in the context of the Palestinian struggle for emancipation. In May to August 2019 he was a research fellow in Ramallah, occupied Palestine with the award-winning Palestinian human rights organisation Al-Haq. He is the co-author of a series of forthcoming reports responding to allegations against the Israeli Ministry of Strategic Affairs of attacks against Palestinian individuals and civil society institutions.

BACKGROUND

Franck co-founded the [Materialist Lawyers' Group](#), which critically interrogates law's role in reproducing unjust hierarchies and resource distributions.

He co-founded [People's Private Equity \('PPE'\)](#), a non-hierarchical group who develop mechanisms for actively intervening in capitalist firms and reconstituting them along counter-hegemonic, socialist lines.

During his Master's degree he co-founded [Deptford Cinema](#), a community-run, non-profit arts organisation.

He is the co-founding director of the [Learning Cooperative](#), an international workers' cooperative tuition agency with a commitment to redistributive pricing, emancipatory pedagogy, and anti-imperialist praxis.

He enjoys chess, writing plays, playing guitar and piano, and singing (especially Lana del Rey).

PUBLICATIONS

‘Review: “The Shock Doctrine of the Left” by Graham Jones’, *Socialist Lawyer* No. 79, June 2018.

‘Review: “The Critical Lawyers' Handbook” by Ian Grigg-Spall and Paddy Ireland’, *Socialist Lawyer* No. 77, October 2017.

‘Blacklisting of construction workers: a legal black hole’, *Socialist Lawyer* No. 71, October 2015.

‘Hands up if you're a “domestic extremist”’ *Socialist Lawyer* No. 70, June 2015.

‘Private Equity by and for the People’, with others under the by-line ‘People’s Private Equity’, *New Socialist*, 13 February 2019.

‘Using finance to transform the legal sector’, with Zachary Whyte, [Law Society Gazette](#), 1 April 2019.

‘Rent Strike—now? A legal and political analysis’, with Nick Bano, [New Socialist](#), 14 April 2020.

‘Protecting renters during the crisis: preventing eviction is the best route’, with Nick Bano, [Autonomy](#), April 23 2020

‘Detained Migrants Are Workers. They Belong in the Trade Union Movement’, with Isaac Ricca-Richardson, [Novara Media](#), 25 May 2020.

‘Asylum for conscientious objectors to Israeli apartheid?’, [New Socialist](#), 10 November 2020

TRAINING AND SEMINARS

‘Homelessness and Allocation: Case Law Update’, (in conjunction with [Liz Davies](#), Garden Court) NPSS National Conference 2018.

‘Arguing Palestinian cases in the light of the latest UN positions’ – with [Mark Symes](#) and Camila Zapata Besso,

26 February 2020, Garden Court Chambers.

EDUCATION

BA (History)

Graduate Diploma in Law

LL.M.

Bar Professional Training Course

PROFESSIONAL MEMBERSHIP

Haldane Society of Socialist Lawyers

Housing Law Practitioners Association

Immigration Law Practitioners' Association

Lawyers for Palestinian Human Rights

Legal Sector Workers United (branch of United Voices of the World)

Materialist Lawyers' Group

Police Action Lawyers Group

Unite the Union

LANGUAGES

French (advanced)

Arabic (basic)

Spanish (basic)

Irish (basic)

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