



## Practice

Marc won the Legal Aid Lawyer of the Year Award 2011. He was shortlisted for the same award in 2006.

He is ranked as a leading barrister in both Chambers and Partners directory and the Legal 500 in planning law.

Marc specialises in the following areas:

- town and country planning law, with a particular emphasis on the representation of Gypsies, Travellers and Roma
- public and administrative law and
- human rights and discrimination.

Marc was called to the Bar in 1987 and is a member of Lincoln's Inn. He was called to the Irish Bar in 1992 and has been a registered pupil supervisor for more than 15 years. In 2008 Marc qualified as an accredited mediator.

Marc has appeared in many of the leading cases concerning the rights of Gypsies and Travellers and most recently represented the Irish Travellers living on Dale Farm in their judicial review of the decision taken by Basildon Borough Council to use its direct action powers to evict them from their properties.

## Publications

Marc is the co-editor and co-author of a book entitled *Gypsy and Traveller Law* which was first published by the Legal Action Group and the Commission for Racial Equality in 2004 (the second edition was published in 2007). Marc is also the editor of the Council of Europe's handbook for lawyers defending Roma and Travellers entitled *Ensuring access to rights for Roma and Travellers* (2009) - *The role of the European Court of Human Rights*. He is also one of the authors of the chapter on the rights of Gypsies and Travellers included in the book *Your Rights* published by Liberty, and is a regular contributor to Legal Action and other legal publications. Recently Marc helped write a critical review of the Conservative's new policy on Gypsies and Travellers, [click here](#) to view the article and he is also part responsible for a regular blog which appears on the Travellers' Times website. Marc also co-authored the paper entitled *Facilitating the Gypsy and Traveller way of life in England and Wales through the courts* (which was presented at the international conference *Romani mobilities in Europe: Multidisciplinary perspectives*, held in Oxford on 14 January 2010) and the article entitled *Gypsies and Travellers in the United Kingdom and Security of Tenure* which was published in the Journal of the European Roma Rights Centre in August 2010.

In 2011 Marc wrote two articles published in the Legal Action Group magazine on Roma Rights. [Click here](#) and [here](#) to view the articles and [here](#) to view an update.

## Training and other activities

Marc has presented a large number of seminars on the law relating to Gypsies and Travellers for: the Legal Action Group; Shelter; the Gypsy and Travellers Law Reform Coalition; the Commission for Racial Equality, Planning Aid and other non-governmental organisations. Each year Marc also helps run a course held in

### Year of Call

1987 1992 (Ireland)

### Email Address

[marcw@gclaw.co.uk](mailto:marcw@gclaw.co.uk)

### Telephone

020 7993 7893

### Education

LLB

### Practice Areas:

Marc Willers is a member of the following Practice Areas:

- Civil Law
- Claims Against The Police & Public Authorities
- Employment, Discrimination and Professional Regulation
- Gypsy & Traveller Rights
- Housing
- International Advice and Litigation
- Mediation
- Planning & Environmental Law
- Property Law
- Public & Administrative Law

### Garden Court Chambers

57 - 60 Lincoln's Inn Fields  
London WC2A 3LJ  
Tel 020 7993 7600  
Fax 020 7993 7700



Strasbourg on Roma Rights for the Council of Europe.

In addition Marc has presented a considerable number of seminars on human rights abroad: in 2003 he was instructed as an expert on the European Convention on Human Rights by the Council of Europe and travelled to Moscow to present a seminar, organised by the United Nations High Commissioner for Refugees - on the ECHR and its relevance for the protection of refugees and asylum seekers; in 2004 Marc travelled to Armenia to help conduct a five day training session organised by Interights and the Netherland Helsinki Committee for lawyers on the application of the Convention to cases arising within their own jurisdiction; in 2007 Marc travelled back to Russia to present a human rights course in Rostov on Don for the Council of Europe; in 2008 Marc visited Tbilisi in Georgia to present a course on religious and other forms of discrimination prohibited by the Convention; in 2009 Marc attended a conference organised by the Greek Ombudsman in Athens to speak on behalf of the Council of Europe about Roma Rights and the Convention and he also gave a key note speech at a conference in Vienna which was organised by the European Union's Fundamental Rights Agency on protecting the freedom of movement and human rights of Roma; in 2010 Marc returned to Armenia to assist with the EU and Council of Europe's joint programme 'Support for Access to Justice in Armenia' and specifically with the development of a School for Advocates; in 2011 Marc attended a conference on Roma women in Budapest and was also present there to witness the unveiling of the European Union's Framework for National Roma Inclusion Strategies; in 2011 Marc also presented a seminar on Legal Aid and Access to Justice in Pyatigorsk in Russia to Chechen lawyers for the Council of Europe and was invited to represent the Council of Europe at a seminar on 'Gypsy Justice' at the American Bar Association conference in Dublin.

Marc is regularly involved in drafting consultation documents on proposed government policy and legislation. Marc is also a trustee of Friends Families and Travellers (a charity working to promote the rights of Gypsies and Travellers in the UK).

## Societies

Marc is a member of the Administrative Law Bar Association and the Planning and Environment Bar Association.

## Notable cases

**Mole Valley v Smith** [1992] 3 PLR 22 (Gypsies - Court of Appeal gave guidance on the grant of planning injunctions).

**R v Lovick** [1993] Crim LR 890 (successful appeal against conviction involving an alleged conspiracy between a husband and wife)

**Maidstone BC v SSE and Dunne** [1996] JPL 584 (Gypsies - planning statutory definition).

**R v Basildon DC ex parte Clarke** [1996] JPL 866 (Gypsies - judicial review).

**Coster v UK** [2001] 33 EHRR 20 (Gypsies - articles 8 and article 1 of protocol 1 of ECHR - one of the 5 cases considered by the ECtHR when it gave judgment in *Chapman v UK*).



**R v Thomas Clarke** [2002] EWCA Crim 753, [2002] JPL 1372 (Gypsies scope of defence in enforcement notice prosecution).

**R v Kearns** [2002] 1 WLR 2815 (article 6 of the ECHR - compulsory questioning - right to silence and presumption against self incrimination).

**Gypsy Council v UK** [2002] Application no. 66336/01 (article 11 of the ECHR - decision to ban a traditional Gypsy horse-fair).

**R (U) v Commissioner of Police for the Metropolis and the Secretary of State for the Home Department** [2003] 1 WLR 897 (final warning scheme compatibility with article 6 of the ECHR).

**R (Clarke) v Secretary of State for Transport, Local Government and the Regions** [2002] EWCA Civ 819 and [2002] JPL 1365 (Gypsies planning permission - suitability of bricks and mortar accommodation).

**Doncaster MBC v FSS and John Buck** [2003] EWHC 995 Admin (Gypsies -planning permission - availability of education for children).

**R (William Lee) v FSS and Dartford BC** [2003] EWHC 3235 Admin (Gypsies - proportionality - article 8 of the ECHR - temporary planning permission).

**Basildon DC v FSS and Rachel Cooper** [2004] EWCA Civ 473 (Gypsies planning - statutory definition).

**R (Dartford BC) v FSS and William Lee** [2004] EWHC 2549, [2005] JPL 546 Admin (Gypsies - planning - green belt)

**R (Basildon DC) v FSS and Temple and Dennard** [2004] EWHC 2759 Admin and [2005] JPL 942 (Gypsies - planning - green belt and 'very special circumstances' test).

**Coates v South Bucks DC** [2004] EWCA Civ 1378 and [2005] JPL 668 (Gypsies - planning injunction - article 8 of the ECHR and proportionality test).

**Smith v FSS and Mid Beds DC** [2005] EWHC Civ 859 (Gypsies - planning -discrimination).

**Wycombe DC v Wells** [2005] EWHC 1012 (Gypsies - enforcement notices -the scope of the statutory defence).

**Wilson v Wychavon DC and FSS** [2005] EWHC 2970 (Gypsies stop notices - compatibility of legislation with articles 8 and 14 of the ECHR).

**South Bucks DC v Smith** [2006] EWHC 281 (Gypsies - planning injunction -stay pending the determination of a fresh planning application).

**R (O'Brien) v Basildon DC** [2006] EWHC 1346 Admin (Gypsies - direct action - article 8 of the ECHR).

**R v Billimore** [2006] EWCA Crim 506 (successful criminal appeal against major class A drugs conspiracy conviction in circumstances where fresh evidence had arisen which cast doubt on the veracity of the main witness for the prosecution).

**Wychavon DC v Rafferty** [2006] EWCA Civ 628 (Gypsies - committal for breach of a planning injunction).

**R (Jeeves and Baker) v Gravesham BC** [2006] EWHC 1249 Admin (Gypsies - non-determination of planning application by local authority).



**Patrick McCarthy v Secretary of State for Communities and Local Government** [2006] EWHC 3287 (Irish Traveller case - the Secretary of State's decision to refuse planning permission for a Gypsy site was upheld in circumstances where the decision maker had taken account of the risk that the grant of permission would set a precedent for future unauthorised development).

**University of Oxford v Broughton and Others** [2006] EWHC 1233 QB (restrictions placed on the right to legitimate protest - articles 10 and 11 of the ECHR).

**Larkin v First Secretary of State** [2007] EWHC 2117 (Gypsies - a decision to refuse temporary planning permission for a Gypsy site in the Green Belt was upheld).

**R (Lisa Smith) v London Development Agency and SSTI** [2007] EWHC 1013 Admin (Gypsies and Travellers - a judicial review challenge to the Compulsory Purchase Order of land used as a Gypsy site for the purposes of the Olympics).

**McCarthy and Others v Basildon DC and the Equality and Human Rights Commission** [2008] EWHC 987 (a judicial review challenge to a decision to take direct action to evict a large encampment of Irish Travellers).

**South Cambridgeshire DC v Harry Price and Others** [2008] EWHC 1234 Admin (Gypsies - a local authority's application for a planning injunction was dismissed on grounds it would violate the article 8 rights of the defendant Gypsy families).

**Secretary of State for Environment Food and Regional Affairs v Natalie Meier and Others** [2008] EWCA Civ 903 (Gypsies and Travellers the Court of Appeal gave guidance on the grant of wide possession orders and supporting injunctions to prevent land being occupied by trespassers).

**South Cambridgeshire DC v Secretary of State for Communities and Local Government and Julie Brown** [2008] EWCA Civ 1010 (Gypsies - a local authority's application to quash a planning inspector's decision to grant a Gypsy family planning permission was dismissed by the Court of Appeal).

**R (Jordan) v Secretary of State for Communities and Local Government** [2008] EWHC 3307 Admin, [2009] JPL 1010 (a challenge to an Inspector's decision on grounds that she failed properly to take account of human rights when considering whether to grant temporary planning permission for a mobile home dwelling was dismissed).

**Lushey Stanley v Secretary of State for Communities and Local Government** [2009] EWHC 404 (Gypsies - an Inspector's decision not to grant temporary planning permission for a Gypsy site was upheld).

**R (McCann) v Secretary of State for Communities and Local Government and Basildon DC** [2009] EWHC 917 Admin (Irish Traveller case - Inspector's decision challenged on number of grounds including the interpretation of the meaning of Gypsies and Travellers laid down by the government in Circular 1/06. Decision quashed on other grounds).

**Wingrove and Brown v Secretary of State for Communities and Local Government and Mendip DC** [2009] EWHC 1476 Admin (Gypsies - another challenge to an Inspector's interpretation of the meaning of Gypsies and Travellers laid down by the government in Circular 1/06 was dismissed).

**Secretary of State for Environment Food and Rural Affairs v Meier and**



**others** [2009] UKSC 11 (New Travellers case - the Supreme Court held that a wide possession order granted to the Forestry Commission in respect of land which it owned and occupied and of which no-one was, at present, in unauthorised occupation, should be discharged and in so doing, the Supreme Court also overturned the Court of Appeal's decision in this case and its decision in the earlier case of *Drury v Secretary of State for the Environment* [2004] EWCA Civ 200.)

**Brent London Borough Council v Stokes** [2010] EWCA Civ 626 (Irish Traveller case - the Court of Appeal refused an application for permission to appeal against the decision of Mr Justice King to uphold the County Court's decision to grant possession of land in circumstances where it had been decided that the Appellant's 'gateway (b)' defence did not raise seriously arguable grounds to dispute the claim for possession).

**Doran v Secretary of State for Communities and Local Government and Central Bedfordshire Council** [2010] EWHC Admin, [2010] All ER (D) 174 (Irish Traveller case - an unsuccessful challenge brought in respect of an Inspector's decision on the basis that he had failed to take account of the Claimant's personal circumstances and misunderstood and misapplied policy on the grant of temporary planning permission).

**Patrick Egan v Basildon Borough Council** [2011] EWHC 2416 (QB) (Case involving the Dale Farm site in which the Court considered the extent to which enforcement notices gave the Council the power to take direct action to remove unauthorised development on the site).

Profile updated 16th January 2012