



## Practice

Stephen's practice focuses on individual rights in four discrete areas. These are civil claims against the police and public authorities; inquests; mental health; public law and judicial review.

In particular, he specialises in claims for false imprisonment, assault, malicious prosecution and misfeasance in public office against the police, prison authorities and psychiatric hospitals. Stephen is highly experienced in trials in this area, and conducts several High Court and County Court trials in these types of claim every year, as well as advising in many others that settle. He is probably one of the most experienced lawyers in the country in this sort of litigation and is top-ranked in Chambers and Partners in this area. Stephen has also brought a number of claims in these areas where damages are claimed under the Human Rights Act 1998. He was also successful in obtaining compensation in a case before the European Court of Human Rights concerning forcible entry by the police, in a decision important enough to be reported in the European Human Rights Reports.

Stephen is also specialist in inquests into deaths in police and prison custody and into deaths in hospital, having represented families at inquests for many years. He represents families in several inquests each year and has represented in many controversial inquests, including several deaths involving police restraint. He also conducts complex hearings before the Mental Health Review Tribunal, including restricted patients, those with so-called "dangerous severe personality disorder" in Rampton, Broadmoor and other special hospitals, along with associated judicial review and habeas corpus. He is also an expert in damages claims arising out of psychiatric detention.

His judicial review work is primarily within the substantive areas of mental health, prisoners' rights, coroners' inquests, police claims and proceedings involving ASBOs. He also has wide experience in judicial review arising out of criminal proceedings, education law and community care problems, as well as cases involving the rights of gypsies and travellers. Stephen has pursued a number of successful applications for habeas corpus.

His interest and expertise in mental health law has led on to experience in the Court of Protection. Stephen is also experienced in representing protestors in cases involving court injunctions taken out by commercial organisations against protestors. He has been involved in several High Court cases involving such injunctions, including being involved in cases where the injunction proceedings were dropped, or injunctions refused as a result of the defendant's opposition.

Stephen has long been recommended by Chambers and Partners in several areas, including being top-ranked in police law and is also in the Legal 500 in the areas in which he practises. He is a former nominee for the awards of Liberty Young Human Rights Lawyer of the Year, and (now that he is old) Liberty Human Rights Lawyer of the Year.

## Background

Stephen qualified for the Bar after completing a postgraduate degree in European Community and employment law in Italy, where he lived for over a year. He has reasonably fluent conversational Italian. Prior to coming to Garden Court in 1996, Stephen was a tenant at what was the Chambers of Len Woodley QC at 8 King's

### Year of Call

1991

### Email Address

stephens@gclaw.co.uk

### Telephone

020 7993 7852

### Education

MA (Cantab), LL.M.  
(European University  
Institute, Florence)

### Languages

Italian (Fluent); basic French  
and basic Croatian

### Practice Areas:

Stephen Simblet is a  
member of the following  
Practice Areas:

- Civil Law
- Claims Against The Police  
& Public Authorities
- Community Care
- Court of Protection
- Gypsy & Traveller Rights
- Inquests
- Mental Health
- Prison Law
- Public & Administrative Law

### Garden Court Chambers

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



Bench Walk, where he had a mixed criminal and civil practice.

## REPRESENTATIVE REPORTED CASES

### Judicial review in criminal proceedings and ASBOs

**R v Crown Court at Maidstone ex parte Schulz**[1993] COD 182 (while still a pupil, successfully obtaining judicial review of custody time limits extension)

**R v Highgate Justices ex parte Riley** [1996] COD 12 (quashing a summary trial due to a magistrate's intervention displaying bias)

**R (application of P) v Barking Youth Court**[2002] 2 Cr. App. R 19 (overturning a finding that a young defendant was fit to plead and stand trial)

**R (application D) v Camberwell Green Youth Court** [2005] 1 WLR 393 (House of Lords case involving challenge to the special measures directions and use of video evidence in trials of young defendants)

**R (application D) v Sheffield Youth Court**[2003] 167 JP 159 (successfully challenging committal decisions by youth courts of committal of children for crown court trial)

**R (application of C) v Sunderland Youth Court**[2004] 1 Cr App R (S) 76 (successfully quashing ASBO made against a child)

**R (application of Mills) v Birmingham Magistrates' Court** [2005] EWHC Admin 2732 (successfully quashing an ASBO made following a shoplifting conviction and in which also costs ordered against the CPS)

**Gibson, Kelly and Bailey v Secretary of State for Justice** [2008] 3 WLR 1044 (failing to procure release of prisoner affected by the drafting errors in the legislation relating to early release from prison)

**R (on the application of V) v Redbridge Magistrates' Court & DPP** (2009) (quashing the conviction of a mentally vulnerable man who had been convicted and imprisoned despite being unfit to plead)

### Mental health appellate and judicial review cases

**Re Briscoe** [1998] COD 402 (successful habeas corpus application in relation to improperly detained psychiatric patient)

**R (on application of C) v Mental Health Review Tribunal** [2002] 1 WLR 176 (overturning a practice by which patients had to wait excessive times for a Mental Health Review Tribunal hearing)

**R (application of T) v Mental Health Review Tribunal** [2002] 1 MHLR 275 (upholding the right of a victim of an offence to receive some information about the discharge plans of a patient. This case later became the basis for a statutory right to receive such information)

**R (application of CS) v Mental Health Review Tribunal** [2004] 1 MHLR 355 (concerning the powers of the Mental Health Review Tribunal in relation to discharge of patients on long-term leave of absence)

**R (application SSG) v Liverpool City Council**[2002] 5 Community Care LR 639



(successfully brought proceedings enabling same sex cohabitants to be treated the same as heterosexual couples for the purposes of being recognized as nearest relative under the Mental Health Act)

**R (X) v Mental Health Review Tribunal** [2003] 1 MHLR 299 (failing to establish unlawful unfairness in Mental Health Review Tribunal proceedings where the Tribunal called further evidence after closing submissions)

**R (application of MM) v Secretary of State for the Home Department** [2007] 1 MHLR 304 (failure in Court of Appeal case concerning Home Secretary's powers to recall conditionally-discharged patients to hospital. Soon afterwards, the patient was absolutely discharged and removed from the Home Secretary's control)

**BB v Cygnet Health Care** [2008] EWHC 1259 (Admin) (successful habeas corpus application where social worker not completed necessary consultation before compulsory admission of patient to hospital)

**GD v Managers of Edgware Hospital** [2008] 1 MHLR 282 (successful habeas corpus application where social worker not completed necessary consultation before compulsory admission of patient to hospital)

**M v Managers of Queen Mary's Hospital** [2008] 1 MHLR 303 (failing to establish that a patient had not been lawfully examined - subsequently (unsuccessfully) appealed with Roger Pezzani as advocate)

**R (application IT) v Secretary of State for Justice** [2008] EWHC 1717 (Admin) [2008] 1 MHLR 290 (successful challenge to Secretary of State's powers to recall a conditionally discharged patient, with subsequent damages hearing - compensation amount settled)

**BB (Upper Tribunal, Administrative Appeals)**[2009] UKUT 157 (AAC) (successful appeal from Mental Health Review Tribunal based on inadequacy of reasons for refusing discharge, overturning the inadequate tribunal decision)

**HM/0837/2010 (anonymised decision) (Upper Tribunal, Administrative Appeals)** [2010] (obtaining disclosure to a detained patient of the fact that he was being covertly medicated while in hospital, as part of the obligations of procedural fairness in Mental Health Review Tribunal hearings. This case features in the preface to Jones as the most significant recent mental health case)

**RN v CC** (2011, Upper Tribunal) (Successful appeal against Tribunal's decision where it announced at the start that it would not make a CTO recommendation, in breach of right to a fair hearing)

## Judicial review involving inquests

**R v HM Coroner for Swansea ex parte Chief Constable of South Wales** [2000] 164 JP 191 (judicial review where an inquest jury's verdict of neglect following death in custody was challenged. The new inquest returned a verdict incorporating neglect)

**R v HM Coroner for Coventry ex parte Chief Constable of Staffordshire** [2000] 164 JP 665 (successfully upholding an inquest jury's verdict of neglect following death in custody)



**R (Dawson) v HM Coroner for Kingston-u-Hull**[2001] 1 WLR 132 (appearing for deceased's family successfully upholding unlawful killing verdict)

**R (on application of Scott) v HM Coroner for Inner West London** [2001] 165 JP 417, (2001) 61 BMLR 222 (obtaining a new inquest where a psychiatric patient detained in prison had been allowed to hang himself and the issue of "neglect" had not been considered. The new inquest ordered returned a verdict incorporating "neglect")

**R (on application of Cash) v HM Coroner for Northamptonshire** [2007] 4 All ER 903 (successful application for judicial review of coroner's failure to leave verdict of unlawful killing and failure to leave narrative verdict, resulting in a fresh inquest being ordered)

**R (Humberstone) v Legal Services Commission**[2010] EWCA Civ 1479, [2010] 1 Inquest LR 221 (Successful judicial review of the Legal Services Commission's refusal to fund the mother of the deceased at an inquest, succeeding both at first instance and on appeal. This case also deals with systems duties under Article 2 ECHR).

**R (Mack) v HM Coroner for Birmingham** [2011] EWCA Civ 712 (Succeeding before Court of Appeal in obtaining an order for a fresh inquest where a coroner had not called sufficient witnesses properly to inquire into a death in hospital from *Clostridium difficile*)

#### Appellate cases and judicial review involving claims against the police

**Keegan v Chief Constable of Merseyside Police**[2003] 1 WLR 2187 (appeal raising ambit of tort of malicious procurement of search warrant in circumstances where no human rights claim could be brought. Resulted in successful Strasbourg claim)

**R (application of Wilkinson) v Chief Constable of Merseyside Police** [2004] 1 Pol LR 189 (quashing a police force's refusal to conduct an investigation into a complaint)

**R (application of Clare) v Independent Police Complaints Commission** [2005] 1 Pol LR 185 (upholding the complainant's right to have an investigation by establishing that IPCC is permitted to withdraw a dispensation from requirement to investigate complaint)

**Chief Constable of Merseyside v Ali Daar** [2005] EWCA 1774, [2005] 1 Pol LR 376 (preventing police striking out claim against police on basis that claimant had received an ASBO)

**Paul v Chief Constable of Humberside Police**[2004] EWCA Civ 308, [2004] 1 Pol LR 179 (successful appeal establishing that claims for damages against the police will often depend on inferences being drawn against police evidence)

**Scott v Chief Constable of South Yorkshire Police** [2006] 1 Pol LR 86 (failing to obtain a re-trial on basis of non-disclosure of police non-compliance with PCA complaints investigation)

**Keegan v United Kingdom** [2007] 44 EHRR 33 (obtaining compensation from European Court of Human Rights for breach of ECHR Article 8 and Article 13 following police search)



**Shields v Chief of Merseyside** [2010] EWCA (Civ) 1281 (failing to invalidate an arrest of a child where the detaining officer had not been aware of the original reason for arrest)

**Minio- Paluello v Commissioner of Police of the Metropolis** [2011] EWHC 3411 (QB)(not an appeal, but a successful claim for damages heard in the High Court for assault upon a demonstrator whose arm was broken by a police officer).

### Injunctions against protesters

**EDO MBM Technology and others v Axworthy and others** [2005] EWHC 837 (QB) (establishing that it is necessary for someone seeking injunction against unincorporated association to identify those whom it proceeds against)

**Heathrow Airport and others v Garman and others**[2007] EWHC 1957 (QB) (preventing wide-ranging injunction that would have allowed arrest of anyone opposed to airport expansion)

**University of Oxford v Broughton** [2008] EWHC 75 (successfully resisting use of harassment injunction to prevent peaceful protest at university ceremonies)

### Judicial review involving gypsies and travellers

**Ward v London Borough of Hillingdon** [2001] HRLR 825, (2001) LGR 457 (eviction from a travellers' site)

**R (application Piggott) v Bedfordshire County Council** (Times LR 29/1/2002) (successfully quashing a council's refusal to allow a trespassing traveller a plot on a travellers' site)

### Other significant cases

**Malik v Selfridges** [1998] ICR 268 (appeal where employer had refused to comply with an order for reinstatement and tribunal ordered additional compensation)

**Farah v Home Office** [Times LR 26/1/2000] (successfully appealed the striking out of a claim against Home Office relating to Somali family being detained and stranded abroad due to incorrect information about their immigration status being given by Home Office to airline)

**M (a child) v Ministry of Justice** [2009] EWCA (Civ) 419 (getting stuck with one of the first cases on the consequences of bringing a claim for breach of Convention rights under the Human Rights Act 1998 and failing to persuade the court that section 7 (5) ought to be interpreted flexibly in favour of claimants)

### Publications

In addition to conducting training in mental health law, police actions and inquests, Stephen is a frequent contributor to *Legal Action*, *Solicitors' Journal* and other periodicals. Past articles include principles for obtaining compensation for police negligence, the role of the nearest relative under the Mental Health Act 1983, and developments on the case-law relating to neglect verdicts at coroners'



inquests. He also had an article on police anonymity at inquests published in the Mail on Sunday. He is an editor of the *Community Care Law Reports.*, specialising in mental health cases. Stephen has also made programmes for Legal Network Television and has appeared as a legal expert on inquests on Sunrise TV.

## Honours

- Squire Law Scholarship (University of Cambridge)
- Major and Duke of Edinburgh Scholarships (Inner Temple)

## Professional Memberships

- INQUEST Lawyers' Group
- Police Actions Lawyers' Group
- Administrative Law Bar Association

## Interests

Stephen is interested in alternative energy projects, such as solar and wind power applications. His belief in hope over experience results in his active support of Nottingham Forest FC. He also plays the violin (badly) in an amateur classical orchestra and bluegrass music on the mandolin. He plays mandolin in the London Gypsy Orchestra, which plays Balkan gypsy music. Stephen has overcome his prejudice that skiing is for posh people and is now a regular skier.

Profile updated January 2012