



GARDEN COURT CHAMBERS

# Dr Terry McGuinness

YEAR OF CALL: 2009



On 1 March 2021, Terry was appointed as legal advisor to the Master of the Rolls. Prior to this, he worked as a senior researcher at the House of Commons Library.

Terry McGuinness specialises in inquests, civil actions against the police and criminal law.

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

[info@gclaw.co.uk](mailto:info@gclaw.co.uk) | +44 (0)20 7993 7600

**CRIMINAL DEFENCE**

When in private practice, Terry was entrusted to defend in cases of seriousness and complexity and his practice encompassed the full range of criminal offences, including murder. One of the authors of 'The Confiscation Manual' (Sweet & Maxwell, 2014), Terry had a busy practice defending in proceedings brought under the Proceeds of Crime Act 2002.

Terry was frequently instructed to defend in protest cases and had a particular interest in opposing civil applications made in the criminal courts (such as ASBOs and football-banning orders). He also regularly advised convicted prisoners on the merits of out of time appeals against conviction and sentence.

As a former youth mentor, Terry is mindful of the law's greater impact on vulnerable defendants and continued to represent children and young people in the Youth Court. He represented many young, first-time offenders prosecuted following the 2011 riots in London.

## INQUESTS AND INQUIRIES

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Terry was regularly instructed to represent bereaved families at inquests. His particular focus was on deaths in custody and following police contact. He regularly advised on related civil claims arising out of inquests. He was a member of the INQUEST Lawyers' Group and contributed to *Inquest Law* magazine.

### NOTABLE CASES

**Inquest touching on the death of Adnan Rafiq**, a young prisoner murdered by fellow prisoners at HMP Hewell (March 2015).

The jury returned a conclusion of unlawful killing with a critical narrative highlighting the failure by prison staff to consider whether Adnan was at risk. The inquest was reported in [national](#) and [local](#) media.

**Inquest touching on the death of Colin Berry**, who died following a struggle with an officer during the execution of a drugs warrant at his home (June 2015).

The case was widely reported in the local and national media, including the [Daily Mail](#), the [Daily Mirror](#) and the [Independent](#).

**Inquest touching on the death of Wsam Noorwali** (December 2013), a 14-month-old infant who died following ingestion of a button battery.

In a narrative verdict the coroner criticised the hospital recording a number of missed opportunities to treat Wsam. The inquest was reported in the national media, including [the BBC](#), [The Telegraph](#), [Daily Mail](#) and [Daily Mirror](#).

## CLAIMS AGAINST THE POLICE AND PUBLIC AUTHORITIES

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Terry represented claimants in civil actions against public bodies, with a particular focus on claims brought against the police. He regularly advised on complaints of false imprisonment, assault, trespass to goods and property, malicious prosecution and misfeasance in public office, as well as on claims under the Human Rights Act 1998.

## BACKGROUND

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Before coming to the Bar, Terry worked as director of a youth mentoring charity in Belfast. In this role, he addressed a wide variety of audiences, from university students on campus to key policy makers at a major conference on Irish and UK government support for the voluntary sector. He brought his experience as a mentor to inner-city teens to his work in the Youth Court. Solicitors recognised his ability to quickly put vulnerable and young clients at ease and to gain their trust and confidence.

Terry studied law at Queen's University Belfast where he was awarded the Edgar Graham Memorial Scholarship for research in public law. He volunteered as an observer at the Northern Ireland Court of Appeal for the Committee for the Administration of Justice and as a researcher with the Children's Law Centre, studying best practice guides for the teaching of human rights in schools.

As a student on the Bar Vocational Course he was a finalist in the inaugural Times/ Herbert Smith advocacy competition and won the Middle Temple's Lechmere Prize for an essay on constitutional reform.

## PUBLICATIONS

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"'Excited Delirium', acute behavioural disturbance, death and diagnosis" (with Maurice Lipsedge), *Psychological Medicine*, 52, 1601–1611.

*The Confiscation Manual*, (with Kieran Vaughan QC, Tom Wainwright and James O'Hara) (2015), Sweet & Maxwell

'Insight' (Westlaw online legal encyclopaedia) entries on the fitness of a defendant to plead and on appeals by way of case stated

'A Necessary Evil?', *Counsel Magazine* (October 2013)

House of Commons Library briefings:

[Deportation of foreign national offenders](#) (August 2017)

[Brexit: what impact on those currently exercising free movement rights?](#) (July 2017)

[Immigration detention in the UK: an overview](#) (June 2017)

[Legal help: where to go and how to pay](#) (May 2016)

[Changes to criminal legal aid](#) (May 2016)

[Commons Library analysis: Policing and Crime Bill 2015-16](#) (March 2016)

[Police complaints reform in 2016](#), (March 2016)

[Pre-charge bail](#) (January 2016)

[Criminal Cases Review Commission](#) (January 2016)

## TRAINING AND SEMINARS

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Terry was a guest lecturer on the Geopolitics, Territory and Security Studies MA at King's College London from 2011 to 2013, lecturing on the history of the International Court of Justice and on the resolution of territorial disputes.

He addressed the Advanced Command and Staff Course at the Defence Academy of the United Kingdom in both 2014 and 2015, speaking on the law and practice of human rights.

Terry conducted seminars for Young Legal Aid Lawyers and at Garden Court Chambers for pupil barristers and trainee solicitors.

## EDUCATION

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**LLB (Queen's University, Belfast)**

**LLM (with distinction) (Durham)**

**PhD (University College London)**

## PROFESSIONAL MEMBERSHIP

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Fellow of the European Law Institute

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57-60 Lincoln's Inn Fields, London, WC2A 3LJ

Email: [info@gclaw.co.uk](mailto:info@gclaw.co.uk)

Tel: +44 (0)20 7993 7600

DX: 34 Chancery Lane