



Paul Powlesland

YEAR OF CALL: 2009



Paul is passionate about protecting and representing the natural world and all who seek to defend it. He specialises in upholding the rights of environmental activists to protest and protect the natural world, and uses environmental law and regulations to defend trees, rivers and wildlife.

Paul is also driven to achieve justice for those who need it most in all areas of his practice. He uses his cross-examination skills in the employment tribunal to uphold the rights of employees and trade unions. He is adept at using whatever legal mechanisms are available to keep tenants and mortgagees threatened with eviction in their homes.

After a decade spent at the civil bar, he is skilled at using his experience in contractual and commercial matters to fight tenaciously for justice on behalf of individuals or small businesses and organisations threatened by those with more wealth and power. As a boat dweller for many years, he is determined to protect the rights of boaters and other Traveller groups. Paul is public access qualified and therefore able to take instructions directly from members of the public who need assistance with the law most.

Paul is the founder of Lawyers for Nature and regularly gives talks and workshops on the rights of nature, the relationship between the law and the natural world and what

barristers and other lawyers should do in a time of climate and ecological emergency.

"Our work to protect healthy street trees was in serious difficulties, with the police arresting a large number of campaigners to enforce felling. Paul Powlesland stepped into the breach with great energy and focus, producing an opinion that stopped the arrests and allowed us to keep on campaigning. Over several years Paul's expertise and commitment to preserving nature has played a big part in our eventual success in changing a destructive policy."

REBECCA HAMMOND AND CHRIS RUST, FORMER CO-CHAIRS, SHEFFIELD TREE ACTION GROUPS

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PROTEST RIGHTS

As part of his work representing the natural world and all who seek to defend it, Paul is ardent about upholding the rights of environmental activists to protest. He has a particular specialism in representing environmental activists in injunction proceedings, where companies, public authorities or other organisations are often seeking to prevent peaceful protest against environmental destruction. Paul advised and represented the Sheffield tree protesters in numerous cases over a two year period that culminated in the protesters winning their fight against Sheffield City Council and thousands of street trees being saved. He has also represented numerous other protesters in injunction cases, including those opposing HS2, other local residents groups opposing tree felling and anti-fracking activists.

NOTABLE CASES

Past notable cases can be viewed below. [Click here to see a list of recent notable cases.](#)

***Hackney LBC v Powlesland* [2020] 6 WLUK 504**

In an unusual move, Paul was personally named in an injunction brought by the London Borough of Hackney and Berkeley Homes to prevent peaceful protest against the felling of the 'Happy Man Tree' in North London. Paul had visited the tree and given pro bono legal advice to local residents opposing the felling and this was used as a reason to include him as a named party within the injunction. Although this meant he could not represent the protesters, he used his position as a named Defendant to alter the wording of the injunction and reduce its scope for all of the Defendants involved. As well as giving him personal experience of how stressful it is for peaceful protesters to be named in injunctions, Paul also believes that being named as a party to the injunction as a result of assisting local campaigners shows the serious overreach of injunctions and their capacity to act as a chilling force on peaceful protest. This case has only made him more determined to fight against the use of injunctions to bully and muzzle peaceful environmental protesters.

***Ackroyd & Zieniuk v HS2 Ltd & High Court Enforcement Group Limited* [2020] (Unreported)**

Instructed on a direct access basis, Paul applied for an emergency injunction to stop an unlawful eviction of environmental protesters from their anti HS2 protest camp. HS2 did not deny that the eviction was in breach of section 6 of the Criminal Law Act 1977, arguing instead that this section did not give a civil right of action that could form the basis of an injunction.

***Secretary of State for Transport & HS2 Ltd (Unreported)* [2020]**

Paul represented Joe Rukin, founder of 'Stop HS2' at an injunction hearing in the High Court in Birmingham. The injunction was sought in relation to a protest camp stopping woodland being destroyed by HS2 at Cubbington. Although bound to grant some form of order, the Judge made a number of significantly critical comments about HS2, including that it was not self-evident that HS2 abided by the law. The judge also refused to grant the injunction against Mr Rukin personally, and awarded costs in his favour.

***Secretary of State for Transport & HS2 Limited v Persons Unknown & Others* [2019] EWHC 1437 (Ch)**

Paul represented anti-HS2 protesters in Hillingdon in injunction proceedings relating to a protest camp on a public footpath on land controlled by HS2. The case dealt with the details of the ways in which HS2 can legally close off public footpaths during the construction of the railway and demonstrates Paul's ability to use any legal mechanisms or arguments available to uphold his client's rights to protest and act in defence of nature.

Island Gas Limited & Others v Persons Unknown & Crane [2018] EWHC 3743 (Ch)

Paul was instructed on a direct access basis by an anti-fracking protester to challenge an injunction granted against persons unknown to prohibit various forms of protest at a fracking site. At a three day hearing at the High Court, Paul and his client were against a QC, his junior and three city solicitors. The scope of the wording of the injunction was reduced following the arguments that he made. Although his wider arguments about the legality of this type of injunction was not accepted by the Court, they were subsequently vindicated in the case of *Boyd & Anor v Ineos Upstream Ltd & Ors [2019] EWCA Civ 515*.

Sheffield City Council v Fairhall & Others [2018] EWHC 1793 (QB)

Paul appeared for a Sheffield tree protester in the Council's application to extend their existing injunction. The case itself followed two days of intense negotiation between barristers for the various parties over the terms of the injunction. In the end, I helped to get the scope of the injunction significantly reduced and the Judge noted that the Defendants were "eminently justified" in not consenting to the Council's original terms.

Sheffield City Council v Payne [2017] EWHC 2692 (QB)

Paul appeared for a Sheffield tree protester in a contempt hearing brought by the Council following allegations that the protester had breached an existing injunction limiting protest. Although two of the allegations were upheld, the Judge agreed that another two should be dismissed. Paul also represented the protester at the subsequent sentencing hearing, where he was given a suspended sentence. Paul acted in the case pro bono, but was subsequently paid in trees by the protester, some of which were planted by local people in Sheffield and some at a river restoration project in London.

COMMERCIAL AND BUSINESS ETHICS

Having practised at the civil bar for nearly a decade, Paul has extensive experience in contractual, commercial and property disputes. He enjoys fighting tenaciously on behalf of individuals and small businesses against aggressive claims from large companies and wealthy individuals. He accepts instructions in breach of contract claims, insolvency and bankruptcy matters, as well as property disputes related to adverse possession, easements and public rights of way. Paul has a background in personal injury law and accepts instructions from those injured in accidents at work. He also has experience in obtaining injunctive relief, particularly in time sensitive situations that require interim injunctive relief.

ENVIRONMENTAL LAW AND CLIMATE JUSTICE

Paul is the founder of Lawyers for Nature and continues to campaign and provide advice and guidance through them on issues relating to the protection of nature. Unlike many other environmental law barristers, Paul does not believe that environmental law is merely a game to be played in service of those with the most money, who are often intent on the destruction of the natural world. Instead he believes that environmental law should be used as a tool to protect the earth and stop the destruction of nature as far as possible.

Paul has advised many local groups of activists, protesters and residents on using environmental law and regulations to protect trees, rivers and wildlife. He has advised and acted in cases involving local authorities removing street trees, developers seeking to destroy trees and wildlife in building schemes, residents seeking to stop insurance companies demanding the removal of trees in adjacent woodlands, amongst many others.

EMPLOYMENT LAW

Paul has nearly a decade of experience in the employment tribunal. He has appeared in almost all types of employment cases and disputes, including unfair dismissal, discrimination, reasonable adjustments, constructive unfair dismissal, wage deduction, trade union recognition and other matters. He has acted for all types of Claimants and employees, both on a public access basis, through solicitors and instructed by some of the country's largest unions to act for their members. Paul believes that fighting for workers' rights does not end at the Tribunal door, and he is a member of the UVW Union, upholding the rights of all workers across the legal sector.

HOUSING LAW

Paul believes everyone should have the right to a safe and secure home. He acts tenaciously for tenants who are threatened with eviction, using all legal mechanisms available to delay or prevent evictions. Paul also accepts instructions in cases relating to sub-standard housing, as well as discrimination and other illegal practices by landlords.

As well as acting for tenants, Paul also acts for homeowners who are being threatened with eviction by their mortgage company. Often instructed on a public access basis with little advance notice, he regularly succeeds in getting warrants of possession suspended to allow people to deal with arrears or other issues relating to

their mortgage. Paul has found the days he has helped someone stay in their home to be some of the most satisfying at the bar.

ROMANI GYPSY AND TRAVELLER RIGHTS

Paul has lived on a boat for eight years, the majority of this time as a ‘continuous cruiser’. During this time, has dealt with many cases relating to boaters and the law of the waterways. This has included dealing with the Canal & Rivers Trust regarding licensing and ‘bona fide navigation’ issues and advising the National Bargee Travellers Association. He has also been instructed on contract, mooring and planning issues as they relate to boats and boaters.

Having lived a travelling lifestyle on the waterways for many years, Paul knows some of the joys and struggles involved with that way of life. He is keen to assist all Travellers in fighting for their rights and in dealing with the legal challenges thrown at them.

BACKGROUND

Paul undertook his pupillage at Temple Garden Chambers and spent his first years at the bar at Ely Place Chambers, undertaking a mixed civil practice, with a focus on employment law, contracts and housing.

After gaining a deep connection and love for the natural world he has, over the past four years, sought to use his legal skills to represent the natural world and all who seek to defend it. This began with him representing the Sheffield tree protesters in various court cases over a number of years. It subsequently led to him founding Lawyers for Nature and representing and advising many groups of activists seeking to protect trees, rivers and the earth. Paul regularly speaks on why, and how, nature should be given legal rights and how law and peaceful protest can be used to protect and defend the natural world.

PUBLICATIONS

[‘Wild Law’, Counsel Magazine, March 2020](#)

[In Conversation: ‘Trees & Rivers Should Have Legal Rights’; The Times; March 2020](#)

[‘How a love of nature can bring our divided country together’; Labour List; June 2019](#)

EDUCATION

Peterhouse, University of Cambridge; BA Hons (Law); First Class

PROFESSIONAL MEMBERSHIP

Lawyers for Nature

Haldane Society of Socialist Lawyers

United Voices of the World- Legal Sector Union

Lawyers for Extinction Rebellion

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