

RICHARD CLAYTON QC

Year of call: 1977
Year of silk: 2002

Clerked by: Gary Smith Mark Ronson Jake Brooke

AREAS OF EXPERTISE:
Administrative & Public Law Health & Social Care Local
Government



Administrative & Public Law

Profile

Richard Clayton undertakes a wide range of advisory and litigation work (both for and against public bodies) covering community care, data protection/Freedom of Information, discrimination/public sector equality duties, education, environmental, healthcare, human rights, licensing, local government (e.g. vires and powers, constitutional issues and governance, elections, finance), public procurement, Privy Council and international work and regulatory/disciplinary work. Richard has acted in many cases before the Supreme Court, House of Lords and Privy Council including *Kennedy v Charity Commission* (2014) (Freedom of Information, Art 10 and common law rights); *Panday v Virgil* (2008) (representing former Prime Minister of Trinidad in abuse of process complaint following successful bias appeal before Trinidad Court of Appeal); *Suratt v A-G of Trinidad* (2008) (anti-discrimination legislation constitutional, reversing Trinidad CA); *R(Huang) v SSHD* (2007) (important case on proportionality principles); *R (Greenfield) v SSHD* (2005) (Human Rights Act damages); *R (Smith) v Parole Board* (2005) (common law fairness- but not Articles 5 and 6 ECHR- requires oral hearing) *BACONGO v Department of Environment* (2003) (jurisdiction of PC to grant an interim injunction in pending appeal in environmental impact assessment case) and *A-G v Blake* (2001) (confiscation of royalties on breaches common law human rights but liable for account).

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Memberships

Constitutional and Administrative Law Bar Association (former Chairman); Association of Disciplinary and Regulatory Association (Committee); Planning and Environmental Bar Association

Appointments

Deputy High Court Judge; Benchler, Middle Temple; United Kingdom representative to Venice Commission (Council of Europe's advisory body on constitutional law) and has been re-elected to its Executive Committee His work includes acting a Rapporteur in nine Opinions concerning Armenia, Russia (twice) Azerbaijan (twice), Italy, Tajikistan, Slovakia and Turkey.

Publications

Clayton and Tomlinson 'The Law of Human Rights' (2nd ed, 2009) cited in over 45 Supreme Court, House of Lords and Privy Council decisions.

Recommendations

"An internationally respected advocate, Richard is easily one of the most brilliant minds in this area. He has an encyclopedic knowledge of the law and is easy to work with. He has a charming style of advocacy and is extremely witty and is an effective and skilled advocate." (Legal 500 2021)

"He is very intellectually able." (Chambers UK 2018)

"A formidable opponent who provides quality advice." (Legal 500 2020)

"He is very intellectually able." (Chambers UK 2018)

"Richard is a go-to silk for human rights issues, he is a pleasure to work with and has an instinctive grasp of what the courts will think." (Chambers UK 2018)

'Recommended for judicial review and local government cases.' His practice includes high-profile human rights cases.' (Legal 500 2018)

"He has a very broad understanding of public law." "He is very academic but also very sharp when it comes to tactics. He is very good at guiding you on what the judge is likely to be thinking." (Legal 500 2017)

'A highly regarded administrative and public law barrister.' (Legal 500 2017)

"He has a very broad understanding of public law." "He is very academic but also very sharp when it comes to tactics. He is very good at guiding you on what the judge is likely to be thinking." (Chambers UK 2017)

"He has an encyclopaedic knowledge of public law, especially human rights issues and he is the author of the leading textbook on the matter." "He is impressive, he is a go-to man for public law and human rights issues." (Chambers UK 2016)

"Extremely knowledgeable and a leading light" "Affable, a mature approach." "Calm, reliable and consistent." "Very wide knowledge of the law." Chambers Directory (2015).

"A well-respected public lawyer, very vigorous and forceful opponent." (2014).

"incredibly bright" "fantastic academic ability" (2014)

Praised for preparation and his ability to manage difficult situations (2013);

