

Matthew Howarth

Call to Bar: England & Wales 2016,
Northern Island 2020



DIRECTORIES

Matthew is wise beyond his years, he quickly gets to grips with the issues in a case, and he produces clear, concise, jargon-free written and oral advice which is appreciated by solicitors and clients alike. He has a very good manner with clients and his advocacy is articulate, pointed, and very effective both in his questioning and submissions.' **Tier 1 Business and Regulatory (inc H&S) – Legal 500, 2024**

'Matthew is an intelligent advocate who is good at getting to the core of a legal issue. A clear, concise, persuasive, and approachable barrister.' **Tier 1 Immigration – Legal 500, 2024**

Recommended in Legal 500, 2024 – **Tier 1 Crime (General and Fraud)**

BACKGROUND

Matthew Howarth is a specialist Public Law barrister with expertise in Immigration law, Human Rights, Regulatory Law and Proceeds of Crime Act litigation. He appears regularly in the High Court and has done since 2020, as such he is a Judicial Review and Statutory Appeal specialist. Acting for Government and Public Bodies he advises in damages claims and appears before the County Court. In 2024, Matthew appeared, and acted, in over 100 Judicial Review claims in the High Court and Upper Tribunals.

Matthew started practice in 2014 with the Banking and Finance litigation team for one of the World's largest law firms, Baker & McKenzie. He was tasked to review and investigate the litigation surrounding the LIBOR scandal and was Joint Director for Pro Bono overseeing the implementation of policies for the homeless during the EU Refugee Crisis.

Matthew has gained numerous prestigious appointments that make him stand out amongst his peers at the Bar. He has a strong practice on the Attorney General's Civil and Regulatory Panels, the SFO Panel and the CPS Panel (Serious Crime and POCA Panel). He is a leading Junior within his respective fields in the Legal 500.

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Practice areas:

Business Crime & Financial Regulation
Civil Law
Criminal Law
Health & Safety
Housing Law
Immigration & Asylum Law
Industrial Disease
Inquests
Judicial Review Law
Licensing
Local Government
Regulatory
Property Law
Professional Negligence
Environmental Law
Legal Professional Privilege

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Notably, Matthew has recently acted as junior counsel on the Independent Inquiry into Child Sexual Abuse, the COVID-19 Inquiry, a Judicial Review for the Victim's Rights Group 'Hacked Off' following the Phone Hacking Scandal and as counsel on the Prosecution of Glencore in the UK's highest value Bribery SFO Prosecution.

In 2020 Matthew was called to the Bar of Northern Ireland.

Notable Cases

Prison/Court Cases

Matthew acts extensively in Judicial Review and Public law claims for and against the Ministry of Justice. He advises on claims relating to refusal to transfer to open conditions and in relation to refusal to downgrade categories. He has extensive experience in false imprisonment claims against the Police, Courts, Parole Board, MOJ and SSHD.

- Dean Hallam, R (on the application of) v The Secretary of State for Justice [2024] EWHC 2873 (Admin) – Successful defence of a Judicial Review challenging the refusal to transfer a prisoner from closed to open conditions.
- AA v Parole board – defended claim for false imprisonment and allegation of unlawful assessment as to releasing claimant from Prison.
- R (Sierotko and another) v Crown Court at Manchester Crown Square [2023] EWHC 1187 (Admin) – Judicial Review challenging CTL time limits

Merton Age Assessments

Matthew has recently been instructed to represent a number of Local Authorities, both at interim relief stage and at substantive hearing, defending judicial review challenges to age assessments of asylum seekers.

- FW v Oldham Council – Interim relief challenge to alleged failure to carry out merton age assessment and provide support to an asylum seeker claiming to be under 18.
- H v Westmoreland Council – Permission and Interim Relief hearing challenging Merton Age assessment at Manchester High Court.
- M v Oldham Council – drafting advice and pleadings in Judicial Review challenge for failure to provide support to an under 18 asylum seeker.

Asylum Support, Equality Act, ECHR and PSED Duty

Matthew is regularly instructed to defend the SSHD against Judicial Review and interim relief claims made in the High Court for failing to provide asylum support. He has represented the SSHD in some of the leading cases in this field and is regularly instructed to advise on subsequent damages claims for breaching the Equality Act 2010 and ECHR, as well as Public Service Equality Duties claims.

- R(BLZ) v SSHD & Local Authority A & Ors EWHC [2024] – Matthew was led by Jack Holborn in this claim for judicial review for alleged failure to having in place a policy for the transfer of highly vulnerable individuals out of immigration detention into the community and or consideration under the Care Act 2010.

- *R(MM) v SSHD [2024] EWHC 1577 (Admin)* - judicial review and Interim Relief claim against SSHD involved alleged breaches of: Section 95 of the Immigration and Asylum Act 1999, Public Sector Equality Duty (PSED), Equality Act 2010 and a claim against a Local Authority for Care Act 2014 breaches.
- *R(DK) v SSHD [2023] EWHC 2757 (Admin)* – Prior to the case moving into R(BLZ) Matthew defended the initial challenge to SSHD's decision on asylum support and accommodation and against a number Local Authorities.
- *R(ZOS) v SSHD [2022] EWHC 3567 (Admin)* – Led by Tom Tabori, the Court reprimanded the SSHD for breaching obligations but extended time for compliance with order to provide accommodation.

Sponsorship Licences

Matthew has recently been instructed to advise UK Businesses compliance with the Duties as Sponsorship Licence Holders. He has also been instructed to give assistance on making application to the Home Office to acquire a sponsorship licence. Recently he has acted in a number of Judicial Review application challenging decisions to revoke sponsorship licences and to refuse Defined Certificate of Sponsorship applications.

- *One Trees Estates Limited v SSHD [2024] EWHC 1644 (Admin)* – leading judgement on determination of SSHD's entitlement to make a decision to revoke a sponsor licence. Determined whether or not commercial/global assessment is to be conducted by the SSHD and if a Tameside Duty applies. Application pending in the Court of Appeal
- *Hartford v SSHD [2024] EWHC 3308 (Admin)* -instructed to defend SSHD decision to refused 80+ DCoS applications and whether or not the refusal, on the basis of genuine vacancy, introduced a new requirement for leave that is not set out in the Immigration Rules or acted inconsistently with the Immigration Rules.
- *Efficiency for Care Ltd v SSHD CA-2024-000091* – instructed at permission stage to defend this claim for Judicial Review. Issues were that of genuine vacancy and acting as an employment agency. Case was dismissed and is now pending before the Court of Appeal.

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