

# Matthew Howarth

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



‘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.’ - 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.’ - Legal 500, 2024

## Public Law & Administration

As a specialist barrister for the Attorney General, Matthew is routinely instructed in claims for False Imprisonment relating to periods of Unlawful Detention by the Secretary of State. He is an expert in this area of law and regularly comments on, and provides training in relation to recent publications and case law updates. Matthew has conducted numerous false imprisonment cases involving claims made during COVID-19 under Article 3 & 5 ECHR, and in relation to failure to provide s.95 and s.4 Accommodation.

In addition to providing expert advice in unlawful detention/false imprisonment claims, both for judicial review and civil claims, Matthew has extensive experience in substantive claims for failure to provide asylum support. Matthew regularly deals with Judicial Review applications and interim relief hearings, and is often sought to advise on Quantum in the County Court and QBD. He has dealt with EEA cases under Dublin III and Non-EEA Hardial Singh claims and is often instructed to offer advice for Government Departments and grounds of appeal in this work.

Matthew has also conducted a wide range of multi-track and fast-track personal injury and public liability claims. He is routinely instructed in county court claims and to draft papers on behalf of Government and Claimants. He has also a great deal of experience with landlord and tenant disputes.

Matthew has significant experience in Disclosure and Barring Service (DBS) appeals under the Safeguarding Vulnerable Group Act 2006 in the Upper Tier Tribunals. He is often instructed on a Direct Access basis for work in this area. Matthew has represented both the DBS and Appellants from initial advice on paper, drafting submissions for court, conference and on appeal to the Upper Tier Tribunals.

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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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He offers an outstanding level of service in this area, often creating capacity to draft time sensitive documents and make submissions at short notice.

Matthew is often instructed on a wide range of professional negligence matters against and for doctors, dentists and solicitors. He is routinely instructed to draft advices, assist with letters before action and represent professional clients at court.

## Cases of Interest

**Powell v SSJ** – Matthew Howarth successfully represented the SSJ on defence of this claim for false imprisonment in relation to a 205 day recall to prison actioned by the Probation Services of an individual who had failed to keep in contact with his Offending Manager.

**One Trees Estates Ltd v SSJ** – Matthew Howarth successfully defended this application for Judicial Review in what is now one of the leading precedents in this area of litigation - where decisions have been made by the SSHD to revoke a sponsorship licence.

**HMP Strangeways** – This case involved a number of competing Public Interest and Human Rights arguments both for and against release following a self declared recall. Release was allowed following the hearing and submissions of counsel. The Prisoner was serving a life sentence for murder.

**HS2** – Matthew was instructed by Government to assist Police and staff members of HS2 on the legal position regarding trespass and criminal offences around train stations and trespass.

**CO2 v DBS** – Matthew advised and represented the DBS in an appeal to include his name in the adults barred list. This matter relating to professional competence due to the nature of the Appellants work. This case was regarding a professional health provider and the provision of their services.

**DH v DBS** – Matthew represented the DBS in an appeal. The importance of this case at final hearing was regarding error of law, irrational or disproportionate decision making and the legality of errors of law and fact. This individual was a professional working with vulnerable adults.

**SC v DBS** – an appeal relating to inclusion the barring lists for a professional . Matthew took the case on an initial advice regarding grounds of defence. He also assisted in the nature of evidence required at final hearing, advising the DBS on what elements needed further investigation in order to mount a defence. Subsequently, had the case continued after half time the defence was one of acting in good faith and not having an intention to deceive which in this case the Prosecution could not prove on the evidence. The Court returned not guilty verdicts..

**MCC v MI** – instructed to represent a Taxi Driver who had his licence revoked and lost his appeal in the Magistrates Court. This case involved prolonged argument on the Fit and Proper Person test, including argument on costs.

**SF v OCC** – successfully represented at trial a scrap metal dealer on an appeal against a Local Council regarding a revocation of his licence. This case contained considerable legal argument, as there is very little within the case law that defines the applicability of the Legislation. **HSE v R Housing** – de facto junior to Ms Roberts on a Section 2 and 3 Prosecution of a Housing Company where a death had occurred due to serious shortcomings by the Company. He drafted a skeleton argument for the Prosecution regarding a reverse burden of proof argument.

**Dr C v EL Solicitors** – Professional Negligence against a firm of solicitors who had failed to apply for an extension of a lease. Matthew was instructed to draft an advice on the law and assist with a Letter before Claim including a standstill agreement

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Dr K – Matthew was instructed to draft a Letter Before Action and legal argument on a case involving a Limitation Argument where the Claimant did not issue proceedings within the relevant period when there was a severe Mental Health illness.

DVSA v H – Represented a company and its directors at trial for an offence of intending to deceive a transport officer by transferring a Operators License. Succeeded on a submission of no case to answer after the close of the Prosecution case.

## Summary of Appointments

Matthew represents the Northern Circuit on the Bar Council Executive.

Matthew was elected as the first ever Northern Chair for the Middle Temple Young Bar Association.

2021 – Serious Fraud Office – Panel C appointment

Crown Prosecution Service – Level 3 General Crime Panel Appointment and Level 2 POCA Panel Appointment

2020 – Attorney General Specialist Panel of Civil Counsel – C Panel

Level 2 Serious Crime Prosecution Panel CPS

Call to the Bar of Northern Ireland Michaelmas Term 2020

2019 – Specialist Regulatory Panel C Prosecution Advocate (Environment Agency and Health & Safety Executive)

2018 - Junior of the Northern Circuit

LINCOLN  
HOUSE  
CHAMBERS