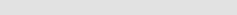




Landmark Chambers

Barrister CV

Siân McGibbon



Contact us

clerks@landmarkchambers.co.uk

+44 (0) 20 7430 1221



Siân McGibbon

Call: 2017

smcgibbon@landmarkchambers.co.uk

"Siân is very sharp. She is excellent at using public law principles to craft a winning strategy in difficult cases" (Legal 500, 2023).



Public and Administrative, Planning



Contact Practice Managers

Richard Bolton Charlotte Hockney

020 7421 1392

020 7421 1303

rbolton@landmarkchambers.co.uk chockney@landmarkchambers.co.uk

Practice Summary

Siân is a specialist public law barrister with a busy practice spanning all aspects of administrative, human rights, and local government law, as well as related areas of planning and environmental law.

Siân joined Landmark Chambers in 2023 and has continued to build a busy practice spanning all aspects of administrative, human rights, and local government law, as well as related areas of planning and environmental law. She has extensive experience of working as sole counsel and as part of a team, and has appeared in more than 20 reported cases including five before the Court of Appeal and seven before the Privy Council. She has been ranked as a 'rising star' in administrative and human rights law in Legal 500, 2023 and 2024. Directory testimonials recognise her as "an amazing junior" and particularly as "excellent at using public law principles to craft a winning strategy in difficult cases".

She is direct access qualified and welcomes instructions on this basis in appropriate cases across all her practice areas.

Before coming to the Bar, Siân studied law at Oxford University and worked for the Ministry of Justice as judicial assistant to Lord Justice Hamblen (as he then was) in the Court of Appeal, where she gained insight into the judicial perspective on the court's day to day work and proceedings. Beyond her practice, Siân maintains a strong academic interest in public law. She is assistant editor of the *Judicial Review* journal, and is currently completing a PhD at University College London, where her doctoral research complements her practice in public law. Her work is supervised by Professor Richard Rawlings and Dr Michael

Veale.

Reported Cases

- R (Webb) v. London Borough of Bromley [2023] EWHC 2091 (Admin) Siân acted for the London Borough of Bromley, initially as sole counsel (in successfully resisting permission on five of six grounds at the oral renewal hearing) and subsequently alongside Paul Brown KC in successfully defending the substantive claim.
- Peters v. Permanent Secretary [2023] UKPC 23 Siân was instructed as junior counsel in this Privy Council appeal against a decision to dismiss an application for judicial review of secondary legislation which restricted access to disability assistance to those with a 'permanent' disability.
- Zaman v. London Borough of Waltham Forest [2023] EWCA Civ 322 Siân acted for the successful appellant, initially as sole counsel (in the county court and in securing permission to appeal to the Court of Appeal), and later as junior counsel alongside Jamie Burton KC. The Court of Appeal ruled that the respondent authority had failed to evidence compliance with its policy when taking the decision to move the appellant and her family 170 miles from their previous home.
- Silochan v. Cedeno [2023] UKPC 5 Siân acted for the appellant before the Privy Council in this challenge concerning the interpretation and application of the Trinidad and Tobago Town and Country Planning Act.
- R (Campbell) v. Ealing London Borough Council [2023] EWHC 10 (Admin) Siân acted as sole counsel for the claimant in this judicial review of the defendant's breach of duty under Care Act 2014. Siân acted in the successful application to the Court of Appeal and remains instructed in the forthcoming appeal.
- Rowe v. London Borough of Haringey [2022] EWCA Civ 1370 Siân acted for the appellant initially as sole counsel (in the county court and in securing permission to appeal to the Court of Appeal) and subsequently as led counsel (in the substantive proceedings before the Court of Appeal).
- *R (ZOS) v. Secretary of State for the Home Department* [2022] EWHC 3567 (Admin) Siân was sole counsel for the successful claimant in this application for judicial review, and acted in the enforcement proceedings which followed the Secretary of State's breach of the mandatory order.
- <u>Jogie v. Sealy</u> [2022] UKPC 32 Siân was junior counsel for the successful appellant in this appeal to the Privy Council concerning the application of the doctrine of relation back and succession rights under Land Tenants (Security of Tenure) Act.
- **Solomon v. Solomon** [2022] UKPC 34 Siân was junior counsel for the appellant in this appeal to the Privy Council concerning the powers of the Registrar of the Trinidad and Tobago High Court.
- R (ZLL) v. Secretary of State for Levelling Up, Housing and Communities [2022] EWCA Civ 1059 Siân was instructed
 as junior counsel, led by Jamie Burton KC, in this appeal which raised questions of wider importance on the determination of
 academic appeals and relief in judicial review proceedings.
- Sharaky v. Clearspring Ready Homes [2022] EWHC 2019 (QB) Siân acted for the claimant, initially as sole counsel in the successful application for interim relief and subsequently as led counsel in the three-day High Court trial. She remains instructed in the subsequent ongoing application to the European Court of Human Rights, led by Toby Vanhegan.
- R (Cort) v. London Borough of Lambeth [2022] EWHC 1085 (Admin) Siân acted for the successful claimant in this successful application for judicial review of the defendant's refusal to provide the claimant with accommodation under the national 'Everyone In' initiative during the Covid-19 pandemic on the basis of failure to take into account relevant

considerations

- R (ZLL) v. Secretary of State for Housing, Communities, and Local Government [2022] EWHC 85 (Admin) Siân was instructed as junior counsel for the claimant, led by Jamie Burton KC, in this application for judicial review of the MHCLG's decision to withdraw the 'Everyone In' policy adopted in response to the Covid-19 pandemic and in the successful application to Fordham J for permission to appeal.
- R (BL) v. London Borough of Islington [2021] EWHC 3044 Siân acted for the London Borough of Islington in resisting
 the application for permission to seek judicial review and in resolving complex preliminary issues concerning the claimant's
 mental capacity.
- Association of Chartered Certified Accountants v. Awodola [2021] EWCA Civ 1635 Siân appeared unled for the successful respondent, opposite a leading silk, and secured a pro bono costs order of £25,000.00 for the Access to Justice Foundation.
- <u>Duncan & Jokhan v. Attorney General of Trinidad and Tobago</u> [2021] UKPC 17 Siân acted for the successful appellants in this constitutional appeal against the Attorney General of Trinidad and Tobago, led by Anand Beharrylal KC.
- <u>Betaudier v. Attorney General of Trinidad and Tobago</u> [2021] UKPC 7 Siân acted for the successful appellant in this
 appeal claim for damages for unlawful arrest and detention, led by Anand Beharrylal KC.
- *R* (Good Law Project) v. Secretary of State for Health and Social Care [2021] EWHC 346 Siân was junior counsel for the Secretary of State in this high profile Covid-19 procurement policy challenge, led by Philip Moser KC and instructed by the Government Legal Department. Also instructed in the consequential dispute over the appropriate form of relief ([2021] EWHC 505 (Admin)).
- *R (Awodola) v. Association of Chartered Accountants* [2020] EWHC 3059– Siân acted for the claimant in this successful application for judicial review, and in the subsequent successful application for litigant in person and *pro bono* costs orders ([2020] EWHC 3369).
- <u>Stanley v. Welwyn Hatfield Borough Council</u> [2020] EWCA Civ 1458 Siân acted for the appellant in this significant case clarifying the validity and legal status of review decisions notified out of time by the local authority.

Public and Administrative

Siân regularly appears in the Administrative Court as both sole and led counsel. She acts across a full spectrum of public law cases, from homelessness and social care, to education and healthcare, to commercial procurement cases. She has a particular specialism in cases raising issues under Human Rights Act 1998 and Equality Act 2010.

Siân is recognised for her ability to 'use public law principles to craft a winning strategy in difficult cases', and has been involved in a number of landmark decisions raising novel public law issues:

• R (Campbell) v. Ealing London Borough Council [2023] EWHC 10 (Admin) – Siân acted as sole counsel for the claimant in this judicial review of the defendant's breach of duty under Care Act 2014. Siân acted in the successful application to the

Court of Appeal and remains instructed in the forthcoming appeal, led by Galina Ward KC.

- *R (Cort) v. London Borough of Lambeth* [2022] EWHC 1085 (Admin) Siân acted for the successful claimant in this successful application for judicial review of the defendant's refusal to provide the claimant with accommodation under the national 'Everyone In' initiative during the Covid-19 pandemic on the basis of failure to take into account relevant considerations. She also acted as junior counsel, led by Jamie Burton KC, in the closely related challenge to failure by the Secretary of State for Housing, Communities, and Local Government to publicise its decision to end the 'Everyone In' policy ([2022] EWHC 85 (Admin) and [2022] EWCA Civ 1059).
- Association of Chartered Certified Accountants v. Awodola [2021] EWCA Civ 1635 Siân appeared unled respondent, opposite a leading silk, and secured a pro bono costs order of £25,000.00 for the Access to Justice Foundation. She had also acted in the successful application for judicial review before Foster J ([2020] EWHC 3059 and [2020] EWHC 3369).

She has a strong record in dealing with urgent, complex, and sensitive cases, and has been praised in judgments for her 'helpful and constructive' approach. Recent illustrations include:

- *R (Webb) v. Bromley* [2023] EWHC 2091 (Admin) Siân acted for the local authority in this expedited judicial review of a decision to grant planning permission for the construction of a new cancer treatment unit at the Princess Royal University Hospital, challenged on the grounds of apparent bias.
- *R (ZOS) v. Secretary of State for the Home Department* [2022] EWHC 3567 (Admin) Siân was instructed for the claimant in this successful application for judicial review of the defendant's breach of statutory duties. She represented the claimant in successfully resisting the defendant's application for relief from sanction following breach of the mandatory order secured in the underlying proceedings.
- *R (BL) v. Islington* [2021] EWHC 3044 (Admin) Siân was instructed as sole counsel for the local authority in this judicial review which involved numerous ancillary issues regarding the claimant's litigation capacity.

Urgent Applications and Interim Relief

Siân has been recognised for her ability to act in applications for interim relief in the administrative court, including in out of hours applications. Recent cases include:

- R (OLO, AMA, and OCO) v. Redbridge (CO/488/2022) Siân acted for the claimants in this claim for breach of section 17
 Children Act 1989, which secured an increase of almost 100% in support provided to the family.
- *R (NA) v. Hammersmith & Fulham* (CO/2202/2021) Siân acted in this application for urgent interim relief on the basis that there was 'reason to believe' the applicant may be in priority need pursuant to the (then newly implemented) s.78 Domestic Abuse Act 2021. The client secured interim accommodation and an order that the authority pay her costs.
- *R (PG) v. Hammersmith & Fulham* (CO/4204/2021, HHJ Lickley QC, 17 December 2021), in which she was successful in obtaining interim relief both on the papers and at an oral hearing, in the context of the spread of the OMICRON variant of Covid-19 on the grounds that the local authority had failed to take into account a material relevant consideration.

Human Rights and Civil Liberties

As a pupil Siân worked on a number of the leading cases on the application of the public sector equality duty under s. 149 Equality Act 2010 (*Forward v Aldwyck Housing Group Ltd* [2019] EWHC 24 (QB), *London and Quadrant v Patrick* [2019] EWHC Civ 1263 (QB), and *Powell v Dacorum* [2019] EWCA Civ 29). She was also involved in judicial review challenges under the Equality Act 2010 including the high profile challenge to the 'Right to Rent' policy (*R (Goloshvili) v Secretary of State for the Home Department* [2019] EWHC 1263).

She is presently instructed in a number of human rights matters, including:

- Sharaky v Clearspring Ready Homes [2022] EWHC 2019 (QB) Siân acted for the claimant (initially as sole counsel in the successful application for interim relief, later as led counsel in the recent three-day High Court trial). Siân continues to act in the ongoing related application to the European Court of Human Rights.
- Sheta v Redbridge (HHJ Parfitt, 31 March 2022) Siân represented the appellant in successfully challenging the local authority's failure to comply with s. 149 Equality Act 2010.
- R (Campbell) v Ealing (CO/1931/2022) Siân acted for the claimant in the successful applications for permission and interim relief, and is instructed in the substantive proceedings listed for December 2022.
 The case raises a serious allegation of victimisation contrary to section 27 Equality Act 2010.

She also has a growing Caribbean practice in this area:

- Betaudier v Attorney General of Trinidad and Tobago [2021] UKPC 7 Siân was instructed as junior counsel for the successful appellant in a claim against the state for wrongful arrest and unlawful detention.
- Duncan & Jokhan v Attorney General of Trinidad and Tobago [2021] UKPC 17 Siân was instructed as junior counsel
 for the successful appellant in a claim for damages for breach of the constitutional right to liberty and security of the person.
- *Ministry of Social Development and Family Services v P* (JCPC 2021/0021) Siân is instructed as junior counsel for the appellant in this upcoming constitutional appeal concerning the lawfulness of a policy in Trinidad and Tobago which restricts disability benefits to those with a 'permanent' condition.

Local Government including Local Government Finance

Siân regularly acts both for and against local authorities in a range of matters, often in complex matters in which multiple statutory duties (including under Care Act 2014, Children Act 1989, and Housing Act 1996, amongst others) are engaged. She has spent time seconded in house at a major local authority so has insight into the practical pressures and issues which face local government and the solicitors who act for them.

Siân has been involved in a number of significant cases concerning local authority powers and duties:

- Zaman v. Waltham Forest [2023] EWCA Civ 322 Siân was instructed as sole counsel for the appellant in the first appeal and in the successful application for permission to appeal to the Court of Appeal. She was led by Jamie Burton KC in the successful substantive appeal to the Court of Appeal. The case raised issues of wider importance regarding the adoption of 'zoning' policies by local authorities when moving families outside of their local area.
- Rowe v. London Borough of Haringey [2022] EWCA Civ 1370 Siân acted as sole counsel for the appellant in the first appeal, and in the successful application for permission to appeal to the Court of Appeal. She remained instructed as junior

counsel alongside Toby Vanhegan and Justin Bates in the substantive proceedings before the Court of Appeal and application for permission to appeal to the Supreme Court. The case raises issues of wider significance as to the standards of overcrowding to be applied to houses in multiple occupation.

• Stanley v. Welwyn Hatfield [2020] EWCA Civ 1458 – Siân appeared as led counsel for the appellant in this significant case. The Court of Appeal clarified the status of statutory review decisions notified out of time by the local authority, and the proper route for bringing a statutory appeal against such a decision.

Education

Siân has experience across the full spectrum of education law, and regularly acts for parents and students, as well as a number of different local authorities and education providers. She has a particular interest in cases at the intersection of education law and administrative law, and is regularly instructed in claims for judicial review in this area involving the Office of the Independent Adjudicator for Higher Education and the Department for Education.

NHS, Health and Community Care

Siân accepts instructions across all aspects of health and social care law. She has previously acted for the British Medical Association, the Department for Health and Social Care, and regularly represents claimants in challenging decisions made by public bodies in this area. She is a contributor to the forthcoming edition of 'NHS Law and Practice' published by the Legal Action Group.

Procurement & Commercial Public Law

Siân has a growing practice in commercial judicial review, and accepts instructions from both public bodies and private parties. Recent work highlights include:

- Advising a small business in relation to procurement issues arising from funding obtained through a local authority from the Department for Levelling-Up, Housing and Communities.
- R (on the application of Good Law Project) v. Secretary of State for the Home Department [2021] EWHC 346 Siân was instructed as junior counsel for the Secretary of State, led by Philip Moser KC, in this landmark Covid-19 procurement policy judicial review.
- Akinola v. Bexley (HHJ Saggerson, 6 May 2021) Siân successfully defended a challenge to a Service Level Agreement
 entered by a local authority brought on the basis that the pricing structure gave rise to 'apparent bias'.

Siân is a member of the Lexis PSL expert panel on procurement law and her analysis of the latest cases in this area are regularly published in their commercial and public law highlights. Her recent work has included coverage of the high profile Covid-19 procurement challenges.

Statutory Appeals

Siân has extensive experience of acting in statutory appeals across a range of areas. Her recent work includes:

- Hynek v. Islington (HHJ Backhouse, 12 July 2022) Siân appeared for the successful appellant in this statutory appeal
 which raised novel arguments as to the rights of EU citizens with pre-settled status who claim to have 'retained worker status'
 following the end of the transition period.
- OH v. Lambeth (Stephen Midwinter KC, 26 November 2021) Siân acted for the successful appellant in this statutory appeal pursuant to s. 204 Housing Act 1996. The case raised a novel point of law as to the relevant point in time to be considered by a local authority when determining whether an applicant has a resident dependent child for the purposes of assessing priority need.
- RO v. Bexley (HHJ Venn, 9 July 2021) Siân acted for the successful respondent in a rare application pursuant to CPR
 52.18. The appeal was struck out and the authority was awarded its costs of the proceedings.

Caribbean Law

Siân also has extensive experience of appearing before the Privy Council in constitutional and public law cases from Caribbean jurisdictions. Recent work in this area includes:

- Peters v. Permanent Secretary [2023] UKPC 23 Siân was instructed as junior counsel in this Privy Council appeal
 against a decision to dismiss an application for judicial review of secondary legislation which restricted access to disability
 assistance to those with a 'permanent' disability.
- Duncan & Jokhan v. Attorney General of Trinidad and Tobago [2021] UKPC 17 Siân acted for the successful
 appellants in this constitutional appeal against the Attorney General of Trinidad and Tobago, led by Anand Beharrylal KC.
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 appeal claim for damages for unlawful arrest and detention, led by Anand Beharrylal KC.

Planning

Siân has a varied practice spanning all areas of planning, infrastructure, and environmental law. She has experience of acting for planning authorities, land owners, developers, and individuals from advisory stages through to final hearings and appeals. She has a particular interest and specialism in cases which raise issues at the intersection of planning, public, and environmental law.

Recent reported cases and court highlights include:

- R (Webb) v. Bromley London Borough Council [2023] EWHC 2091 Siân acted for the local authority in successfully
 defending this application for judicial review, as sole counsel at the permission stage and subsequently led by Richard
 Drabble KC and Paul Brown KC at the substantive hearing of this judicial review. The case raises issues of wider importance
 regarding declaration of interests by voting members of local authority planning committees.
- Thurrock London Borough Council v. Persons Unknown (QB-2019-02738, awaiting final judgment): Siân was instructed as junior counsel for the local authority (led by Tim Straker KC) in this application for injunctive relief pursuant to section 187B Town and Country Planning Act 1990. The case will return for final determination following judgment by the Supreme Court in Wolverhampton City Council v. London Gypsies and Travellers (2022/0046).

• Silochan v. Cedeno (Town and Country Planning Division) [2023] UKPC 5: Siân appeared before the Privy Council as junior counsel for the successful appellants in this significant appeal which raised questions of general importance regarding the proper approach to construction, prosecution, and sentencing of planning offences.

Recent advisory work includes:

- Advising a developer in relation to the sequencing of works and implications of the judgment of the Supreme Court in Hillside
 Parks Ltd v. Snowdonia National Park Authority [2022] UKSC 30 for proposals involving overlapping planning permissions.
- Advising a local campaign group in relation to grounds for judicial review of a decision by the Environment Agency to grant an
 environmental permit for a major incineration operation.
- Advising a local authority in relation to an appeal against a decision to issue a certificate of lawful commencement of development at a site in north London which attracted significant local controversy.

Siân is on the Lexis Expert Panel for planning and environmental law. She is a member of both the Planning and Environmental Bar Association (PEBA) and UK Environmental Law Association (UKELA).

Environmental & Planning Law

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The Court of Appeal clarified the status of statutory review decisions notified out of time by the local authority, and the proper

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- Zaman v Waltham Forest (HHJ Gerald, 21 July 2022) Siân was instructed as sole counsel for the appellant in the first appeal and in the successful application for permission to appeal to the Court of Appeal. The case raises issues of wider importance regarding the adoption of 'zoning' policies by local authorities when moving families outside of their local area.

Recommendations

"An amazing junior; she is clearly destined for greatness."

Administrative Law and Human Rights, Legal 500, 2024

"Sian is very sharp. She is excellent at using public law principles to craft a winning strategy in difficult cases."

Administrative Law and Human Rights, Legal 500, 2023

"Siân holds a thorough and skilled knowledge of the law combined with an empathetic and insightful approach to the needs of the client..."

Instructing solicitor, research for Legal 500, 2023

"...a remarkable advocate...quietly confident and one to watch"

Instructing solicitor, research for Legal 500, 2023

Publications

'Machina Judicata: Automation, Al and Justice – Views from the Court' (University College London, 18 January 2024)

'High Court Planning Challenges - Climate Change Legal Challenges Update' (Landmark Chambers, 20 November 2023)

'Apparent Bias and Planning Committee Decisions: R (Webb) v. London Borough of Bromley (Lexis PSL, 22 August 2023)
'Adjudicators erred in allowing appeals against road user charging scheme penalty charges: <i>R (Halton Borough Council) v. Road User Charging Adjudicators</i> (Lexis PSL, 17 March 2023)
'Planning decision quashed for irrelevant considerations in assessment of level of harm to heritage asset: <i>Newcastle v.</i> Secretary of State for Levelling Up, Housing and Communities' (Lexis PSL, 17 November 2022)
'Litigation Capacity and Procedural Fairness outside the CPR' (Presentation to HLPA Conference, 17 November 2022)
'Practice Note: Procedural Impropriety as a Ground for Judicial Review' (Lexis PSL, October 2022)
'Practice Note: Reasonableness as a Ground for Judicial Review' (Lexis PSL, October 2022)
'eflash: Rowe v. London Borough of Haringey' (25 October 2022, 4-5 Gray's Inn Square E-flash update)
'Local authority refusal to accommodate NRPF applicant during COVID-19 pandemic unlawful for failure to have regard to central government 'Everyone In' policy: <i>R (Cort) v. London Borough of Lambeth</i> ' (Lexis PSL, 20 May 2022)
'eflash: R (Cort) v. London Borough of Camden' (17 May 2022, 4-5 Gray's Inn Square E-flash update)
'High Court clarifies scope of Aarhus Convention costs protection: <i>R (Lewis) v. Welsh Ministers</i> ' (Lexis PSL, 16 March 2022)
'Everyone In' pandemic response not 'prescriptive policy guidance': <i>R (ZLL) v. Secretary of State for Housing,</i> Communities and Local Government' (Lexis PSL, 16 February 2022)
'eflash: R (ZLL) v. Minister for Housing, Communities, and Local Government' (25 January 2022, 4-5 Gray's Inn Square E-flash update)

'PPE procurement 'VIP lane' breached obligation of equal treatment under PCR 2015: R (Good Law Project and Every Doctor) v. Secretary of State for Health and Social Care' (Lexis PSL, 20 January 2022)
'Everyone In Again?' ' (SHLA Update, 9 December 2021)
'Procurement challenge with no real prospect of success struck out: Adferiad Recovery Ltd v. Aneurin Bevan University Health Board' (Lexis PSL, 2 December 2021)
'Clarification of the proper approach to social housing relief from the Community Infrastructure Levy: Stonewater v. Wealden District Council (Lexis PSL, 1 November 2021)
'Disclosure in COVID-19 procurement challenges: Good Law Project Ltd and Everydoctor Ltd v Secretary of State for Health and Social Care' (Lexis PSL, 28 July 2021)
'Stay granted in 'Hanbury' procurement judicial review pending decision of the Court of Appeal in 'Public First' proceedings: Good Law Project Ltd v. Secretary of State for Health and Social Care' (Lexis PSL, 20 July 2021)
'Consideration of serious risk in planning applications: Valero Logistic UK Ltd and another v. Plymouth City Council' (Lexis PSL, 8 July 2021)
'Direct award of government contract to 'Public First' unlawful: <i>R (Good Law Project) v. Minister for the Cabinet Office</i> (Defendant) Public First (Interested Party)' (Lexis PSL, 14 June 2021)
'Permission granted in judicial review challenge to antibody test procurement: Good Law Project v. Secretary of State for Health and Social Care (Defendant) and Abingdon Health (Interested Party)' (Lexis PSL, 10 June 2021)
'Incapacious respondents to closure order proceedings: <i>Ealing LBC v. M</i> ' (co-authored with Joshua Hitchens, Local Government Lawyer, 2 February 2021)
'Local Authority Powers Coronavirus Update: Part 2A Public Health Orders' ((co-authored with Jonathan Manning), 21 July 2020)

'Homelessness Law & Practice: Covid-19 Update' (presented to the Law Friends Society, 6 May 2020)
'Local Authority enforcement powers: Coronavirus Q&A' (co-authored with Jonathan Manning, 27 April 2020)
'Covid-19 Court & Professional Guidance' (co-authored with the junior barristers of 4-5 Gray's Inn Square, first published 24 April 2020)
'Question-Testing for Testing Questions: The Role of the Electoral Commission in Ensuring 'Intelligibility' of Referendum Questions' ((co-authored with Ian Peacock), Association of Electoral Administrators Magazine, January 2020)
'The evolution of procedural exclusivity: time to strike out the rule in <i>O'Reilly v Mackman</i> ?' (Winner of the Michael Beloff Essay Prize for Public Law; Gray's Inn Student Law Journal Volume VII, August 2017)