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Christian J Howells

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Practice Overview

Christian J Howells is a public and constitutional law specialist. He has been appointed to the Welsh Government's Counsel Panel A and the Attorney General's Regional Counsel Panel A. He is consistently recognised in both the Legal 500 and Chambers and Partners as a leading junior in administrative law, inquests and inquiries. He has extensive experience in the higher courts, including the Administrative Court, Court of Appeal and Supreme Court. He is instructed on behalf of individuals, governments and local authorities. His current and recent cases include:

Supreme Court

REFERENCE by the Attorney General and the Advocate General for Scotland – United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill [2021] UKSC 42 – Led by Helen Mountfield QC, instructed by the Counsel General for Wales in a devolution reference concerning the way in which the legislation passed by the Scottish Parliament sought to implement the UNCRC so as to render it outside of legislative competence.

IT (Jamaica) v Secretary of State for the Home Department [2018] UKSC 53, [2018] 1 WLR 5273 - Led by Richard Drabble QC, instructed by the appellant in an appeal concerning the codification of article 8 ECHR considerations in deportation cases in s117C of the Nationality, Immigration and Asylum Act 2002. This appeal also concerned article 3 UNCRC.

Court of Appeal

R (Counsel General for Wales) v Secretary of State for Business [2022] EWCA Civ 118 (Master of the Rolls) - led by Helen Mountfield QC, instructed by the Counsel General for Wales in a judicial review of the UK Internal Market Act 2020 which seeks declarations that UKIMA cannot curtail the legislative competence of the Senedd by implication or secondary legislation. Appeal to Supreme Court pending.

R (CN) v Secretary of State for Health and Social Care [2022] EWCA Civ 86 (Master of the Rolls) – Instructed by a claimant infected with Hepatitis B in the 1980s who seeks to challenge the discriminatory (art 14 ECHR) failure to include persons infected with Hepatitis B in the infected blood support schemes, established to make financial payments to persons infected with Hepatitis C and HIV through NHS blood and blood products in the 1970s, 1980s and 1990s.

R (Atlantic Recycling Ltd) v Welsh Ministers – Instructed by the Welsh Ministers, he successfully resisted a claim for judicial review and an application for permission to an appeal in relation to a statutory appeal against enforcement action under the environmental permitting regime.

Administrative Court

R (Patton) v HM Assistant Coroner for Pembrokeshire and Carmarthenshire [2022] EWHC 1377 (Admin) –



Instructed by the Claimant in a successful challenge to the Coroner's decision at a pre-inquest review that article 2 ECHR was not engaged. The Court held that the Coroner erred in his approach when considering whether the local authority was under a duty to provide suitable accommodation to a 16 year old child pursuant to section 76 of the Social Services and Well-being (Wales) Act 2014.

R (Ellis) v Welsh Ministers – Instructed by the claimant in a claim against the changes to the Wales Infected Blood Support Scheme, designed to contribute towards parity of support across the UK, on the basis that the failure to include means-tested payments for child dependants of those infected with HCV and/or HIV by the NHS through blood and blood products was in breach of section 1 of the Children and Young Persons (Wales) Measure 2011.

R (Lewis) v Welsh Ministers [2022] EWHC 450 (Admin) – Instructed by the claimant in a claim against the Welsh Ministers' decision to fund the redevelopment of the Velindre Cancer Centre on the site known as the Northern Meadows. Successfully applied for an Aarhus cost capping order on behalf of an individual claimant who was part of a campaign group in circumstances where the claim was crowd funded. Appeal to Court of Appeal pending.

Inquests and Inquiries

UK Covid 19 Public Inquiry – Instructed by Welsh Government in the inquiry into the response of governments in the UK to the pandemic, including health and social care.

Infected Blood Inquiry – Led by Lloyd Williams QC, instructed by hundreds of infected and affected individuals in an inquiry into the infection of thousands of individuals with Hepatitis B and C, HIV and vCJD by the NHS through blood and blood products in the 1970s, 1980s and 1990s.

Inquest into the death of Emiliano Sala – Led by Cathryn McGahey QC, instructed by Cardiff City Football Club in the inquest into the death of footballer Emiliano Sala who died when the plane in which he was travelling crashed into the English Channel.

Gleision Mining Disaster – Led by Lloyd Williams QC, instructed on behalf of the bereaved families to make an application to resume the inquest following the failed criminal prosecution of the mine owner and manager.

Notable and Reported cases

Administrative Law

His administrative law practice includes the constitution, discrimination, the environment, local government, health, social care, education, immigration and planning. He is at the forefront of devolution issues. He is instructed by governments to advise on achievement of environmental and climate change policy and has represented the Counsel General for Wales in some of the most significant recent constitutional law cases. He is instructed by local authorities to advise on the development of policy in social care. He has an extensive claimant practice in the areas of local government, education (school closures and vulnerable child education), health and discrimination. He was at the forefront of the litigation concerning the settlement of Gurkhas' families. He is instructed in a number of claims arising out of the support schemes established to make payments to persons infected and affected by infection with Hepatitis B and C, HIV and vCJD by the NHS through blood and blood products.

Notable & Reported Cases

- REFERENCE by the Attorney General and the Advocate General for Scotland – United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill [2021] UKSC 42 – Led by Helen Mountfield QC, instructed by the Counsel General for Wales in a devolution reference concerning the way in which the legislation passed by the Scottish Parliament sought to implement the UNCRC so as to render it outside of legislative competence.



- R (CN) v Secretary of State for Health and Social Care (permission to appeal against a refusal of permission by Stacey J granted) – Instructed by a claimant infected with Hepatitis B in the 1980s who seeks to challenge the discriminatory (art 14 ECHR) failure to include persons infected with Hepatitis B in the infected blood support schemes, established to make financial payments to persons infected with Hepatitis C and HIV through NHS blood and blood products in the 1970s, 1980s and 1990s.
- R (Atlantic Recycling Ltd) v Welsh Ministers – Instructed by the Welsh Ministers, he successfully resisted a claim for judicial review and an application for permission to an appeal in relation to a statutory appeal against enforcement action under the environmental permitting regime.
- R (Ellis) v Welsh Ministers – Instructed by the claimant in a claim against the changes to the Wales Infected Blood Support Scheme, designed to contribute towards parity of support across the UK, on the basis that the failure to include means-tested payments for child dependants of those infected with HCV and/or HIV by the NHS through blood and blood products was irrational and/or discriminatory (article 14 ECHR).
- R (Lewis) v Welsh Ministers – Instructed by the claimant in a claim against the Welsh Ministers' decision to fund the redevelopment of the Velindre Cancer Centre on the site known as the Northern Meadows.
- R (Counsel General for Wales) v Secretary of State for Business - led by Helen Mountfield QC, he acts on behalf of the Counsel General in a judicial review of the UK Internal Market Act 2020 which seeks declarations that UKIMA cannot curtail the legislative competence of the Senedd by implication or secondary legislation. This is a most significant constitutional case affecting Wales.
- R (HE) v Lord Chancellor [2020] EWHC 1411 (Admin) (permission) – He was instructed on behalf of the claimant in a challenge to the Civil Legal Aid (Financial Resources) Regulations 2013 on the basis that although they disregarded support payments made to victims of the Grenfell Tower fire and Windrush scandal in the capital means test, they did not disregard support payments made to victims of the infected blood disaster; such treatment was discriminatory within the meaning of article 14 ECHR read with article 8 ECHR and A1P1. Following a successful settlement, the Lord Chancellor introduced amendment regulations to create a disregard.
- R (Williams) v Caerphilly County Council [2020] EWCA Civ 296 - Led by Philip Havers QC he acted on behalf of the appellant in an appeal regarding; (i) whether the local authority had to comply with the Welsh improvement duty contained in the Local Government (Wales) Measure 2009; and (ii) whether the cabinet could adopt a leisure strategy which was not foreshadowed in a budget.
- R (DJ) v Welsh Ministers [2019] EWCA Civ 1349, [2020] PTSR 466 - Led by Ruth Henke QC he acted on behalf of the appellant in a challenge to the Welsh Ministers' policy for the funding of education for young adults with learning difficulties at specialist residential colleges. It was argued that the policy amounted to an unlawful fetter on the discretion to fund such provision under s32 of the Learning and Skills Act 2000.
- R (DJ) v Welsh Ministers [2018] EWHC 2735 (Admin) – JR challenging the lawfulness of the policy on funding further education for young people with learning difficulties arguing unlawful fetter;
- R (WX) v Northamptonshire County Council [2018] EWHC 2178 (Admin) – successful challenge to closure of 21 libraries arguing a failure to consider results of consultation, irrationality, library duty, PSED;
- Contaminated blood scandal - Advised and drafted a letter before claim on behalf of victims and their families against the UK Government's refusal to hold a public inquiry into the contaminated blood scandal arguing article 2 ECHR;
- R (PL) v Cardiff City Council - Successful claim against the Council's refusal to make direct payments under the Social Services and Well-being (Wales) Act 2014 on the basis that the Claimant could not manage the payments;
- R (KW) v HM Deputy Coroner for Pembrokeshire – JR against refusal to hold an article 2 ECHR compliant inquest;
- R (Tilley) v Vale of Glamorgan Council [2016] EWHC 2272 (Admin) – JR against a decision to implement community libraries arguing irrationality, PSED, comprehensive and efficient library service duty, best interests of child;



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- R (Tilley) v Vale of Glamorgan Council [2015] EWHC 3194 (Admin) – JR against a challenge to a decision to implement community-led libraries arguing unfair consultation, PSED and library duty.

Inquests and Inquiries

Christian is instructed on behalf of over 300 victims from Wales and Northern Ireland in the Infected Blood Inquiry which will look into the circumstances surrounding the contaminated blood scandal of the 1970s and 1980s and the allegation of a cover-up.

He is also instructed by the mother of a 13 year old boy who died in school grounds. It is argued that social services failed to make a referral to Specialist Child and Adolescent Mental Health Services and that there was a systemic failure of information sharing between the two agencies.

He was also instructed on behalf of the family of a man who died as result of a counter-intuitive metro system on the Swansea Kingsway.

He is instructed on behalf of families, the NHS, the MOD and the MOJ.

Reported Cases

- Inquest into the death of Emiliano Sala – Led by Lloyd Williams QC, he is instructed on behalf of Cardiff City Football Club in the inquest into the death of footballer Emiliano Sala. Mr Sala died when the plane in which he was travelling crash into the English Channel. The Air Accidents Investigation Branch published its investigation report on 13 March 2020 which found, amongst other things, that the pilot was not licensed to fly the plane. It concluded that Mr Sala was unconscious through carbon monoxide poisoning by the time of the crash, but that immediately before hitting the water the pilot was conscious and using the plane's controls. The inquest has been listed during March 2021
- Inquest into the death of Luke Jones - he acted upon behalf of HMP Berwyn concerning the super prison's first spice related death.
- Inquest into the death of Lewys Crawford - he acted on behalf of Cardiff & Vale University Local Health Board in the inquest into the death of three month old child from sepsis.
- Inquest into the death of Annette Hewings - he acted on behalf of the family in an inquest into the death of a woman who was detained in hospital under the Mental Health Act and forced to go through opiate withdrawal and who died of a cardiac arrhythmia.

Immigration

Christian has been involved in a number of important appeals relating to article 8 ECHR, best interests of the child and was at the forefront of the Gurkha children settlement litigation.

He is also regularly instructed on behalf of the Government in unlawful detention claims and immigration judicial reviews.

Reported Cases

- IT (Jamaica) v Secretary of State for the Home Department [2018] UKSC 53, [2018] 1 WLR 5273 - He appeared in the Supreme Court and overturned the Court of Appeal's reasoning relating to the best interests of the child and deportation under s117C(5) of the Nationality, Immigration and Asylum Act 2002;
- Gurung v SSHD [2016] EWCA Civ 358 – argued it was unfair for the Tribunal to assess an article 8 ECHR claim by reference to the facts as at the date of a second decision to refuse entry clearance, in circumstances where the first decision was set aside as unlawful and the delay in the interim had served to weaken the article 8 claim;



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- R (Gurung) v SSHD [2013] 1 WLR 2546 – successfully argued that the historic injustice caused to Gurkha veterans was an important factor in the article 8 ECHR proportionality balancing exercise;
 - KR (Nepal) v SSHD – successfully argued that it was procedurally unfair for the UT to change a decision in the written determination after it announced the appeal would be allowed at the end of the hearing;
 - UG (Nepal) v SSHD [2012] EWCA Civ 48 - argued that the policy for settlement of the adult children of Gurkha veterans created a presumption that leave would be granted;
 - AR (Nepal) v SSHD [2011] EWCA Civ 1439 – successfully argued that the appellant could rely upon post-decision evidence that he now satisfied the 10 year long residence rule.

Community Care

Christian is regularly instructed on behalf of claimants, local authorities and NHS LHBs. He has advised on the legality of local authorities' charging policies and funding disputes between NHS LHBs and Trusts in relation to continuing healthcare. He is instructed in challenges to care plans and has a particular expertise in relation to young adults with a diagnosis of ASD.

- *R (DJ) v Welsh Ministers* [2019] EWCA Civ 1349, [2020] PTSR 466 - Led by Ruth Henke QC he acted on behalf of the appellant in a challenge to the Welsh Ministers' policy for the funding of education for young adults with learning difficulties at specialist residential colleges. It was argued that the policy amounted to an unlawful fetter on the discretion to fund such provision under s32 of the Learning and Skills Act 2000.

Local Government and Planning

Christian has a particular expertise in relation to local government strategic and funding decisions relating to public services, such as libraries and leisure centres. He is instructed by the Welsh Government and local authorities in relation to statutory appeals, reviews and judicial reviews of planning and environmental enforcement.

Appointments

- Attorney General's regional civil panel A
- Welsh Government Panel of Approved Junior Counsel A

Memberships

- Association of Regulatory and Disciplinary Lawyers
- Administrative Law Bar Association
- Immigration Law Practitioners' Association (Corporate)
- The Wales Public Law and Human Rights Association (corporate)

Recommendations

- Christian Howells is a panel member for both the UK and Welsh governments, providing a busy practice acting for and advising government departments, local authorities and health boards in complex public law matters. He has further expertise representing claimants in a range of policy challenges. "He has a forensic attention to detail coupled with very strong interpersonal skills." (Chambers & Partners 2024, Administrative & Public Law)



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- Christian Howells appears in high-profile public inquiries and Article 2 inquests involving the NHS, prisons and other public services. He acts for both bereaved families and state agents, and has been instructed to represent the Welsh Government in the UK COVID-19 Inquiry. "Christian is a clever, empathetic and tactically astute lawyer." "He is thorough and has a depth of knowledge." (Chambers & Partners 2024, Inquests & Public Inquiries)
 - His advice is clear, pragmatic and commercially sensitive. He is an excellent advocate.' (Legal 500, 2024 - Inquests & Inquiries)
 - "A leading junior in administrative law, particularly in those cases with a Welsh devolution angle, with a forensic attention to detail coupled with very strong interpersonal skills." (Legal 500, 2024 - Administrative & Public Law)
 - "He is very bright and always up for a challenge. He's fearless." "His advocacy is patient and robust against aggressive opponents, and he argues novel points in relation to Welsh government obligations." (Chambers UK, 2023 - Administrative & Public Law)
 - "Christian is an experienced junior, who is very bright and always up for a challenge. He works hard and he is fearless." (Chambers UK, 2023 - Inquests & Public Inquiries)
 - Tier 1 (Legal 500, 2023 - Inquests & Inquiries)
 - "Christian is an efficient and intellectually astute barrister. He is extremely organised and thorough in his preparation." (Legal 500, 2023 - Administrative & Public Law)
 - "He is a helpful barrister who provides clear answers." "His work ethic and insight are really impressive." (Chambers UK, 2022 - Inquests & Public Inquiries)
 - "A succinct and very good advocate who demonstrates a good understanding of the nuances of legislation." "He's on the ball and gets to grips with everything very quickly." (Chambers UK, 2022 - Administrative & Public Law)
 - 'Mr Howells is very bright. He assimilates information quickly – always up for a fight and very accessible.' (Legal 500, 2022 - Inquests & Inquiries)
 - 'Christians knowledge and experience of local authority law, Welsh devolved law, human rights law and judicial review is excellent.' (Legal 500, 2022 - Administrative & Public Law)
 - "He's extremely bright and extremely hard-working." (Chambers UK 2021)
 - 'A tenacious advocate with a very sharp intellect.' (Legal 500 2021 - Administrative and Public Law & Inquests and Inquiries)
 - 'His practice includes representation of families at inquests as well as authority work.' (Legal 500, 2020 - Inquests and Inquiries)
 - 'Acts for all parties in judicial review cases.' (Legal 500, 2020 - Public Law)
 - 'A tenacious advocate with a very sharp intellect.' (Legal 500, 2019)

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