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Practice Overview

Christian J Howells is a public law specialist. He is on the Attorney General's Regional A Panel and the Counsel General for Wales' A Panel. He is ranked in the Legal 500 as a leading junior in public law, described as "tenacious with a very sharp intellect". He is also ranked in Chambers & Partners nationally for 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 claimants, governments and local authorities. His recent cases include:

- 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.
- Infected Blood Inquiry – Led by Lloyd Williams QC, he is instructed on behalf of 300 Welsh and Northern Ireland victims in the inquiry into the infection of thousands of haemophiliacs and transfused patients with HIV, Hepatitis B, Hepatitis C and vCJD.
- 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.
- 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.
- *IT (Jamaica) v Secretary of State for the Home Department* [2018] UKSC 53, [2018] 1 WLR 5273 - Led by Richard Drabble QC, he acted on behalf of 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 UNCRF.

Notable and Reported cases

Administrative Law

His administrative law practice includes local government, social care, education, immigration, health and planning. He often raises points of Welsh law and interpretation and has been involved in the first couple of cases under the Social Services and Well-Being (Wales) Act 2014. His experience includes a challenge to the UK Government's refusal to hold a public inquiry into the contaminated blood scandal, local government funding challenges, library closures, leisure centre closures, hospital closures, school closures, care planning, education funding, student discipline, residential planning, immigration and advising charities. He has an in-depth knowledge of human rights law.

Reported Cases

- *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.
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- *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;
- 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



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- *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;
 - *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

- "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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