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## Nia Gowman

Called: 2014  
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### Practice Overview

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Nia joined 30 Park Place in 2015 following successful completion of her pupillage under the supervision of Claire Williams (Family) and Angharad Davies (Chancery and Commercial and Court of Protection).

Nia is a diligent advocate with a busy Family, Court of Protection and Public Law practice.

Nia has developed a strong reputation in the Court of Protection arena and has been recognised as a rated practitioner in both Legal 500 and Chambers UK (see Recommendations). She regularly acts for Local Authorities, Health Boards, RPRs, the Official Solicitor and family members in Mental Capacity Act 2005 and Inherent Jurisdiction applications. Her experience includes cases involving capacity disputes and decisions about issues such as residence, care, medical treatment, contact, marriage, sexual relations.

Nia's Family practice is focused on public law proceedings. Nia regularly appears on behalf of Local Authorities, parents, children and interveners in cases involving allegations of neglect, emotional harm and non-accidental injury. Nia also has experience in dealing with cases with an international element and proceedings involving the deprivation of liberty of children. Nia has an interest in cases involving medical treatment issues and recently represented a local health board in High Court proceedings concerning the withdrawal of medical treatment.

Nia is developing her Administrative and Public Law practice and was recently instructed as Junior Counsel for the Claimant in the High Court and Court of Appeal hearings in the judicial review case of R (on the Application of Driver) v Rhondda Cynon Taf CBC ('RCT') which resulted in confirmation of the equal standing of Welsh language legislation and guidance in respect of how the Court should approach questions of statutory interpretation involving Welsh language legislation.

Nia is commended by clients for her calm demeanour, sensible advice, thorough preparation, meticulous drafting and robust representation at hearings.

Nia is actively involved in providing seminars and training in respect of her areas of expertise.

Nia is a fluent Welsh speaker and is happy to conduct cases through the medium of Welsh.

Prior to commencing pupillage, Nia gained three years' experience within the financial services sector. Nia also previously worked as a paralegal responsible for challenging Continuing NHS Healthcare decisions on behalf of her own caseload of clients. This provided her with a comprehensive understanding of Local Authority and Health Board duties towards its service users which has assisted in Nia's practice.

Since becoming a tenant, Nia has continued to pursue additional opportunities to enhance her knowledge and experience. In 2016 Nia was seconded to NHS Legal and Risk Services where she advised and attended court on a range of matters including Court of Protection and Inquests. In 2017 Nia was awarded a prestigious Inns of



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Court Pegasus Trust Outgoing Scholarship and travelled to India to work in the legal sector for two months.

### **Notable and Reported cases**

- Administrative Law
  - R (on the application of Driver) v Rhondda Cynon Taf - Nia was recently instructed as Junior Counsel for the Claimant in the High Court and Court of Appeal hearings in the case of R (on the Application of Driver) v Rhondda Cynon Taf CBC ('RCT'). The case involved a judicial review of the decision made by RCT to re-organise primary, secondary and sixth form education in the greater Pontypridd area. The case involved the statutory interpretation of the Welsh and English texts of the School Standards and Organisation (Wales) Act 2013. The case resulted in confirmation of the equal standing of Welsh language legislation and guidance in respect of how the Court should approach questions of statutory interpretation involving Welsh language legislation.
  
- Court of Protection
  - Re DN – Nia represented DN in a successful section 21A Mental Capacity Act 2005 challenge on capacity and best interest grounds. DN has a complex personality disorder and presents a sexual risk to others. The case resulted in a positive change of placement. An expert concluded that DN has capacity save in times of 'crisis'. This conclusion necessitated advice, consideration and argument on i) anticipatory declarations, particularly in light of the timely judgment of Cobb J in the Wakefield case; ii) continuation of the standard authorisation; and iii) whether the High Court's Inherent Jurisdiction could be invoked. The case also involved arguments regarding disclosure of the expert report to non-parties for safeguarding.
  - Re CC – Nia represented CC in a section 21A Mental Capacity Act 2005 challenge where capacity and best interests is in dispute. CC is 32 years old and has a learning disability and Schizoaffective disorder. CC often associates with dangerous individuals. CC has had a number of children removed from her care. The case requires an understanding of the interplay between the Mental Health Act 1983 and Mental Capacity Act 2005. The issues in the case include capacity/best interest decisions in respect of residence, care, social media, contact (in the context of safe relationships), contraception, sexual relations and substance misuse. The case is due to proceed in the High Court.
  - Re FJB – Nia represented FJB via her RPR and litigation friend in a section 21A challenge to a deprivation of liberty authorisation where FJB was seeking to return to her own home. Issues included the adequacy of the capacity evidence and the court's power in ordering reports under section 49 of the Mental Capacity Act 2005, whether it was in FJB's best interests for money to be expended on remedial works to the property and whether a trial at home with a package of domiciliary care should be attempted. The Court directed that the remedial work should be completed and that FJB should have a trial at home.
  - Re LH – Nia represented the Local Authority in its application using the streamlined procedure to authorise LH's deprivation of liberty at her placement; for a Prohibited Contact Order and for Injunctions precluding LH's family from entering an area surrounding LH's placement and from placing certain information on social media. The Local Authority was successful in securing the Orders sought.
  - Re Various – Nia represented the Health Board in respect of applications to move a number of residents from X Placement to alternative placements due to a change in X Placement's CSSIW registration. The move was vehemently opposed by X Placement. The case involved capacity considerations, dispute as to nature and extent of need, independent expert evidence, consideration of the implications of Funded Nursing Care and Continuing Health Care funding arrangements, and arguments as to the limitations of the Court's jurisdiction.
  
- Family



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- Re ZM – Nia advised and subsequently represented the Local Authority in care proceedings issued in respect of a child who had been adopted from India by British citizens. Nia undertook research to ascertain the legal basis for the original Adoption Order, which was not a Hague Convention adoption together with research regarding the implications of the child's immigration status in respect of the proceedings. Nia subsequently drafted the threshold document and represented the Local Authority throughout the proceedings to its conclusion.
  - Re CA – Nia advised and subsequently represented the Local Authority in relation to its application to authorise the child's deprivation of liberty under the inherent jurisdiction. Nia produced a detailed case summary which provided the relevant background and legal framework. Nia was successful in securing the Court's authorisation.
  - Re OJ – Nia advised and subsequently represented the Local Health Board in relation to its application for permission to withdraw its application regarding withdrawal of medical treatment from the child. The case required a detailed understanding of the legal frameworks in relation to both the withdrawal of medical treatment and withdrawing applications. Nia was successful in securing the Court's permission to withdraw the application.
  - Re JB and RT – Nia advised and represented the interveners in care proceedings which involved threshold pleadings of non-accidental bruising to children. Nia's clients were employed as foster carers and accordingly their livelihood was at risk. Following a fact-finding hearing, Nia's clients were removed from the pool of potential perpetrators.
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- Inquests



- Re DJR – Nia represented the family members of the deceased (DJR) in a jury inquest. DJR was resident in a care home and subject to a standard authorisation. DJR fell from her bed and sustained injury to her neck. DJR developed swallowing difficulties which resulted in pneumonia which caused her death. Nia questioned witnesses in order to elucidate evidence that pertinent risk assessments which should have been completed had not been, that management failures had resulted in further missed opportunities for post-fall risk assessments to be completed. Further evidence was given that had the appropriate assessments been completed it is likely that more effective fall prevention strategies such as bedrails would have been in situ at the time of her death which would have prevented the fall and in turn DJR's death. The jury returned a conclusion of accidental death contributed to by neglect. During questioning, Nia made a number of recommendations as to improvements which should be made, all of which were accepted by the Regional Manager of Hallmark Care Homes.
  - Re DR – Nia represented the Health Board in an Article 2 jury inquest. The deceased was detained under section 3 Mental Health Act 1983 on a psychiatric ward at the time of her death. The deceased had been demonstrating self-injurious behaviours and staff had had to intervene to prevent the deceased from ligaturing on multiple occasions. The deceased died after having ligatured. The family were concerned that the observation policy had been used inappropriately. Nia questioned the professional witnesses and made submissions regarding conclusions and Regulation 28 to the coroner. No significant adverse findings were made against the Health Board.
  - Re AD – Nia represented the Health Board in an Article 2 jury inquest where the medical cause of death was unknown. Queries were raised regarding the interplay between the deceased's complex mental health and physical needs, whether her care had been managed appropriately and whether her observations had been appropriately taken and recorded. Nia questioned the professional witnesses and made submissions regarding conclusions and Regulation 28 to the coroner. No adverse findings were made against the Health Board.
  - Re JB – Nia represented the Welsh Ambulance Service in the inquest of a gentleman who died having sustained a blow to the head after falling from a first floor window whilst under the influence of cocaine. The patient was not on the scene when the ambulance arrived. The WAST were criticised for the delayed use of an interpreter on the initial call, the delay in dispatching an ambulance, failure to conduct a robust search of the area once they arrived and failure to engage the services of the police to locate the gentleman. Nia questioned the professional witnesses and made submissions regarding conclusions and Regulation 28 to the coroner. No adverse findings were made against the WAST.
- Mental Health
    - Re JH – Nia represented a 22 year old patient who had been convicted of rape and detained in a secure unit pursuant to section 38/41 Mental Health Act 1983 when he was 15 years old. Nia played an active role at the section 117 multi-disciplinary meeting and at the subsequent tribunal hearing to determine whether the patient was able to be discharged from a secure unit. Nia was successful in securing the conditional discharge of the client.
    - Re LH – Nia represented a patient who was detained pursuant to section 3 Mental Health Act 1983 at the tribunal hearing to determine whether the patient could be discharged. Nia questioned the professionals who were not supportive of LH's request to be discharged primarily due to uncertainty regarding LH's accommodation post-discharge. Nia presented forceful arguments to the Tribunal that LH was seemingly being detained solely due to the respective public bodies' lack of understanding of their section 117 aftercare duties. The Tribunal adjourned and made directions for senior officers from the Health Board and the Local Authority to come and give evidence on section 117 aftercare services. Suitable accommodation was subsequently sourced very quickly for LH who was discharged by his RC.
    - Re ND – Nia represented an Approved Mental Health Professional in an application brought pursuant to section 29(3)(e) Mental Health Act 1984 for an order directing that the functions of the patient's nearest relative be exercised by his mother, thereby displacing his father as nearest relative. Nia was successful in securing the order on the basis that: ND's father was an unsuitable person to act as ND's nearest relative as he did not accept the care and treatment proposed by professionals; ND's mental health deteriorated and subsequent detention under the Mental Health Act 1983 was required;



- and ND had made an allegation that his father had been physically violent toward him.
- o Re HH – Nia represented an Approved Mental Health Professional in an application brought pursuant to section 29(3)(c) Mental Health Act 1984 for an order directing that the functions of the patient's nearest relative be exercised by the Local Authority thereby displacing her father as nearest relative on the basis that he was unreasonably objecting to detaining HH under section 3 Mental Health Act 1983. Nia questioned HH's father and medical professionals on complex issues pertaining to the use of anti-psychotic medication. Following robust examination, HH's father conceded and agreed to HH being placed on Section 3.

## Administrative and Public Law

Nia has developed a holistic knowledge of public law duties and regularly provides advice on the grounds and prospects of challenging decision-making by public bodies in the context of her chosen areas of practice. Further, Nia was recently instructed as Junior Counsel for the Claimant in the High Court and Court of Appeal hearings in the case of R (on the Application of Driver) v Rhondda Cynon Taf CBC ('RCT'). The case involved a judicial review of the decision made by RCT to re-organise primary, secondary and sixth form education in the greater Pontypridd area. The case involved the statutory interpretation of the Welsh and English texts of the School Standards and Organisation (Wales) Act 2013. The case resulted in confirmation of the equal standing of Welsh language legislation and guidance in respect of how the Court should approach questions of statutory interpretation involving Welsh language legislation.

## Court of Protection

Nia has developed a strong Court of Protection practice. Nia regularly acts for Local Authorities, Health Boards, RPRs, the Official Solicitors and family members in relation to proceedings in the Court of Protection and the High Court. Nia's experience includes disputes over capacity and decisions about issues such as residence, care, medical treatment, contact, marriage and sexual relations. Nia has been commended for her detailed drafting to include statements of facts and grounds, position statements, skeleton arguments and orders. Nia also accepts instructions in contested property and affairs disputes to include the appointment and removal of deputies and attorneys (welfare/financial affairs).

Nia is actively involved in providing seminars and training.

Nia is recognised as a rated practitioner in both Legal 500 and Chambers UK (see Recommendations)

## Family

Nia's Family practice is focused on public law proceedings. Nia regularly appears on behalf of Local Authorities, parents, children and interveners in cases involving allegations of neglect, emotional harm and non-accidental injury. Nia also provides advice and representation in proceedings involving the deprivation of liberty of children. Nia has an interest in cases involving medical treatment issues and recently represented a local health board in High Court proceedings concerning the withdrawal of medical treatment.

## Inquests & Inquiries

Nia accepts instructions from interested parties to provide pre-inquest advice on such considerations as disclosure, witness requirements, expert evidence, scope and procedure and thereafter to provide representation at pre-inquest reviews and inquests. Nia is particularly experienced in cases involving community care, medical treatment and/or mental health considerations, often where Article 2 ECHR is engaged as a result of the deceased being in custody or detained under the Mental Health Act 1983.

## Mental Health



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Nia accepts instructions to advise and represent clients in all aspects of mental health law. Nia has represented patients at mental health tribunals. Nia has developed a particular niche for advising and representing clients in respect of displacement of nearest relative applications. Nia has significant experience of cases in the Court of Protection which involve consideration of the interplay between Mental Capacity Act 2005 and Mental Health Act 1983.

## Appointments

- 2020 - Present: Bar Council Wellbeing Committee, Court of Protection Bar Association Representative
- 2020 - Present: Court of Protection Bar Association Committee, Committee Member
- Appointed to the Committee of the Court of Protection Bar Association as a co-opted member.
- 2017 – 2018: Wales and Chester Circuit Management Committee, Young Bar Representative
- 2017 – 2018: Bar Council Young Barristers' Committee , Circuit Representative
- 2012 – 2013: Cardiff University - Welsh Rugby Union, Student Advisor
- 2012 – 2013: Caerphilly Citizens Advice Bureau, Gateway Assessor
- 2012 - 2013: Cardiff University - The Fostering Network, Student Advisor
- 2009 - 2010: University of Bristol Law Clinic Executive, Committee Member
- 2008 – 2010: University of Bristol Law Clinic, Student Advisor

## Career

- 2013 – 2014 – Target Group Ltd – Financial Crime Executive
- 2013 – Hugh James Solicitors – Nursing Care Paralegal
- 2010 – 2012 – Target Group Ltd – Risk & Compliance Executive

## Education & Qualification

- 2012 – 2013 - Cardiff Law School - BPTC - Outstanding
- 2011 – 2012 - International Compliance Association – Diploma in Financial Crime Prevention - Merit
- 2007 – 2010 - University of Bristol – LLB (Hons) Law – 2.1
- 2000 – 2007 – Ysgol Gyfun Gymraeg Glantaf

## Awards



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- 2017 – Inns of Court – Pegasus Trust Outgoing Scholarship (India)
  - 2015 - Gray's Inn - Ann Goddard Pupillage Scholarship
  - 2012 - Gray's Inn - Edmund-Davies BPTC Named Award
  - 2010 - University of Bristol - Bristol PLuS Outstanding Achievement Award

## Recommendations

- "She is a brilliant barrister. She is quietly confident, which makes her a pleasant advocate to be in court with as well." (Chambers UK, 2022 - Inquests & Public Inquiries)
- "She is very thorough, sympathetic and easy to work with." (Chambers UK, 2022 - Court of Protection, Health & Welfare)
- 'Nia is the epitome of a quality all round barrister: Nia has excellent drafting skills, excellent advocacy skills and the ability to take control of discussions and focus minds.' (Legal 500, 2022 - Court of Protection)
- Rising Star (Legal 500, 2022 - Inquests & Inquiries)
- "A rising star in Court of Protection in Wales - her client care is fantastic and she can defuse any situation. She is reasonable and sensible." "She's really detailed and her drafting is impeccable." (Chambers UK, 2021)
- 'She has a fantastic approach to cases, whereby she is able to be in charge of proceedings whilst productively manoeuvring all parties to a good outcome.' (Legal 500, 2021)
- 'A rising star in Court of Protection work.' (Legal 500, 2020)