

# Arthur Blake

**Year of Call:** 1988

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## Overview

In the course of his career Arthur Blake has been recognised by the Legal 500 as a leading Junior at the Bar in the field of Administration Law.

During his practice he has developed comprehensive experience in all areas of Common Law with particular emphasis on Judicial review in the field of Immigration and Prison Law. Arthur has also extensive experience in the area of criminal appeals.

Between 2005-2010 Arthur acted exclusively for the former Qatari Secretary of State for Art Culture and Heritage, Sheikh Saud Bin Mohammed Bin Ali Al-Thani. Arthur was responsible for conducting negotiations between the Attorney General of Qatar and the Sheikh in respect of a multi-million pound dispute. Arthur also advised the Sheikh in respect of satellite litigation arising out of the dispute concerning various individuals and auction houses. Arthur has regularly appeared in the High Court, Court of Appeal and the House of Lords.

Arthur was appointed as a fee paid Immigration judge in 1995.

## Academic qualifications

- BVC (1986)
- LLB

## Professional qualifications & appointments

- Part-time Immigration Judge

## Professional bodies

- Administrative Law Bar Association

# Expertise

## Administrative and Public Law

Arthur Blake offers expertise in a broad range of civil law, and specifically advises and represents clients in criminal appeals, judicial reviews, immigration and prison law.

### **Parole and Prison Law cases include:**

**R V Home Secretary, ex parte Zulfikar (No1)(1996) COD 256 (QBD)** – a locus classicus on the principles of Parole.

**R v Ex parte McLeod [2002] EWHC 390** – Principles on disclosure in categorisation of prisoners.

**Potter Kavanagh, Vickers and Gorman AVCSSHD (2002) AC27** – concerning incentives and earned privileges for convicted prisoners in denial. Challenging a sentence plan for a whole life tariff prisoner where it includes a requirement that they should complete a Sexual Offenders Treatment Programme despite the fact that such a prisoner is in denial of the index offences and therefore is ineligible to undertake the course. Seeking to argue that such a target is prima facie perverse where the prisoner is ineligible for release at any stage of the sentence and the effect of failure to comply with the sentence plan precludes the prisoner from advancing under the prisons enhanced earnings and privileges scheme. Whether on the peculiar facts of such a case such treatment engages Article 5 or 6 and 8 of ECHR.

**R V Secretary of State, ex parte Lockhart and Davies (2003)** – Obtained permission to seek Judicial Review of the process of “slopping out” as being in breach of Articles 3 and 8 of the European Convention on Human Rights.

**Shrimpton V the Secretary of State for the Home Department (IAT)** – Appeal engaging correct principles to be applied in removal and/or deportation cases involving Articles 8 of the ECHR. In particular, the burden of proof placed on the Secretary of State as Appellant, when appealing a decision from an adjudicator who has allowed an appeal on the basis of evidence that was not before the Secretary of State at the time of his decision. Correct approach with reference to re “M” (Croatia).

**Laiji V SSHD** – Extent of delay on the part of a decision maker in arriving at a decision when he is considering removal from the UK and the relationship between the delay and Article 8 Proportionality.

**Raza V SSHD** – Extent to which delay is relevant when considering an application for leave to remain in the UK outside of the Immigration Rules and with reference to Home Office discretionary policy on Article 8 Cases. The relevance of evidence of rehabilitation in a convicted foreign national when considering the reasonableness of deportation on the grounds that such removal is conducive to the public good.

**SSHD V Rehman (2001) UKHL 47** – First Special Immigration Appeal Commission (SIAC) case on the meaning of the term National Security.

**Richards V National Probation Service** – The extent to which the probation service can require compliance with instructions from individuals carrying out community orders/sentences. Court ruling that existing probation service rules and guidance in excess of the law.

**Secretary of State & The Governor of HMVP Full Sutton V Cannan** – Whether a prisoner serving a whole life tariff should be denied enhanced status under prisons incentives and earned privileges scheme by not undertaking offending work addressed at rehabilitation.

**Shrimpton V Secretary of State for Justice** – JR concerning the test to be applied in respect of a minister’s duty to provide offending behaviour courses to prisoners to improve their overall prospects of obtaining early release. Judgement considered the extent to which resources are to be considered when undertaking the balancing exercise under Article 8 (2) ECHR.

**R (De Vietter) V Chief Constable Thames Valley** – Case concerning the duties placed on a Chief Constable to check accuracy and validity of information held on police records regarding a previous allegation of criminal sexual behaviour as opposed to a

conviction when and before disclosing the same as being “relevant”, to a prospective employer pursuant to an enhanced criminal record disclosure. Review of test of relevance in context of Article 8 ECHR balancing exercise.

**R (Louis) V Ealing Magistrates’ Court** – Review of Justice of Procedure of Committal to Prison for Non Payment of Fines imposed by the Crown Court and Activation of Sentence of Imprisonment in Default. Meaning of “wilful refusal” to pay. Further review of Magistrates’ Court practice of allocating part payments towards costs before fine elements of sentence; whether permissible and/or lawful as increases risk of imprisonment and therefore engages the liberty of subject issues.

**Djakija V Secretary of State (2003) EWCA 1394** – Challenge to removal directions of a Kosovan national re: sufficiency of protection and burden of proof.

**Caetano & Riordan V Governors of H.M.P. Whitemoor & Secretary of State (2004)** – Challenge to retrospective imposition of policy on status of current categorization.

**Noye V Governor of H.M.P. Whitemoor & Secretary of State (2004)** – Challenge to conditions in special secure units (SSU) re: Articles 3 and 8 of the European Convention on Human Rights. Permission granted and SSU closed down at HMP Whitemoor.

**Noye v Minister for Justice (2017)** – Challenge to Ministers refusal to follow advice of Parole Board.

**Jonathan King V CCRC** – Seeking a review of the CCRC decision, in particular putting forward the argument that a late change in amending dates in an Indictment can prejudice a fair trial within the scope of Article 6 ECHR.

## Public and Regulatory

### Disciplinary Tribunals

Arthur has acted in numerous cases before professional bodies disciplinary tribunals. He recently acted in a case before the disciplinary panel of The Institute of Chartered Accountants in England and Wales. He successfully argued that the procedure followed engaged both the Rules of Natural Justice and the ECHR. He obtained a stay of the proceedings on the basis of abuse due to delay.

### Inquest

Inquest Kate Peyton (2005) – Acted for the family of BBC journalist Kate Peyton who was shot dead on news assignment in Mogadishu. Coroners verdict led to advice to BBC on contracts concerning assignment of journalists to world danger areas.