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*Cathryn McGahey KC

Called: 1990 Silk: 2016

Practice Overview

I specialise in immigration, national security, prison law, public inquiries and inquests. I was junior counsel to the Bloody Sunday Inquiry from 2000 to 2010. I became a special advocate in 2008 and was appointed in 2012 to the Attorney General's A Panel. In 2013 I became a member of the Welsh Government's A Panel. I was appointed Queen's Counsel in 2016..

I have appeared in some of the leading immigration cases in recent years, including the Detention Action challenges to the Detained Fast Track system for asylum seekers and in a number of cases relating to the rights of Gurkhas' dependants to settle in the UK.

I have a particular interest in, and wide experience of, judicial review challenges to government policy.

I have represented both the Ministry of Justice and the Youth Justice Board in inquests into deaths in custody, including several murders and the self-inflicted deaths in custody of three children.

As a leading special advocate, I represented the only successful appellant in the Operation Pathway Manchester bomb plot case before the Special Immigration Appeals Commission. I also, as junior special advocate, appeared in a successful challenge to the Government's proposed Deportation With Assurances of an Ethiopian national.

I represented the Secretary of State in a challenge by three individuals, alleged to be leading members of the proscribed organisation Al-Muhajiroun, against the decision to impose TPIM notices on them. The Secretary of State's decision was upheld.

I have extensive inquiry experience. As well as being junior counsel to the Bloody Sunday Inquiry for ten years, I represented "whistleblowing" soldiers in the Al Sweady Inquiry and was co-counsel to the Independent Jersey Care Inquiry, which investigated physical and sexual abuse of children in the care of the States of Jersey. In 2016 I acted as counsel to the Bulk Powers Review conducted by David Anderson KC, the Independent Reviewer of Terrorism Legislation. I am currently leading counsel for the Department for Education in the Independent Inquiry into Child Sexual Abuse, and leading counsel for the Home Office in the Grenfell Tower Inquiry.

Notable and Reported cases

- INQUEST INTO THE DEATH OF DAWN STURGESS

Cathryn McGahey KC is representing the Home Secretary. Ms Sturgess died of Novichok poisoning in Salisbury in 2018



- MANCHESTER BOMBINGS INQUESTS

Cathy McGahey KC is acting for the Home Secretary.

- THE GRENFELL TOWER INQUIRY

Representing the Home Office in the public inquiry arising from the Grenfell Tower fire.

- SECRETARY OF STATE FOR THE HOME DEPARTMENT V QT [2019] EWHC 2583 (ADMIN)

A statutory review of the Home Secretary's decision to impose terrorism prevention and investigation measures (TPIM) on QT, a member of Al-Muhajiroun (also known as ALM).

Following a 4-day hearing, the High Court upheld the Secretary of State's decision in full. In doing so, it rejected QT's claim that he was not a member of Al-Muhajiroun, and held that there was a risk that QT would travel overseas to join IS if free to do so. It also rejected QT's case that his extremist rhetoric, which the court accepted was likely to radicalise vulnerable young people, was a manifestation of his freedom of religion and of expression and that the TPIM therefore breached his human rights.

The case was unusual in that the Home Secretary relied on evidence upon which QT had been tried and acquitted in the criminal courts. The court rejected QT's argument that this presented a legal barrier to the imposition of a TPIM.

- BY V DISTRICT COURT IN PAPHOS, CYPRUS [2019] EWHC 2637 (ADMIN)

The Divisional Court (Rafferty LJ and J) found that the father of five children, all of whom have significant medical problems should not face prosecution in Cyprus for a fraud which is said to have taken place in 2016.

- INDEPENDENT INQUIRY INTO CHILD SEXUAL ABUSE: ROCHDALE AND CYRIL SMITH

Cathryn McGahey KC represented the Department for Education in this public inquiry. In the Rochdale investigation, the Inquiry is analysing the response of those in authority to allegations of sexual abuse of children by Cyril Smith MP and others, and is investigating in particular allegations of abuse at Cambridge House Boys' Hostel and Knowl View School.

- INDEPENDENT JERSEY CARE INQUIRY

Cathryn McGahey KC was co-counsel to this public inquiry, which investigated allegations that children in care had been physically and sexually abused over many years, and that their suffering had been covered up. The Inquiry Panel published its report on 3 July 2017. It found that there had been extensive abuse, that the authorities had failed to respond or investigate properly, and that children in care in Jersey might still be at risk.

- ROTHERHAM METROPOLITAN BOROUGH COUNCIL V M AND OTHERS [2016] EWHC 2660 (FAM)

Cathryn McGahey KC represented South Yorkshire Police. The judge was required to decide whether



lifelong anonymity should be granted to four men who in the past had been (but were no longer) alleged to have been involved in sexual exploitation of a minor.

- SECRETARY OF STATE FOR THE HOME DEPARTMENT V LG, IM AND JM [2017] EWHC 1529 (ADMIN)

The Secretary of State had imposed TPIM notices on the three Respondents, alleging that they were senior leaders in the UK of the proscribed Islamist extremist group Al-Muhajiroun. The Court rejected the arguments of two of the Respondents that ALM no longer existed, and rejected the case of the third Respondent that he was no longer associated with it. The TPIM notices were all upheld. Cathryn McGahey KC represented the Secretary of State.

- SHABIR AHMED AND OTHERS V SECRETARY OF STATE FOR THE HOME DEPARTMENT [2017] UKUT 118

Cathryn McGahey KC represented the Secretary of State in this appeal, in which three members of the Rochdale paedophile ring challenged the Secretary of State's decision to deprive them of their British citizenship. Their appeals were dismissed. The President of the Upper Tribunal gave guidance on the relevance in deprivation decisions of the prospect that the individual would ultimately be removed from the UK. The case is going to the Court of Appeal.

- BULK POWERS REVIEW

Cathryn McGahey KC acted as counsel to this review, which was conducted by David Anderson KC, the Independent Reviewer of Terrorism Legislation. The review investigated the usefulness of some of the powers which the security and intelligence agencies would have, under the Investigatory Powers Bill, to use bulk forms of information in their counter-terrorism work. The review concluded that bulk powers were of substantial utility, and that their use in the past had saved lives.

- THE INDEPENDENT INQUIRY INTO CHILD SEXUAL ABUSE

Andrew O'Connor KC is instructed by the Inquiry to act in the investigation into child sex abuse in Westminster.

Cathryn McGahey KC is Leading Counsel for The Department for Education

- R (DETENTION ACTION) V LORD CHANCELLOR [2015] EWHC (ADMIN) 1689

A campaign group, Detention Action, challenged the lawfulness of the secondary legislation governing the appellate procedure under the Detained Fast Track scheme. Cathryn McGahey represented the Secretary of State for the Home Department, an interested party.

- R (IS) V DIRECTOR OF LEGAL AID CASEWORK AND LORD CHANCELLOR [2015] EWHC 1965 (ADMIN), [2016] EWCA CIV 464

This case involved a challenge to the lawfulness of the LASPO Exceptional Case Funding scheme. Cathryn McGahey acted as first junior counsel for the Defendants at first instance, and as second leading counsel in the Court of Appeal. The Court of Appeal, reversing Collins J, upheld the lawfulness of the scheme.

- R (O'TOOLE AND OTHERS) V HMRC [2016: JUDGMENT GIVEN BUT SUBJECT TO REPORTING RESTRICTIONS]



In this Divisional Court case the Claimants challenged, unsuccessfully, the lawfulness of search warrants obtained by HMRC. Cathryn McGahey represented HMRC.

- INQUEST INTO THE DEATH OF IMRAN DOUGLAS [2015]

The inquest investigated the self-inflicted death of the first 18 year old to be sent to HMP Belmarsh. He was sent there after being sentenced to a minimum of 18 years' imprisonment for murder, and was found hanging five days later. Cathryn McGahey represented the Youth Justice Board.

- R (BK AND RH) V SECRETARY OF STATE FOR JUSTICE [2015] EWCA CIV 1259

The appellants challenged, unsuccessfully, the lawfulness of the SSJ's policy on the strip-searching of women prisoners. Cathryn McGahey represented the SSJ.

- INQUEST INTO THE DEATH OF RYAN CLARK

The Inquest investigated the death by hanging of 17 year old Ryan Clark at HMYOI Wetherby. Cathryn McGahey represented The Youth Justice Board.

- INQUEST INTO THE DEATH OF ALEX KELLY

The inquest investigated the self-inflicted death at HMYOI Cookham Wood of 15 year old Alex Kelly. Cathryn McGahey represented the Ministry of Justice.

- LAKANAL HOUSE FIRE INQUEST

Fire at high rise block of flats in Camberwell caused the deaths of six people. Building Regulations in relation to fire safety and high rise structures were explored. The Inquest was heard at Inner South London Coroners Court – HHJ Frances Kirkham. Cathryn McGahey represented The Department for Communities and Local Government, and The Chief Fire Officer. Fiona Canby was instructed by SGH Martineau. January – March 2013. The Inquest took place from January to March 2013.

Professional Memberships

- Constitutional and Administrative Law Bar Association
- Human Rights' Lawyers Association
- Professional Negligence Bar Association

Languages

- Working knowledge of French and Welsh

Recommendations



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- "An extremely gifted and very diligent lawyer." "She works with extreme ingenuity, flexibility and care on her clients' behalf." (Chambers UK, 2022 - Administrative & Public Law)
 - "A calm, sensible counsel with a very good court style. She is extremely popular with government departments." "She's very approachable, flexible in how she deals with cases, and clients really like her." (Chambers UK, 2022 - Inquests & Public Inquiries)
 - Listed in Chambers and Partners for inquests and public inquiries.
 - ...She is developing a particular specialism in cases concerning child protection.
Strengths:
"She has an extraordinary capacity to get on top of the details in a short amount of time." "She is a very impressive advocate and also a very decent person." "She is effective and extremely hard-working."
Chambers & Partners 2018
 - "Routinely instructed as counsel to large public inquiries, she also demonstrates great aptitude when appearing on behalf of participants. She is a skilled representative of state agents in inquests, and has a particular focus on proceedings involving deaths in custody."
Strengths: "She is exceptionally bright and an excellent advocate." "A really nice manner when conducting proceedings, which is ideal for harrowing inquiries." "She is a master at acting for an inquiry and managing a large case." "Extremely deft witness-handling, she is very astute, strategically minded and calm in court."
Chambers & Partners 2017
 - **Listed in the Legal 500** 2017 as a 2016 silk in the fields of immigration, civil liberties and human rights and inquests and inquiries.
 - **Listed in the Legal 500** from 2010 as a leading immigration junior and from 2011 as a leading civil liberties and human rights junior.
 - "Very impressive; she surely has a bright future as silk": Legal 500 2017 (civil liberties and human rights)
 - "Highly regarded": Legal 500 2017 (immigration)
 - "Noted for both public inquiries and inquests": Legal 500 2017 (inquests and inquiries)
 - "Able to draw on broad public law expertise": Legal 500 2016
 - "She has a buoyant immigration and police law practice": Legal 500 2016
 - "Well regarded for her work on Bloody Sunday": Legal 500 2007
 - "Extremely hard working and very able": Legal 500 2006