



Philip Rule

(Not in practice in the Turks & Caicos Islands)

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Philip practices as a barrister and maintains a tenancy at one of the leading and largest sets of chambers in England and Wales, and undertakes work in the Caribbean region in various jurisdictions both in court and in an advisory and drafting capacity. He has

previously worked on-island, first doing so in 2017. He has 20 years' experience as a specialist advocate and advisor.

He is an accomplished court advocate with recognised skill in both appellate work and trial work. His expert appellate work encompasses public law, civil appeal, and criminal appeal work. He is often sought out for cases that involve intersection or regulatory crossover between different and diverse areas of law, and those that involve complex or developing areas of law.

He has an enviable track record of success for his clients, often in difficult and legally-complex cases. He has undertaken appeals to the Court of Appeals in the Caribbean region, as well as petitions to the Judicial Committee of the Privy Council in London originating from various jurisdictions, and to the European Court of Human Rights in Strasbourg.

Philip is known for his particular expertise also in civil liberties, Bill of Rights and human rights law. He is an established specialist in matters raising issues under domestic and international human rights protections, or raising questions of constitutional significance.

In addition to his skills in identifying and formulating legal argument and presentation of the same, Philip also has considerable trial experience involving evidential fact-finding and witness handling.

Select Engagements

Reported cases undertaken in the Caribbean include, for example, Philip's successful cases of:

- Kajeepan and others v Director of Immigration and Attorney-General (Civil Appeal No: CL 4/20). Turks and Caicos Islands Court of Appeal. Five-day hearing in 2020.
- Jefferson v R [2018 (2) CILR 278]. Cayman Islands Court of Appeal
- Oliver v R [2018 (2) CILR 308]. Cayman Islands Court of Appeal

Philip has also undertaken Privy Council work of both a civil and a criminal nature, for example:

- instructed by a leading US firm to settle an appeal application to the Judicial Committee of the Privy Council in a matter arising in the context of copyright law, appealing from the Falkland Islands Court of Appeal.
- Instructed in relation to a complex appeal against conviction concerning the jurisdiction of the Cayman Islands Court of Appeal on prosecution appeals under the Court of Appeal Law (2011 Revision), with additional issues concerning the law regarding DNA evidence and joint enterprise [McLaughlin and Montique v The Queen (Cayman Islands) (case JCPC/2019/0079)]

Other examples of hearings at Grand Court and High Court level and of advisory work include:

- Advising an individual involved with the football association of an island facing an international FIFA corruption investigation
- inter partes injunction hearing of an action in the Cayman Islands brought under the Bill of Rights and by way of judicial review successfully seeking an injunction to prevent a removal of an individual to Jamaica to face the death penalty until a diplomatic assurance was provided [R (Ellis) v HM Governor of the Cayman Islands, Attorney-General and Chief Immigration Officer (Grand Court Cause No. 0146/2017)]
- judicial review proceedings challenging the removal of a prisoner from the Cayman Islands to serve a custodial sentence in the UK

- advising a member of a Gulf state Royal Family, issues of legal professional privilege, witness summonses, access to closed proceedings, and matters extending to management of publicity and press relations in the context of criminal proceedings within England & Wales
- advising on human rights implications of a repatriation of an individual from the Far East and conversion of a custodial sentence

Philip also has significant experience of cases before the European Court of Human Rights which have been communicated by that Court to the government to defend, having passed the difficult admissibility test applied by the Court, including:

- Bowen and Stanton v United Kingdom (appln. no. 49096/19) (ongoing)
- Kaiyam, Massey and Robinson v United Kingdom (2016) 62 E.H.R.R. SE13
- Minter v United Kingdom (application no. 62964/14) (2017) 65 E.H.R.R. SE6
- Bayliss v United Kingdom (application no. 440/10) (10 June 2014)

Credentials

Admissions

Philip has been admitted on special or full admission to appear in court by the Bars of England and Wales, the Cayman Islands and the Turks and Caicos Islands.

Education

- 2000-2001: Inns of Court School of Law, Bar Vocational Course
- 2000-2001: Post-Graduate Diploma in Law, City University
- 1997-2000: University of Southampton, Law degree (LLB (Hons))

Appointments

- Equalities and Human Rights Commission Panel of Preferred Counsel
- A selected expert for the Lexis Nexis PSL Q&A public law panel
- Admitted to the International Criminal Court's list to work on cases proceeding at the Hague
- HSE, CQC, Env. Agency, *et al.*, Regulatory Counsel A-panel

Awards, Scholarships, Prizes

- 2019/20 - Nominated for Barrister of the Year by the Modern Law Awards
- 2017/18 - Nominated for Barrister of the Year by the Modern Law Awards
- 2017 - Legal Aid Barrister of the Year - Legal Aid Practitioner's Group Award winner
- 2001 - Lincoln's Inn Walter Wigglesworth QC Scholarship
- 2000 - The Swords Prize 2000 (best undergraduate dissertation in law)
- 1999 - Lincoln's Inn Hardwicke Scholar

Publications & Presentations

Presentations include:

- 2019 Bogota, Colombia. Presented at the English Law week hosted by the Bar Council International Committee, the British-Colombian Chamber of Commerce, and the Asociación Nacional de Empresarios de Colombia (ANDI).
- 2018 Rule of Law seminar presented to Latin American lawyers from three nations, hosted in London by the Bar Council of England and Wales
- 2016 **Adriatic Conference, in Hvar, Croatia, hosted by Australian lawyers' organisation.** Presented on the **international legal principle of *lex mitior*.**

- Philip is frequently instructed also to provide specific training and lectures to lawyers' firms on particular areas of practice.

Published articles include:

- False Imprisonment – Common ground (2020) *New Law Journal* NLJ 2020, 170(7876), 14-15
- Unexplained Wealth Orders (2018) 182 C.L.&J 97; & *Criminal Bar Quarterly* Spring 2018 p8.
- Resisting Unlawful Arrests *The Journal of Criminal Law* (2010) 74 JCL 189–195
- Lawful Stopping of Vehicles (2009) 174 CL&JW 121
- What it means to be an ambulance (2009) 153 C.L. & J. (*Criminal Law & Justice*) 86 (concerns regulations on vehicles being fitted with a siren, or blue beacon lights)
- The power to re-open the case in the “interests of justice” and *Croydon* (2009) 173 CL&J 213
- Viewing the *Locus in Quo* and Reconstruction of Events (2009) 173 CL&JW 406
- Licensing Act Offences (2007) *Entertainment Law Review* Volume 18 Issue 7 (Sweet & Maxwell) 231; (2007) 171 JPN 50 (at p879) and 171 JPN 51 (at p899).
- Confiscation Orders: Criminal Justice Act 1988 - Enforcement and Extension of Time to Pay (2007) Vol. 171 *Justice of the Peace* 607; (2007) 151 *Solicitors Journal* 1178
- Street Trading and Interpretation of s38 London Local Authorities Act 1990 (2006) 170 *Justice of the Peace Journal* 604 [170 J.P.N. 604]

Professional and Community Involvement

- Professional and Community involvement
- Administrative Law Bar Association
- Criminal Bar Association
- Bar Human Rights Committee
- Human Rights Lawyers Association Executive Committee member
- Pupilsupervisor
- Head of Public Law group, No5 Chambers