

Philip Dayle

Call: 2012

"Philip is persuasive, and his oral advocacy is impressive"

Chambers UK 2024



Philip Dayle practices in the fields of Business & Property, Inquests & Inquiries, International, Public Law and Regulatory.

Expertise

Business & Property

Philip Dayle is a member of the Business and Property Group. [Click to view his specialist areas.](#)

Commercial Litigation

Philip accepts instructions in condemnation hearings and matters involving issues of customs, excise and duties. He is particularly interested in cases where commercial law intersects with public law and regulatory concerns.

Examples of recent work:

- Successfully acted for three claimants in a four day multitrack case in the high court where the court ruled that the defendant held a lease on trust for a company in which the claimants were directors/shareholders,
- Application to set aside judgment in default on behalf of a businessman who was sued for deceitfully engaging investors in a scheme to operate ATM machines that dispensed gold bars,
- Instructed as part of a legal team by Ingenious Media in a high value tax dispute concerning the scope of tax breaks in the British film industry.

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Inquests, Public Inquiries & Coronial Law

Philip has a growing inquest practice. His work in this area complements a public law and judicial review practice, which cuts across criminal justice, mental health and adult social care. He represents families as well as institutions and other interested parties.

Examples of Work

- Module 2 of Covid Inquiry – junior counsel for the Federation of Minority Ethnic Healthcare Organisations (FEMHO) : Current
- Module 3 of Covid Inquiry – junior counsel for the Federation of Minority Ethnic Healthcare Organisations (FEMHO) ; junior counsel for the Covid19 Airborne Transmission Alliance (CATA) : Current
- Art 2 inquest – representing family for a death in custody – 6 days in 2024: Ongoing
- Art 2 inquest representing family of a vulnerable man who died from alcohol intoxication whilst in a hotel room during covid pandemic at the direction of the police – 3 days in 2024: Ongoing
- Acting for teenage mother convicted for manslaughter for death of her baby daughter through neglect. Inquest included issues of safeguarding from social services and mental health/psychological impact on teenage mom from grooming: June 2023 – 5 day Inquest
- Death in prison, representing Mental Health NHS Trust. Complex issues of mental health and safeguarding within prisons: April 2023 – 7 day Inquest
- Acted for CQC in 3 inquests, listed together., regarding deaths of patients in care home: March 2023 – 5 day Inquest
- Acted for an energy company in relation to death of employee in an incinerator: April 2022 – 6 Day Inquest
- Appeared as junior counsel on behalf of the bereaved families of six young men who drowned at Camber Sands beach in the summer of 2016 .
- Instructed as counsel (acting alone) for one of the ambulance technicians in the Inquest into the
- death of Kingsley Burrell in Birmingham Coroner’s Court, which lasted six weeks.
- Instructed as counsel to conduct research and preparatory documentary reviews in support of the families in the Hillsborough inquest,
- Instructed counsel for the family in the death of a prisoner in HMP Norwich, who died suddenly: Oct 2-4, 2013,
- Instructed counsel for family in death of prisoner who suffered from mental health illness at HMP Downview: January 13-24, 2014,
- Instructed counsel for inquest into the death of a Jamaican woman who was detained at Yarl’s Wood for removal back to her country.

Originally a barrister with a criminal law practice in Jamaica, Philip also has international human rights experience as a lawyer at the Inter-American Commission on Human Rights (IACHR) in Washington DC, USA, the International Commission of Jurists (ICJ) in Geneva, Switzerland, the Human Dignity Trust (HDT) in London, and as a legal consultant for inter-governmental organisations

International

Philip has worked as an international human rights lawyer at the Inter American Commission on Human Rights (IACHR) in Washington DC, USA, the International Commission of Jurists (ICJ) in Geneva, Switzerland, the Human Dignity Trust (HDT) in London, and as a legal consultant for inter-governmental organisations such as UNAIDS and various NGOs in the Caribbean and Africa. As such, he is well-versed in the litigation process of the UN, Inter-American and African human rights systems.

Having conducted strategic litigation on issues involving sexual orientation, HIV and AIDS, Philip is an expert in comparative public law analysis. He has written amicus briefs in cases such as William Roy Leung v Secretary of Justice, Hong Kong Court of Appeal, Major Margaret Witt v Donald Rumsfeld Secretary of Defence, US Court of Appeal for the 9th Circuit, USA and the Blue Diamond Society case in the Supreme Court of Nepal.

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As legal officer at the ICJ, he was the key manager in the creation, of the “Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity” in Yogyakarta, Indonesia , and principal author of the ICJ legal practitioners’ guide on “Sexual Orientation, Gender Identity and International Human Rights Law” (2009).

Philip is formerly a legal officer and now trustee of the Human Dignity Trust (HDT) – an organisation that uses litigation to challenge laws that criminalise homosexuality around the world, He is also on the board of the San Francisco charity called Organisation for Refugee Asylum and Migration (ORAM) – an organisation that advocates and conducts legal research of asylum and migration issues related to LGBT populations.

Philip is a Guardian Law contributor on issues concerning sexual orientation, HIV/AIDS, article 8 and 14 of ECHR, international human rights law and international justice. He speaks conversational French.

Public Law

Philip has a growing inquest practice. His work in this area complements a public law and judicial review practice, which cuts across criminal justice, mental health and adult social care. He represents families as well as institutions and other interested parties.

Examples of Work:

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Prison & Police Law

Called to bar 22 November 2012 – Grays Inn. Call to the bar in Jamaica, 1996

Philip is steadily building a public law practice, which includes criminal justice matters regarding prisons and the police. He routinely drafts grounds for judicial review and other claims, and acts as counsel in matters in the county and administrative law courts.

Examples of work:

- Advising and drafting judicial review claims related to parole board decisions and conditions in prison
- Advised on successful judicial review claim for the reversal of a decision of the Criminal Injuries Compensation Authority

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(CICA) to compensate a victim of rape in the Social Entitlement Chamber,

- Drafted grounds for judicial review and obtained admission from the Secretary of State that the failure to provide a course that was considered necessary in the prisoner’s rehabilitation had been unlawful,
- Advised in successful claim for trespass and battery at the Central London County Court, concerning animal rights, protestors, who argued that police action pursuant on s14 of the Public Order Act was unlawful,
- Acted for a Claimant in a 4 day civil jury trial: action against the police for assault and false imprisonment

A criminal barrister of many years’ experience in Jamaica, Philip also worked in international human rights, lawyer at the Inter-American Commission on Human Rights (IACHR) in Washington DC, USA, the International Commission of Jurists (ICJ) in Geneva, Switzerland, the Human Dignity Trust (HDT) in London, and as a legal consultant for inter-governmental organisations such as UNAIDS and various NGOs in the Caribbean and Africa. He is also a Guardian Law contributor and speaks conversational French.

Education

Called to bar 22 November 2012 – Grays Inn. Call to the bar in Jamaica, 1996.

Philip has a growing practice in education law. He is interested in discrimination, admissions and exclusions, disciplinary procedures, and professional disciplinary matters within education. His work in education law runs alongside a general public law practice, particularly in judicial review. Philip appears in related tribunal and judicial review permission hearings.

Examples of work,

- Acting in the First Tier Tribunal (Education and Disability) for local authorities, schools and parents in issues related to EHC plans
- Advising in higher education disputes on issues such as matriculation, certification, examination integrity and hate speech.
- Advising and drafting striking out grounds leading to dismissal of discrimination claim against a regulator
- Advising and acting for local authority in First Tier Tribunal in disability discrimination claim,
- Advising and acting for claimant in judicial review claim in a parental choice of school matter,
- Presentation and training to primary school teaching staff regarding the “Prevent duty” and counter-terrorism,

A criminal barrister for many years in Jamaica, Philip has worked in international human rights law at the Inter- American Commission on Human Rights (IACHR) in Washington DC, USA, the International Commission of Jurists (ICJ) in Geneva, Switzerland, the Human Dignity Trust (HDT) in London, and as a legal consultant for inter-governmental organisations such as UNAIDS and various NGOs in the Caribbean and Africa.

Regulatory

Philip has a growing regulatory practice, advising and representing parties in matters of professional discipline, licensing, health and safety, food safety and other areas. He draws on years of experience at the criminal bar, both prosecuting and defending. His work has spanned a variety of sectors, including health and social care, education, financial, entertainment, sports and others. Philip is a Registered Lawyer under the FA Football Agents Regulations.

Examples of professional discipline work:

- Successfully acted in “Trojan Horse” misconduct hearing on behalf of teacher-Union members of the Association of School and College Leadership (ASCL), who sought to prevent disclosure of their interview statements from the Peter Clarke inquiry.

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- Successfully acted for a nurse in a 7 day hearing at the Nursing and Midwifery Council (NMC). One of the contested charges was struck out and the other was not proved. Of the admitted charges, reasonable conditions of practice were secured as sanction.
- Successfully acted for a nurse in a 4 day hearing at the Nursing and Midwifery Council (NMC) who was accused of cutting a patient's IV line.
- Successfully acted for a nurse in an appeal who had been struck off after a conviction for a council tax related offence.
- Acted for a physiotherapist in a hearing regarding her competence and fitness to practise before the Health Care and Professionals Council (HCPC).
- Acted for a teacher in a 2 day hearing before the National College for Teaching and Leadership (NCTL) who was accused of exaggerating his previous teaching experience and lying about his GCSE results.
- Acted in a court martial hearing for a private in the army who was charged with a serious assault against a colleague.

Example of licensing work

- Advised on and drafted judicial review grounds for a local authority to contest a reversal of decision to revoke a taxi licence

Example of general regulatory work

- Advised on and drafted striking out grounds that led to the dismissal of a discrimination claim against an education regulator

A criminal barrister for many years in Jamaica, Philip has worked in international human rights law at the Inter- American Commission on Human Rights (IACHR) in Washington DC, USA; the International Commission of Jurists (ICJ) in Geneva, Switzerland; the Human Dignity Trust (HDT) in London; and as a legal consultant for inter-governmental organisations such as UNAIDS and various NGOs in the Caribbean and Africa. Philip is also a Guardian Law contributor. He speaks conversational French.

Professional Misconduct

Philip acts for police officers in criminal matters (including motoring offences) and in their disciplinary proceedings. He draws on years of experience at the criminal bar, both prosecuting and defending.

Philip also has experience in inquests, inquiries and coronial law matters (See Inquest, Inquiries and Coronial Law CV)

Examples of (general) professional discipline work,

- Successfully acted in "Trojan Horse" misconduct hearing on behalf of teacher-Union members of the Association of School and College Leadership (ASCL), who sought to prevent disclosure of their interview statements from the Peter Clarke inquiry.
- Successfully acted for a nurse in a 7 day hearing at the Nursing and Midwifery Council (NMC). One of the contested charges was struck out and the other was not proved. Of the admitted charges, reasonable conditions of practice were secured as sanction.
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Awards



Accreditations

- British Chevening Scholarship, 2000
- Suffolk and North Essex Law Society (SNELS) for 1st place on the masters or Law (LL.M) 2000-01 programme, Essex University

Memberships

- Association of Regulatory and Disciplinary Lawyers (ARDL)

Appointments

- Called to the bar, Grays Inn (2012)
- Called to the bar, Jamaica (1996)

Qualifications

- Bar Transfer Test (BTT), 2012
- Masters of Law (LLM) in International Human Rights law (Distinction), Essex University, 2002
- Legal Education Certificate (Jamaican Bar Vocational course), Norman Manley Law School, 1996
- Bachelor of Laws (Honours) 1993, University of the West Indies, 1993

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