

Ramby de Mello

Call: 1983

"His knowledge of EU law is unquestionable. His arguments are so novel and advanced."

Chambers UK 2025



Ramby de Mello is an experienced and important member of chambers Immigration, International and Public Law groups.

Expertise

Immigration, Asylum & Nationality

Ramby is a specialist barrister in judicial review and public law. He has many high profile reported cases and has appeared in the High Court, Court of Appeal, House of Lords (Supreme Court) and the European Court of Justice.

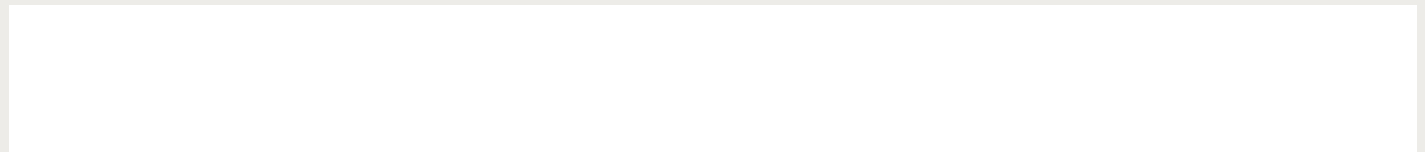
In addition he is an acknowledged expert in human rights (including being a general editor of Human Rights Act 1998 Practical Guide' –published by Jordans) European Union law particularly in relation to anti-discrimination law, administrative law, public procurement, freedom of establishment, services and movement (including social security, immigration, crime, customs and excise) Nationality and immigration law (including national security and terrorism law) .

His specialism includes child support law, social services, civil liberties, individual rights, civil actions against the state, extradition, education, prison and discrimination law.

Ramby frequently undertakes pro bono work and was Times Lawyer of the Week for representing a Hindu wishing to undertake an open air funeral pyre in the UK.

Articles:

- Consultant editor of INLR (Jordan)



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Notable Cases

R(AHK)-v-SSHD [2009] EWCA Civ 287 [2009] 1 WLR 2049

The court set out the principles to be adopted in determining whether a special advocate should be appointed to represent an applicant seeking judicial review of a refusal of his application for British citizenship, where the refusal was on the ground that the applicant had not demonstrated good character and where the Home Secretary was not willing to disclose,) Ex parte Scullion (state liability for non-transposition of EC Directives in social security law),

SSHD-v-Ex parte Wolke (HL) [1997] 1 WLR 1640

(EC law and Social security),

P-v-S C13/94 [1996] ICR 795 ECJ

(transsexual and Sex Discrimination) (this case changed domestic law to protect transsexuals against discrimination in the work place),

Ocezlik [2009] EWCA Civ 260

The time taken to process an application of a Turkish immigrant for indefinite leave to remain in the United Kingdom did not count towards the one-year period of legal employment that would entitle him to remain in the UK under the EC,

Bigia [2009] EWCA Civ 79

The court ruled on the extent to which the decision of the European Court of Justice in Metock v Minister for Justice, Equality and Law Reform (C-127/08) (2009) All ER (EC) 40 had affected domestic law on the rights of persons falling within Directive 2004/38 art.3.2(a), namely "other family members" of a "Union citizen",

Manjit Kaur ECJ Case C-192/99 [2001] ECR I-1237

(whether British Overseas nationals are EU citizens);

R(Tofik)-v-IAT[2003] EWCA Civ 1138 [2003] INLR 623

(duty of tribunal to give reasons for refusing extension of time,

BI (PAKISTAN) v SECRETARY OF STATE FOR THE HOME DEPARTMENT (2009)-[2009]

When considering whether the removal of a person, who claimed that she was dependent on a daughter and her family in the UK because of her ill health, breached her right to a family life under the European Convention on Human Rights 1950 art.8, the AIT failed to have proper regard to the positive duty on contracting states to show respect for family life and failed to appreciate that a person's family was the group on which many people most heavily depended socially, emotionally and financially,

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Lim-v-SSHD [2008] INLR 60 [2007] EWCA Civ 773

All questions arising under the Immigration and Asylum Act 1999 s.10 were to be regarded as appealable and reviewable and the use of judicial review had to be calibrated to the nature of the issues through the exercise of judicial discretion to the nature of the issue or issues,

R. v Secretary of State for the Home Department Ex p. Khawaja [1984] A.C. 74

and the Nationality, Immigration and Asylum Act 2002 s.82 could be respected. CA (Civ Div) (Sir Mark Potter (President Fam), Sedley LJ, Wilson LJ) 25/7/2007,

YD-v-Turkey [2006] 1 WLR 1646

the Court of Appeal has an inherent jurisdiction to order the Home Secretary to refrain from removing an applicant whilst his out of time appeal is pending with the court,

Raghib Singh-v-SSHD [1996] Imm AR 507

(deportation on grounds of national security),

SN-V-SSHD [2005] EWCA Civ 1683 [2006] INLR 273

(removal of an HIV/AIDS sufferer receiving treatment in the UK which would not be available in the destination country).

SM (Algeria) v Entry Clearance Officer, UK Visa Section [2018] UKSC 9

SAS-v-France (Grand Chamber) Judgment is expected in May 2014. (Application no. 43835/11) (France banning wearing of burcas)

Tele2 Sverige AB v Post- och telestyrelsen (C-203/15) EU:C:2016:970; [2017] Q.B. 771; [2017] 2 W.L.R. 1289; [2017] 2 C.M.L.R. 30; ECJ

Chen-v-SSHD Case C-200/02

International law and freedom of movement (rights of the EU child)

Carson and Reynolds-v-Department of Works and Pensions [2005] UKHL [2006] 1 AC 173 [2005] 2 WLR 1369

(age related benefits are not discriminatory under article 14 ECHR)

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Kehoe-v-DWP [2005] 3 WLR 252 (HL) [2006] 1 AC 42

(determination of civil rights and obligations whether civil rights are engaged under the Child Support Act 1991);

Baiai-v-SSHD [2007] 1 WLR 693 [2008] UKHL 53, [2008] UKHRR 1232, [2009] 1 AC 287

(the right to marry protected by article 12 of the European Convention on Human Rights);

Miller and Anor, R (on the application of) v Secretary of State for Exiting the European Union (Rev 3) [2017] UKSC 5 ([2018] AC 61, [2017] UKSC 5, [2017] 2 WLR 583, [2017] NI 141, [2017] 1 All ER 593, [2017] 2 CMLR 15

PLC V (1) RASHIDA BIBI AMIN (EXECUTRIX OF THE ESTATE OF MOHAMMED AMIN, DECEASED) (2) RASHIDA BIBI AMIN [2002] UKHL 9 [2002] 2 WLUK 712 [2002] 1 F.L.R

(undue influence)

MM (Lebanon) and others-v-SSHD [2017] UKSC 10

(financial minimum requirement in the immigration rule)

Bibi and Ali-v-SSHD[2015] UKSC 68

(English language requirement in the Immigration Rules)

International

Ramby de Mello is an acknowledged and highly regarded practitioner in the field of human rights. He has represented clients in the Supreme Court, the European Court of Justice and the Grand Chamber of the European Court of Human Rights. Ramby appears regularly in the UK Courts in test cases involving human rights.

Ramby represented a French citizen against the French State, with Belgium intervening, against the burca ban before the Grand Chamber of the ECHR. He argued on behalf of the applicant that the ban of the full face veil breached her right to privacy, freedom to manifest her religious belief and that the law prohibiting the wearing of the veil was discriminatory on grounds of gender and religion: *SAS-v-France* Judgment is expected in 2014.

Another one of his cases, the first internationally, involved a post-operative transgender person claiming that she was discriminated against on grounds of her status and that this was unlawful under the gender discrimination laws. This case was brought before the ECJ which ruled in her favour and led to the change of the UK Sex Discrimination Act 1975: *P-v-S* C13/94 [1996] ICR 795 ECJ

Another well-known case brought before the ECJ involved the rights of an EU citizen child to have her primary carer parent reside in the

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Member State with the child though the parent was a third country national. This case was the first internationally to define the rights of a child, under European Union law, to have his parent reside with the child so that the child's citizenship rights could be exercised on her behalf: *Chen-v-SSHD* Case C-200/02.

Manjit Kaur ECJ Case C-192/99 [2001] ECR I-1237 (whether British Overseas nationals are EU citizens).

Ramby was nominated lawyer of the week for the Times News Paper.

Ramby is also the General Editor of the book "Human Rights Act 1998 – A Practical Guide" (Jordans). Other published works include a chapter on Immigration and Nationality for the Discrimination Law Association book entitled "Making Rights Real" (a handbook on challenging racism and racial discrimination under the Human Rights Act) and contributions to the Bar Council Human Rights Handbook (Study Guide). He is also written a book for the NHS and Local Authorities on Human Rights (Monitor Press). He is also a consultant editor for the "Immigration and Nationality Law Reports" (Jordans).

Notable Cases

Brinklow Marina-v-HMRC [2013] UKFTT 522 (TC)

(Whether the mandatory requirement to make on line VAT payments was incompatible with article 8 ECHR)

MM, Javed [2013] EWHC 1900

(Amendments to the Immigration Rules concerning the maintenance requirements for the admission of spouses to the United Kingdom, including raising the minimum income level to be provided by a UK sponsor to 18,600, had a legitimate aim but were so onerous in effect as to be an unjustified and disproportionate interference with the ability of spouses to live together contrary to their rights under art 8 ECHR)

Birmingham CC-v-Gavin James [2013] EWCA Civ 552

(Gang injunctions and personal autonomy- There was no "closest fit" principle in deciding between the various pre-emptive orders available to control violence, provided the statutory conditions were met, it was at the judge's discretion)

R (Ali and Bibi) v SSHD [2013] EWCA Civ 322, [2013] WLR(D) 139

(Appeal from the Administrative Court on the pre-entry English test. By a majority decision (Sir David Keene dissenting) the Court of Appeal dismissed the appeal and held the requirement to be proportionate)

Ali and Anor R (on the application of) v Minister for the Cabinet Office the Statistics Board [2012] EWHC 1943 (Admin)

(The regime contained in the DPA 1998 and the census legislation constituted a sufficiently accessible and predictable body of law and satisfied the requirement that any disclosure of personal census data was in accordance with art8 ECHR)

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AHK and ORS v Secretary Of State For The Home Department [2012] EWHC 1117 (Admin)

(The court held that there could be no closed material procedure in proceedings for judicial review of the secretary of state's refusal to grant naturalisation to applicants whom she did not consider to be of good character, even though she had given few reasons for her decision on the ground that to do so would harm national security)

DL and Anor v LB of Newham [2011] EWHC 1127 (Admin) [2011] 2 FLR 1033, [2011] Fam Law 922 (Admin)

(The Defendant local authority had acted in breach of the procedural rights conferred by Article 8 and also breached the common law principle that a decision-maker should act in a way that is procedurally fair)

R (on the application of) v Derbyshire Constabulary [2011] EWHC 2362 (Admin)

(A case against the police force for issuing an enhanced criminal record certificate involving a psychiatrist – compatibility with articles 6 and 8 ECHR)

R (Ghai) v Newcastle upon Tyne City Council (Ramgharia Gurdwara, Hitchin and others intervening) [2010] EWCA Civ 59; [2010] 3 WLR 737; [2010] WLR (D) 36; [2010] 7 EG 101; [2010] PTSR 1003; [2011] 1 QB 591; [2010] 3 All ER 380

(That 'open air' funeral pyres were lawful under British law giving the term "building" a wide definition, fulfilling Baba Ghai's pleas to be 'naturally cremated in a sacrament of fire')

Lee Ling Low-v-SSHD [2009] EWHC 35 [2010] EWCA Civ 4 [2010] 2 CMLR 34, [2010] ICR 755, [2010] Eu LR 415

(Where third country nationals had been employed by a company incorporated in one member state to provide services in the United Kingdom, they had no derivative claim to work in the UK under EC Treaty (Nice) art.49, as they had not been legally employed and lawfully resident in the first member state)

R(AHK)-v-SSHD [2009] EWCA Civ 287 [2009] 1 WLR 2049

(The court set out the principles to be adopted in determining whether a special advocate should be appointed to represent an applicant seeking judicial review of a refusal of his application for British citizenship, where the refusal was on the ground that the applicant had not demonstrated good character and where the Home Secretary was not willing to disclose relevant material to the applicant on public interest grounds)

Rahim [2009] 1 WLR 466

(Whether on an appeal under the Private Security Industry Act 2001 the magistrate's court could consider the merits by looking into the circumstances of the door supervisor's conviction)

SSHD v AHK and Ors [2009] EWCA Civ 287; [2009] 1 WLR 2049

(Test case – The court set out the principles to be adopted in determining whether a special advocate should be appointed to represent an applicant seeking judicial review of a refusal of his application for British citizenship, where the refusal was on the ground that the applicant had not demonstrated good character for reasons that the Home Secretary was not willing to disclose on National Security Grounds (the Claimant is a Muslim preacher and is alleged to have been an

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Usama-Bin-Laden sympathiser and have given sermons in the mosque in support of UBL)).

Bigia [2009] EWCA Civ 79

(The court ruled on the extent to which the decision of the European Court of Justice in Metock v Minister for Justice, Equality and Law Reform (C-127/08) (2009) All ER (EC) 40 had affected domestic law on the rights of persons falling within Directive 2004/38 art.3.2(a), namely "other family members" of a "Union citizen". Minor grandchildren are "family members" within the meaning of Article 2.2(c) of the Directive 2004/38)

Baiai-v-SSHD [2007] 1 WLR 693 [2008] UKHL 53, [2008] UKHRR 1232, [2009] 1 AC 287

(the right to marry protected by article 12 of the European Convention on Human Rights)

Birmingham City Council v Shafi and Ellis [2008] EWCA Civ 186; [2008] WLR (D) 341; [2009] 1 WLR 1961; [2009] 3 All ER 127; [2009] HLR 25; [2009] BLGR 367; [2009] CP Rep 1, [2009] PTSR 503

(Test case – Successfully defended an injunction obtained by the Birmingham City Council against alleged gang members. The Court of Appeal held that where a local authority sought an injunction in circumstances in which an antisocial behaviour order would be available, the court should not, save perhaps in an exceptional case, grant an injunction but should leave the local authority to seek an antisocial behaviour order so that the detailed checks and balances developed by Parliament and in the decided cases would apply)

Christie-v-Lord Chancellor's Dept. Christie-v-Department for Constitutional affairs [2007] ICR 1553; O'Brien EAT [2008] UKEAT 0139_07_2204

(Whether part time judges are workers for purposes of obtaining pensions)

Kelly-v-Warley Magistrates' Court [2007] EWHC 1836 (Admin) [2008] 1 WLR 2001

(Unconditional directions issued to the defendant under rule 3.5(2) of the Criminal Procedure Rules to disclose the names of his witnesses etc infringed legal professional privilege. Unconditional orders for disclosure of privileged material exceed this boundary)

Denise Rowley-v-DWP [2007] EWCA Civ 598 [2007] 1 WLR 2861

(The CSA does not owe the resident parent with care a duty of care to collect and enforce maintenance arrears)

Errington, R (on the application of) v Metropolitan Police Authority [2006] EWHC 1155 (Admin)

(Important issues in relation to control orders under part 1 of the Anti-social Behaviour Act 2003, which deals with the closure of premises which have been used in connection with the unlawful use, production or supply of Class A drugs (often referred to colloquially as "crack houses") and that use has given rise to disorder or serious nuisance to members of the public)

YD-v-Turkey [2006] 1 WLR 1646

(The Court of Appeal has an inherent jurisdiction to order the Home Secretary to refrain from removing an applicant whilst his out of time appeal is pending with

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the court)

YD-v-Turkey [2006] 1 WLR 1646

(The Court of Appeal has an inherent jurisdiction to order the Home Secretary to refrain from removing an applicant whilst his out of time appeal is pending with the court)

SN-V-SSHD [2005] EWCA Civ 1683 [2006] INLR 273

(removal of an HIV/AIDS sufferer receiving treatment in the UK which would not be available in the destination country)

Kehoe-v-DWP [2005] 3 WLR 252 (HL) [2006] 1 AC 42

(Determination of civil rights and obligations whether civil rights are engaged under the Child Support Act 1991)

Reynolds-v-Department of Works and Pensions [2005] UKHL [2006] 1 AC 173 [2005] 2 WLR 1369

(Age related benefits are not discriminatory under article 14 ECHR)

Muhammad Afzal-v-The Election Commissioner and Election Court [2005] EWCA Civ 647

(Court of Appeal May 2005) (The Court of Appeal quashed that part of the Commissioner's decision that found Mr Afzal to have been guilty of corrupt and illegal practices and made an appropriate order, thereby enabling Mr Afzal to cast his vote)

He and Dan-v-DARA [2004] EWHC 3021 (Admin)

(Recovery proceedings under Part 5 of the 2002 Act are not criminal proceedings for purposes of art 6 ECHR and though the criminal standard of proof does not apply the court should look for cogent evidence before deciding that the balance of probabilities has been met)

Chandler-v-Legal Services Commission QBD [2004] EWHC 925 (Admin)

(concerns the duty of the LSC to fund the representation of the claimant before the Coroner's Court)

Williamson-v-Chief Constable of the West Midlands Police [2004] 1 WLR 14

(The Court of Appeal held that breach of the peace was not an offence for purposes of PACE taken together with article 5 ECHR but the Court nevertheless ruled that PACE should be applied to those arrested for breach of the peace)

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Addison-v-Chief Constable of West Midlands Police (CA) [2004] 1 WLR 29

(Breach of the peace was not an offence for purposes of PACE 1984)

Public Law

Ramby is a specialist barrister in judicial review and public law. He has many high profile reported cases and has appeared in the High Court, Court of Appeal, House of Lords (Supreme Court) and the European Court of Justice.

In addition he is an acknowledged expert in human rights (including being a general editor of Human Rights Act 1998 Practical Guide' –published by Jordans) European Union law particularly in relation to anti-discrimination law, administrative law, public procurement, freedom of establishment, services and movement (including social security, immigration, crime, customs and excise) Nationality and immigration law (including national security and terrorism law).

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Ramby frequently undertakes pro bono work and was Times Lawyer of the Week for representing a Hindu wishing to undertake an open air funeral pyre in the UK.

Ramby de Mello has advised clients from different countries on making representations to Interpol to remove red notices from their data base on grounds that it amounts to a misuse of applications of red notices by participating countries. These representations include reference to international law, human rights and EU data law. He specialises in human rights and EU data law. Certain countries that subscribe to Interpol often misuse red notices as a political means to persecute their nationals abroad. Interpol is aware of this being done. Ramby de Mello advises clients how to make representation to Interpol to remove the red notices and failing which to advise and represent clients how to challenge these decisions before domestic and international forums including making submissions to Commission for the Control of INTERPOL's Files (CCF).

The CCF can recommend to the General Secretariat that, as an interim measure pending completion of the CCF's review, to restrict and block access to the information so that it becomes invisible National Central Bureau.

Ramby is a specialist barrister in judicial review and public law. He has many high profile reported cases and has appeared in the High Court, Court of Appeal, House of Lords (Supreme Court) and the European Court of Justice. He has also appeared for an applicant against the French Government in the ECHR Court Grand Chambers.

Ramby de Mello has also advised and represented foreign Embassies and Consuls on State Immunity defences.

Books and Articles:-

General Editor of the book "Human Rights Act 1998 – A Practical Guide" (Jordans). Other published works include a chapter on Immigration and Nationality for the Discrimination Law Association book entitled "Making Rights Real" (a handbook on challenging racism and racial discrimination under the Human Rights Act, contributions to the Bar Council Human Rights Handbook (Study Guide). He is also written a book for the NHS and Local Authorities on Human Rights (Monitor Press). He is also a consultant editor for the "Immigration and Nationality Law Reports (Jordan), writes articles for JCWI.

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BI (PAKISTAN) v SECRETARY OF STATE FOR THE HOME DEPARTMENT (2009)-[2009] EWCA Civ 834

When considering whether the removal of a person, who claimed that she was dependent on a daughter and her family in the UK because of her ill health, breached her right to a family life under the European Convention on Human Rights 1950 art.8, the AIT failed to have proper regard to the positive duty on contracting states to show respect for family life and failed to appreciate that a person's family was the group on which many people most heavily depended socially, emotionally and financially,

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74 and the Nationality, Immigration and Asylum Act 2002 s.82 could be respected. CA (Civ Div) (Sir Mark Potter (President Fam), Sedley LJ, Wilson LJ) 25/7/2007,

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SN-V-SSHD [2005] EWCA Civ 1683 [2006] INLR 273

(removal of an HIV/AIDS sufferer receiving treatment in the UK which would not be available in the destination country).

Reynolds-v-Department of Works and Pensions [2005] UKHL [2005] 2 WLR 1369

(age related benefits are not discriminatory under article 14 ECHR),

Kehoe-v-DWP [2005] 3 WLR 252 (HL)

(determination of civil rights and obligations whether civil rights are engaged under the CSA 1991),

Lady Archer-v-Jane Williams (QBD 30 June 2003);

Baiai-v-SSHD [2007] 1 WLR 693

(declaration of incompatibility granted in respect of the requirement to obtain the written permission of the SSHD prior to marriage) (confirmed by the Court of Appeal and House of Lords). [2008] 3 WLR 549,

R-v-the Ministry of Defence ex parte Smith (CA) QB 517

(ban on homosexuals serving in the Armed Forces),

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Williamson-v-Chief Constable of the West Midlands Police [2004] 1 WLR 14

(the Court of Appeal held that breach of the peace was not an offence for purposes of PACE taken together with article 5 ECHR but the Court nevertheless ruled that PACE should be applied to those arrested for breach of the peace) He and Dan-v-DARA [2004] EWHC 3021 (Admin) (recovery proceedings under Part 5 of the 2002 Act are not criminal proceedings for purposes of art 6 ECHR and though the criminal standard of proof does not apply the court should look for cogent evidence before deciding that the balance of probabilities has been met,

Chandler-v-Legal Services Commission QBD (2004)[2004] EWHC 925 (Admin)

(concerns the duty of the LSC to fund the representation of the claimant before the Coroner's Court,)

R-v-Wandsworth LBC ex parte O [2000] 1 WLR 2539

(entitlement to assistance under the National Assistance Act to overstaying immigrants,

A-v-Coventry City Council [2009] EWHC 34 (Admin)

duties of local authority pursuant to the Children Act 1989 s.20 and s.23 to provide accommodation for a child. In need),

R(Rahim)-v-Birmingham Magistrates' Court [2009] 1 WLR 466

The issue was whether on an appeal under the Private Security Industry Act 2001 the magistrate's court could consider the merits by looking into the circumstances of the door supervisor's conviction. The Court ruled that there was not such discretion conferred on the court in deciding the appeal,

DAVENDER KUMAR GHAI (Claimant) and (1) RAMGHARIA GURDWARA HITCHIN (2) ALICE BARKER WELFARE and WILDLIFE TRUST (Interveners) v NEWCASTLE CITY COUNCIL (Defendant) and SECRETARY OF STATE FOR JUSTICE (Interested Party) (2009)

The burning of human remains on an open pyre (pending in the Court of appeal),

Zoe Errington-v-Metropolitan Police (QBD April 2006 (Admin)

(this case was a test case under the Anti Social Behaviour Act 2003 - concerning the jurisdiction of the Magistrates' Court to hear the application for a Closure Order under ASBA 2003 and whether it was dependent upon the existence of the validity of the closure notice issued and served under section 1 Part 1 of the ASBA),

R (on the application of DAVIES) v SOLIHULL JUSTICES (2008)[2008] EWHC 1157;

A magistrates' court had erred in determining that an accused, by his behaviour, had deliberately absented himself from his criminal trial and that it was appropriate to proceed with the trial in his absence,

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Dwaine Street-v-CPS QBD (Admin) (December 2003)

(this case decided that an loaded air weapon in a public place was a firearm offence under the Firearm Act 1968),

R(Ejaz Ahmed)-v-Bham Mag [2003] EWHC 72 (Admin)

Delay by prosecution led to the quashing of the DJ's order because the trial did not take place within a reasonable time,

CPS-v-Billy Lawrence QBD (Admi) (July 2007)

(the Justices were not entitled to exclude the evidence of the words spoken by the defendant even though these words may have constituted the ingredients of the section 5 Public Order Act 1986 offence),

Kelly-v-Warley Magistrates' Court [2007] EWHC 1836 (Admin) [2008] 1 WLR 2001

(unconditional directions issued to the defendant under rule 3.5(2) of the Criminal Procedure Rules to disclose the names of his witnesses etc infringed legal professional privilege.,

Education

Ramby is a specialist barrister in judicial review and public law. He has many high profile reported cases and has appeared in the High Court, Court of Appeal, House of Lords (Supreme Court) and the European Court of Justice.

His specialism includes child support law, social services, civil liberties, individual rights, civil actions against the state, extradition, education, prison and discrimination law.

Ramby frequently undertakes pro bono work and was Times Lawyer of the Week for representing a Hindu wishing to undertake an open air funeral pyre in the UK.

Prison & Police Law

Ramby is a specialist barrister in judicial review and public law. He has many high profile reported cases and has appeared in the High Court, Court of Appeal, House of Lords (Supreme Court) and the European Court of Justice.

In addition he is an acknowledged expert in human rights (including being a general editor of Human Rights Act 1998 Practical Guide' –published by Jordans) European Union law particularly in relation to anti-discrimination law, administrative law, public procurement, freedom of establishment, services and movement (including social security, immigration, crime, customs and excise) Nationality and immigration law (including national security and terrorism law).

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