

Anthony Metzger QC

Call: 1987 - QC: 2013

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Anthony Metzger QC, Head of Chambers, is a highly regarded silk known for his committed and forensically-detailed approach to his practice. He specialises in Crime; Claimant civil actions against the police; Immigration and Inquests. Anthony has recently been appointed as a Deputy High Court Judge for England and Wales, and will also sit in the Administrative Court hearing Judicial Review applications and in the Upper Tier Tribunal of the Immigration and Asylum Tribunal having previously sat as a First Tier Judge in the IAT since 2002. He has been appointed this year to the War Pensions and Armed Forces Tribunal as a First Tier Judge.

Anthony, who has been described in *Chambers and Partners* as a “devastating cross-examiner”, is highly recommended as a leading silk again in the 2019 edition in the categories of *Crime* (Band 3 – Leading Silk) and *Police Law – mainly Claimant* (Band 2 – Silk). *Chambers & Partners* notes that Anthony offers particular experience in human rights cases and has been instructed to act against the police and local authorities. In the Legal 500 2019 edition, Anthony is again ranked in *Crime* (Band 3 – Leading Silk) and *Civil Liberties and Human Rights* (Band 3 – Leading Silks) where it states: ‘His ability to grasp the nuances and issues in a case quickly are second to none’. Anthony is known for his skill in building a successful rapport with Claimants, he is also distinguished by his ability to achieve substantial settlements on a regular basis.

His strengths have variously been described in recent editions as follows:

“He is very nice on a personal level, always willing to help and is very responsive”;

“He has impressive advocacy skills and is excellent with clients” [2018 edition]

“An outstanding jury advocate with unmatched cross-examination skills. He comes across as friendly and committed to both clients and jury members, and easily wins their trust”;

“He is excellent at identifying the key evidential points and is exceptionally popular with clients.” [2019 edition]

“A well-prepared, thorough and engaging advocate – his legal arguments are consistently impressive”.

“Well known in the field, especially in claims against the police”.

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Anthony's growing reputation as leading Counsel in Immigration cases is reflected in the landmark case of *Secretary of State for the Home Department v Banger - C-89/17*. The CJEU found, for the first time, that the *Surinder Singh* rationale applies to the unmarried partner of a British national. In this case the Court found that Article 21 TFEU applies to extended family members by analogy. The Court found that a refusal of a residence card must follow as a result of an extensive examination of the applicant's personal circumstances and must be justified by reasons. Finally, on the issue of appeal rights, the Court determined that the redress procedure must *enable a full assessment of the facts and involve an extensive examination of the applicant's personal circumstances*. The full hearing has now been listed for the 20th March 2019.

Civil

Anthony Metzger QC is one of the leading silks in civil actions against the police, with cases appearing in the High Court, County Court and the Court of Appeal. He has also been instructed as leading counsel in two substantial misfeasance claims against police forces.

Anthony's work encompasses claims for Claimants in professional negligence and contractual claims, in particular solicitor's negligence, and libel and inquests.

Anthony was instructed as main leading counsel in what is believed to be the UK's largest civil action against the police: *Wayne Pugh & Others v Commissioner of Police of South Wales*, which arose from the well-publicised and criticised prosecution of the 'The Cardiff Three', following the murder of a prostitute, Lynette White. Anthony represented 8 out of 15 Claimants in proceedings, which lasted three months and involved over one million documents.

Notable Cases

- *Habib v Commissioner of Police of the Metropolis* (2017) (Oxford CC) – Mr Ullah died during a forceful arrest made by the police. Anthony Metzger QC originally appeared in the *inquest proceedings* into his death concluded on 2 March 2015, in which the jury reached a narrative conclusion of misadventure and were highly critical of the police conduct both in respect of his initial control and restraint and then in respect of his after-care. Anthony Metzger QC ultimately appeared as leading counsel for Mrs Habib on behalf of Mr Ullah's estate in a disputed action against the police for assault and breach of Articles 3 and 8 of the ECHR, which was listed for a three-week trial. He was able to successfully secure a substantial settlement for the family, inclusive of an apology.
- *B* (anonymised) – Anthony represented the Claimant in an unusual claim for damages arising out of an incident whereby the Defendant breached confidentiality. The Claimant had entrusted the Defendant, her community psychiatric nurse, with highly personal and sensitive information about herself. The Defendant received an award for his work and he disclosed details of the Claimant's personal life which were published in a Press Release, causing the exacerbation of her psychiatric condition. The claim was settled with Anthony's assistance, on excellent terms for the Claimant.
- *Makinde v Commissioner of Police of the Metropolis* (2017) (CLCC) – Anthony represented the Claimant at trial in a fully contested action against the police for assault and battery, false imprisonment and malicious prosecution. It was argued that the police officers were not acting within their powers under the Road Traffic Act at the time they sought to seize the Claimant's vehicle and therefore they were not acting in the execution of their duty when they arrested the Claimant for obstructing them in the execution of their duty.

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- *Serafin v Malkiewicz & Ors* [2017] EWHC 2992 (QB) (24 November 2017) (High Court). Anthony Metzger QC acted for the Defendant newspaper and proprietors in a fully-contested libel and misuse of private information trial which lasted for 8 days in the High Court. The case involved 7 hours of cross-examination of the Claimant, which was described by Mr Justice Jay as a 'skilful and patient' cross-examination. He successfully defended the claim for damages and injunctive relief on the basis of truth, public interest and lack of privacy. Anthony will now act as leading Counsel for the Respondent in the appeal, which is listed for March 2019.
- *Boyle v Chief Constable of Hampshire* (2016) (Winchester CC): Fully contested claim for damages for assault, false imprisonment and malicious prosecution arising out of a football incident which will proceed as a probable three-week trial in early 2018, pending an interlocutory appeal in the Court of Appeal.
- *Pugh & Others v Chief Constable of South Wales Police* (2015): Acting as leading counsel with two junior counsels for 8 of 15 Claimants in the UK's largest action against the police, arising from the collapsed prosecution of the 'Cardiff Three'.
- *Christmas Island, War Pensions Appeal* (2015) Supreme Court: Leading counsel in a substantial claim brought against the Ministry of Defence. The veterans were exposed to extremely harmful nuclear testing on Christmas Island during the 1950s; the case involved complex evidence from experts of different fields, including nuclear physics and meteorology.
- *M (anonymised) & Others v Commissioner of Police of the Metropolis* (2015): A heavily contested, complex action against the police concerning widespread corruption and police connections with a notorious criminal gang.
- *Mr Lea Leighton v Chief Constable of Derbyshire Constabulary* [2015] High Court (QB): Civil action relating to social services records in respect of unproven sexual allegations.
- *McDonnell v Commissioner of Police of the Metropolis* (2014) [2015] EWCA Civ 573: Considered excessive force by police as invariably "grossly disproportionate", involving novel Article 3 and 6 ECHR submissions.
- *Walker v Commissioner of the Police of the Metropolis* [2014] EWCA Civ 897 UPDATE - Following a successful application for leave to appeal at Central London County Court, Anthony appeared in the Court of Appeal and won the appeal in respect of damages for false imprisonment. The complex legal arguments, which flowed from the first instance Judge's findings of fact, have resulted in Walker becoming now one of the leading cases in this area of the law.
- *Bailey v Commission of Police for the Metropolis* (2012) Central London County Court: Successful recent trial for assault, false imprisonment and malicious prosecution.
- *R v HM Court Service ex parte Hunter* (2012) Upper Tier Tribunal: Successful Judicial Review concerning a CICA Claim rejection which had denied a claim as the Claimant was too slow to bring an allegation of rape.
- *D v Marriot, Virgin Active, Commission of Police* (2012) Central London County Court: A trial for sexual assault and failure to protect the Claimant.
- *Buckley v Chief Constable of Thames Valley Police & Ollivierre & Ors v Chief Constable of Thames Valley Police & Another* (2010 / 2011) Oxford County Court; CLCC; Court of Appeal [2009] EWCA Civ 356: Instructed in two of the leading cases in the Court of Appeal determining what constitutes objective reasonable grounds to arrest.
- *Ryder-Large v King* (2010) [2008] EWHC 3404 (QB): Acted for Claimant in an unprecedented multiple malicious prosecution claims (29 separate allegations).
- *Hunt v AB* [2008] EWHC 2724 [QB]; [2009] EWCA Civ 1092 (CA): Successful leading counsel in the High Court for a Defendant in a malicious prosecution claim brought against a woman who claimed to be a rape victim, who was subject to an unprecedented claim by her alleged rapist. The Judgment was upheld in the Court of Appeal. The case had huge potential ramifications for rape victims in the future and received national publicity in the press and media.
- *Morton Insurance v Sidhu* (2008) Courts of Justice [2008] EWHC 417: Civil claim involving an allegation of

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insurance fraud by an ex-employee.

Crime

Anthony Metzger QC is a highly distinguished and established silk in criminal defence work with considerable appellate and Privy Council experience. He has a substantial criminal practice, principally in murder and manslaughter, serious offences of a sexual nature and drug offences. He also specialises in fraud and money laundering allegations and has extensive experience in health and safety prosecutions.

Prior to obtaining silk, Anthony had been listed as a leading junior in every edition of the Legal 500 since 2007 and is presently listed under the headings of general crime and criminal fraud.

His criminal practice includes high-profile cases such as the 'Nigella Lawson Case', where he successfully represented the first of two sisters charged with defrauding their employers, Ms Lawson and Charles Saatchi.

Notable Cases

- *R v Lockridge (2019)* – Instructed as leading Counsel to represent Defendant charged with the murder of her partner. Trial listed for February 2019.
- *R v T (Anonymised) (2018)* – Successfully prosecuted the Defendants for offences against their two daughters, aged under 9 at the time of the offences. Defendant one was convicted of counts of sexual assault on a child and cruelty. Defendant two was convicted of Perverting the Course of Justice. A re-trial of further counts of sexual assault is likely to be heard in February 2019.
- *R v Boshva (2018)* – Leading Counsel defending one of five co-accused on a murder where the victim was killed in a frenzied stabbing for revenge. His Client was acquitted and obtained a relatively light sentence for manslaughter in contrast to three co-Defendants who were convicted and received tariff sentences of nearly 30 years.
- *R v Rekaya (2018)* – Defendant charged with fraud totalling nearly £90,000 by falsely representing that he was a victim of the Grenfell Tower tragedy. He was also prosecuted on a further charge of obtaining leave to remain in the UK by deception. Mitigation put forth by Anthony resulted in a substantially reduced sentence, which is especially significant given the public distaste for cases of this kind.
- *R v Provan (2018)* – Successfully prosecuted the Defendant, a Met Police Officer at the time of the offences, on two counts of rape upon a 16-year old girl. Defendant was convicted and sentenced to a substantial term of imprisonment.
- *R v P (Anonymised) (2017)* (Snaresbrook Crown Court) – Anthony, instructed by the RASSO unit, has prosecuted a police officer accused of historic indecent assault. He will be prosecuting the Defendant in July separately on two counts of rape.
- *R v Procter (2017)* Liverpool Crown Court – Anthony was leading counsel defending in a murder trial involving the shocking and particularly violent death of a young woman when the Defendant was under the influence of cocaine. Upon advice, the Defendant changed his plea at trial and he received a substantially reduced tariff sentence.
- *R v Ledesma (2016)* Southward Crown Court – Anthony was leading counsel representing a nurse who faced two trials for gross negligence manslaughter for a fatal blood transfusion error. The case raised

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complex issues as to whether the events amounted to gross negligence, and relating to causation. Ultimately, he was able to successfully ensure that his client did not receive a custodial sentence despite the general guidelines for offences of this type.

- *R v Beadman* (2016) Nottingham Crown Court: Leading counsel in defending the murder, rape and false imprisonment of a school girl. Highly publicised case.
- *R v Dalli* (2016) Manchester Crown Court: 17-year old boy successfully defended on allegation of conspiracy to murder.
- *R v Khan* (2016) Manchester Crown Court: Leading counsel defending a husband accused of the murder of his wife.
- *R v Jason Podesta* (2016) Chichester Crown Court: Allegation of historic rape.
- *R v Ledesma* (2016) Southwark Crown Court: Leading counsel defending a nurse accused of unlawful killing after she transferred the wrong type of blood to the deceased. Re-trial in November 2016.
- *R v Hoyle* (2015) Chester Crown Court: Leading counsel defending in a brutal murder trial, known as the 'Facebook Reunion Murder', featuring in the BBC documentary, 'The Prosecutors'.
- *R v Jordan Daley* (2015) Central Criminal Court: Leading counsel in murder trial.
- *R v Purkins & Others* (2014) Central Criminal Court: Leading counsel defending in a case involving the death a private gym user after consuming 'DNP', a toxic pesticide.
- *R v Grillo & Grillo* (2013) Isleworth Crown Court: Successfully defending one of two sisters charged with defrauding Charles Saatchi and Nigella Lawson.
- *R v Zinkevicius* (2013) Central Criminal Court: Leading counsel in murder trial.
- *R v Konigshofer* (2012) Wood Green Crown Court: Conspiracy to rape in the Haredi community.
- *R v McGrath* (2009) Manchester Crown Court: Vast money-laundering allegation. The client was a former Deputy Chairman of Preston Borough Council.
- *R v Etchu-Abangma* (2009) Wood Green Crown Court: Health and safety prosecution concerning death of vulnerable young person in care home.
- *R v Gomulu* (2008 / 2009) Central Criminal Court and Court of Appeal: Murder.

Immigration

Anthony Metzger QC practises primarily at appellate level. Anthony has recently been appointed as a Deputy High Court Judge for England and Wales, and will also sit in the Administrative Court hearing Judicial Review applications and in the Upper Tier Tribunal of the Immigration and Asylum Tribunal. Since 2002, he has also been sitting part-time as an Immigration Judge at the First Tier Tribunal level, which gives him unparalleled expertise.

Notable Cases

- [Banger \(EEA: EFM - Right of Appeal\) \[2019\] UKUT 00194\(IAC\)](#)
- *Secretary of State for the Home Department v Banger - C-89/17*
- Anthony was also [interviewed](#) by Lexis Nexis on the *Banger* CJEU judgment.
- [Banger \(Unmarried Partner of British National : South Africa\) \[2017\] UKUT 125 \(IAC\) \(30 March 2017\)](#) – Led Sanaz Saifolahi, also of Goldsmith Chambers. The questions included in the Reference to the Court of Justice of the European Union include whether the rationale in *Surinder Singh* applies to the unmarried partner of a British National. Furthermore, following the case of *Sala* the jurisdiction of the Tribunal in appeals by Extended Family Members **and** whether the Regulations are consistent with the Citizen's Directive in this regard.

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- *LS (Article 45 TFEU – derivative rights)* [2018] UKUT 00426 (IAC) – LS was the primary carer of a British Citizen child. It was successfully argued that Article 45 of the TFEU applied.
- *KE (Nigeria) v SSHD* [2017] EWCA Civ 1382 – Anthony, leading Alexis Slatter, also of Goldsmith Chambers, appeared in an appeal from the Secretary of State for the Home Department against a decision of the Upper Tribunal ('UT') to revoke a deportation order made against the Respondent. Anthony successfully resisted the SSHD's submissions that, *inter alia*, the UT erred in holding that a person who is sentenced to a hospital order combined with a restriction order for an indefinite period does not fall within the provisions of section 117D (4) of the Nationality, Immigration and Asylum Act ('NIAA') 2002 which defines "a period of imprisonment".
- *RK (Burundi) v SSHD (2014)* (Court of Appeal) – Anthony acted as leading counsel on behalf of the Appellant in an appeal against a refusal of a declaration of unlawful detention. RK had continued to be detained following a refusal for his return by the only country ascertained for the purpose of carrying out a deportation order, and for a period of time which was no longer justified under the *Hardial Singh Principles* (*R v Governor of Durham Prison, ex parte Hardial Singh* [1984] 1 WLR 704)

Inquests

Anthony Metzger QC was instructed on three major inquests in 2015. One of these inquests became the subject of a BBC Panorama programme, exploring issues including the death of an Asian man where excessive police force was used upon arrest. The other inquests were regarding the tragic death of a 13-year old girl following a high-speed police chase and a suspicious death in Germany possibly involving anti-Semitism which attracted international media attention.

Notable Cases

- *Douglas (2018)* – Instructed on behalf of the family of the deceased in an inquest into the death of a prisoner serving a sentence at HMP Long Lartin. The next PIR hearing is listed for January 2019.
- *McGowan (2018)* – Acted for the family of the deceased in an inquest into the death of a patient of Southmead hospital. Argued that the hospital failed to act with due care and diligence and misadministered medical treatment which they ought to have known could be fatal to the deceased, and that this caused the death.
- *Shestopal (2017)* (WLCC) – Anthony, acting pro bono, represented the widow of Mr Shestopal, a retired solicitor and was able following questioning to make successful submissions to the Coroner who concluded in a narrative finding that Mr Shestopal's nurse's improper removal of a vascath (a flexible plastic tube inserted into a vein) led directly to his heart attack and his subsequent death.
- *Abiona (2017)* (Maidstone CC) – Acting for the family in an inquest, Anthony was able to demonstrate to the Assistant Coroner serious issues about the training and care provided in an emergency tracheotomy replacement. The Assistant Coroner concluded in a narrative finding that the death was accidental but contributed to by neglect, having made, *inter alia*, a finding of gross failure on the part of the carer in her actions after the deceased had his tracheotomy dislodged.
- *Ullah (2015)*: Acting for the family in a highly charged inquest into the death of a man during a routine stop-and-search, which later featured on Panorama.
- *Was (2015)*: Acting for the family of a 13-year-old killed in a collision arising from a high-speed police pursuit.
- *Duggan (2015)*: This high-profile inquest explored the suspicious death of Mr Duggan after attending a

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conference by the anti-Semitic La Rouche movement.

Appointments

- Fee-paid Immigration Judge (2002)
- War Pensions & Armed Forces Compensation Chamber of the First Tier Tribunal (2018)
- Deputy High Court Judge for England and Wales (2018)

Memberships

- Civil Actions Against The Police Lawyers
- Criminal Bar Association
- South Eastern Circuit
- Member of the Council of the Institute of Law and Ethics at Tomsk State University

Awards

- Chambers & Partners – Band 2 All Circuits, Police Law: Mainly Claimant (2016)
- Chambers & Partners – Band 3 London (Bar), Crime (2016)
- Legal 500 – Tier 3 ‘Leading Silk’ under Crime; (2019)
- Legal 500 – Tier 3 ‘Leading Silk’ under Civil Liberties & Human Rights (2019)
- Chambers & Partners – Band 2 All Circuits, Police Law: Mainly Claimant (2019)
- Chambers & Partners – Band 3 ‘Leading Silk’, Crime (2019)

Mr Metzger QC has been credited as a legal consultant on various TV series, including the BAFTA-winning Criminal Justice 1, Criminal Justice 2 and books including:

- Almost True (Francis Lincoln, 2010)
- When I Was Joe (Francis Lincoln, 2009)
- Major Farran’s Hat (Heinemann, 2009)
- Eichmann: His Life & Crimes (Heinemann, 2004)

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