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Sir James Eadie KC



"James is go-to lawyer for the government. His breadth of experience and knowledge is almost unparalleled."

– CHAMBERS AND PARTNERS, 2025

Year of call:	**1984**
Appointed to silk:	**2008**
Degree:	**MA: Magdalene College, Cambridge**
Languages:	**French (working knowledge)**

Sir James Eadie KC is one of the UK's leading advocates, with a practice spanning public and regulatory, commercial, EU and international law.

The Lawyer's Litigation Tracker's analysis has found James to be the top-ranked barrister at the Bar since 2015, by volume of court appearances, undertaking twice the share of court work of any other ranked barristers.

James was appointed First Treasury Counsel in January 2009, breaking the tradition of appointing Junior Counsel to this role. He had previously been Junior Counsel to the Crown, Common Law (1997-2008); alongside a private commercial and regulatory practice.

In the profession, he is called the 'Treasury Devil'. As such, he is the KC to whom the Government turn first for their major pieces of advice and litigation.

He advises the Government across the entire range of Government activity – from terrorism to tax. He has acted in much of the major litigation brought against the Government (frequently in the Supreme Court and European Court of Human Rights).

He was named Human Rights and Public Law Silk of the Year at the Chambers UK Bar Awards 2017; and again in 2021. He has been regularly named in The Times Law 100 listing the most influential lawyers in Britain.

James has been listed by both of the leading Legal Directories, Legal 500 and Chambers UK, as one of the Stars of the Bar and consistently in the first tier of Public and Administrative, and Human Rights, KCs. He is also currently ranked for his expertise in Immigration, Indirect Tax, Data Protection and EU law.

Recent comments include:

- "Sir James is undoubtedly at the top of his game and is the go-to silk for the UK government. He is very impressive and commands the respect of the Supreme Court judges."- Legal 500, 2023
- "He is phenomenal, both in terms of the volume of extraordinary cases he takes on and the quality of his advocacy. Undoubtedly a star, and everyone agrees." -Chambers UK, 2023

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Previous comments include:

- "James Eadie is exceptional. He can run the most difficult cases and technically is second to none"- Legal 500
- "He is one of the finest of his generation" "His demeanour and presence in court are statesmanlike and very impressive." - Chambers UK
- "He is the best Supreme Court advocate with more experience before the court than anyone else at the Bar." "A tremendous silk… Simply phenomenal."- Legal 500

Examples of recent cases in the Supreme Court:

- The Gina Miller Brexit litigation: ie Article 50 at [2018] AC 61; and Prorogation at [2020] AC 373
- R (Shamima Begum) v SSHD [2021] AC 765
- Central Bank of Venezuela v Maduro [2022] 2 WLR 167
- McQuillan [2022] 2 WLR 49
- R (SC) v SSDWP [2022] AC 223
- R (Elan Cane) v SSHD [2022] 2 WLR 133
- R (AB) v SSJ [2021] 3 WLR 494
- Sanambar v SSHD [2021] 1 WLR 3847
- R (Fratila) v SSDWP [2022] PTSR 448
- Re Incorporation of UNCRC in Scotland Bill [2021] 1 WLR 5106
- R (Project for Registration of British citizens) v SSHD [2021] 1 WLR 3049
- El Gizouli v SSHD [2021] AC 937
- KBR v SFO [2021] 2 WLR 335
- Villiers v Villiers [2021] AC 838
- Hemmati v SSHD [2021] AC 143

Examples of recent cases in the Court of Appeal:

- R (Good Law Project) v Minister for Cabinet Office [2022] EWCA Civ 21
- R (Counsel General for Wales) v SS for BEIS [2022] EWCA Civ 118
- R (Open Rights) v SSHD [2022] QB 166
- Aaron Banks v HMRC [2022] 1 WLR 825
- R (Huxtable) v SSJ [2022] 1 WLR 813
- R (Reprieve) v Prime Minister [2022] 2 WLR 1
- Secretary of State for Justice v Local Authority [2021] 3 WLR 1425
- Privacy International v Foreign Secretary [2021] QB 1087
- R (Dolan) v SS for Health [2021] 1 WLR 2326
- R (Delve) v HMT [2021] 3 All ER 115
- R (JCWI) v SSHD [2021] 1 WLR 1151

Notable cases before European Court of Human Rights:

- Big Brother Watch v UK
- Greens & MT v the UK

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- Bankovic v UK
- Al Skeini v UK
- Ladele and Chaplin v the UK.
- Max Mosley v UK
- Hatton v UK
- Smith and Grady v the UK
- Roche v UK
- Osman v UK
- McKerr v UK
- Chahal v UK
- McCann v UK
- MN v Belgium
- Fayed v UK

EXPERIENCE

Public & Regulatory

James is widely recognised as one of the leading public law advocates in practice at the English bar. As 'Treasury Devil' he leads of the Government in most of the key public law litigation, often in the Supreme Court.

"His advocacy skills are outstanding. He takes a judge with him. He is very clear and very focused. He makes sure the judge understands him before he moves on."

— CHAMBERS AND PARTNERS, 2025

Cases

The Gina Miller Brexit litigation
Article 50 at [2018] AC 61 and Prorogation at [2020] AC 373

Central Bank of Venezuela v Maduro
[2022] 2 WLR 167
Foreign Secretary intervening in proceedings to determine the ownership of gold held at the Bank of England to certify who was recognized as President of Venezuela.

R (Fratila) v SSDWP
[2022] PTSR 448
EU law compatibility of restrictions on residence rights post Brexit to citizens of other member states

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R (Project for Registration of British citizens) v SSHD

[2021] 1 WLR 3049

Challenge to power to make regulations specifying cost plus fees for applications for British citizenship

KBR v SFO

[2021] 2 WLR 335

Limits on statutory power to obtain information by compulsion from foreign companies

Villiers v Villiers

[2021] AC 838

Forum conveniens in cross border divorce and financial settlement

R (Patrick Finucane) v SSNI

[2019] HRLR 7

Retrospective application of HRA and required ingredients of an Article 2 compliant investigation

R (Gallagher) v SSHD

[2020] AC 185

Criminal records certificates and whether system compliant with Article 8 ECHR

Stott v SSJ

[2020] AC 51

Discrimination and life sentence prisoners

Scottish and Welsh Continuity Bills

[2019] AC 1022

Reference by UK government challenging proposed Scottish Parliament legislation post Brexit

Iraqi and Afghanistan military operations

Including: Mohamed v SS for Defence [2017] AC 821 and Ramatullah v MOD [2017] AC 649

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DSD v Metropolitan Police and SSHD

[2019] AC 1022

Principles governing payment of compensation under ECHR for police negligence in investigation of crime (Warbuoys)

Rendition

Belhaj v Straw [2017] AC 964 (on applicable law and ECHR); and Belhaj [2019] AC 593 (on closed material procedures and the meaning of criminal cause or matter)

Chapti/Bibi v Secretary of State for the Home Department

2015 UKSC 68

Claimants are challenging provisions of the immigration rules requiring that spouses seeking entry have proficiency in English. (Judgement handed down 18 November 2015.)

R (Good Law Project) v Minister for Cabinet Office

[2022] EWCA Civ 21

Challenge to award of government contracts during pandemic

R (Counsel General for Wales) v SS for BEIS

[2022] EWCA Civ 118

Challenge to UK Internal Markets Act on grounds of competence of Welsh Assembly

R (Open Rights) v SSHD

[2022] QB 166

Challenge to immigration exemption in Data Protection legislation as incompatible with EU law

Aaron Banks v HMRC

[2022] 1 WLR 825

Challenge to non-availability of tax exemption for political donations to Brexit organisations

R (Huxtable) v SSJ

[2022] 1 WLR 813

Challenge to Parole Board rules permitting Secretary of State to invite Parole Board to reconsider decisions

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R (Reprieve) v Prime Minister

[2022] 2 WLR 1

Challenge to decision not to hold public inquiry in relation to allegations of UK involvement in renditions – closed material procedures

Secretary of State for Justice v Local Authority

[2021] 3 WLR 1425

Challenge to decision by local authority to permit facilitation of sex with a prostitute for a man in care of local authority – whether criminal offence risked being committed

R (Dolan) v SS for Health

[2021] 1 WLR 2326

Challenge to lawfulness of Covid regulations

R (Delve) v HMT

[2021] 3 All ER 115

Challenge by women born in 1950s to increase in/equalisation of state pension

R (JCWI) v SSHD

[2021] 1 WLR 1151

Challenge to legislation governing details to be provided to landlords by immigrants

Rahmatullah v Secretary of State for the Home Department

(Supreme Court)

Challenges to the existence of the common law principle of foreign active state and the application of state immunity in the context of alleged unlawful rendition and torture. (Supreme Court hearing 9 – 12 November 2015.)

Wang Yam v Central Criminal Court & Her Majesty's Attorney General

(Supreme Court)

Raising the issue of whether or not it is permissible in principle for a domestic UK court to grant an injunction preventing the transmission of security sensitive material to the European court of Human Rights in Strasbourg. (Hearing in Supreme Court 2 November 2015).

The Lord Chancellor v Detention Action Group

[2015] EWCA Civ 840

The legality of fast track immigration detention processes in the Court of Appeal. (Judgment handed down 29 July 2015)

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HM Attorney General v BBC
[2022] EWHC 826 (QB)

Injunction to prevent Panorama revealing the identity of a person they claimed to be an MI5 agent.

R (Friends of the Earth) v SS for International Trade & UKECGD
[2022] EWHC 568 (Admin)

Challenge to ECGD decision to provide financial assistance to construction of major gas production plant in Mozambique.

R (Good Law Project) v Prime Minister
[2022] EWHC 298 Admin

Challenge to appointments to senior government posts during pandemic on grounds of discrimination

R (FDA) v Prime Minister
[2022] 4 WLR 5 –

Challenge to decision by Prime Minister under the Ministerial Code on the allegations of bullying against the Home Secretary

Privacy International v Investigatory Powers Tribunal
[2021] QB 936

Lawfulness of warrants authorising equipment interference

R (Charles) v Foreign Secretary
[2021] 1 WLR 1394 –

Challenge to diplomatic immunity of Anne Sacoolas wife of a US diplomatic agent following death of Harry Dunn in road traffic accident

R (Khan) v SSJ
[2020] 1 WLR 3932

Discrimination in relation to change in legislation governing early release provisions applicable to terrorist prisoners

Public Law Project v The Lord Chancellor
[2015] EWCA Civ 1193

A challenge to the legality of the imposition of a residence test in the context of legal aid reform (Judgement handed down on 25 November 2015.

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Civil Liberties & Human Rights

James is widely recognised as one of the leading public law and human rights advocates in practice at the English bar. As 'Treasury Devil' he leads of the Government in most of the key public law and civil liberties litigation, often in the Supreme Court.

"James is truly prolific – he is an outstanding practitioner."
— CHAMBERS AND PARTNERS, 2025

Cases

R (Shamima Begum) v SSHD
[2021] AC 765

Ms Begum challenging her deprivation of citizenship and the lack of ability to participate in UK proceedings from the camp in Syria

McQuillan
[2022] 2 WLR 49

Retrospective reach of the Human Rights Act in the context of allegations of breaches of the ECHR in the context of the Northern Ireland 'troubles'.

R (SC) v SSDWP
[2022] AC 223

Challenges to the '2 child' restriction on benefits – the Supreme Court revisiting a series of generic issues relating to Human Rights Act challenges (including the working of margin of appreciation, the relevance of international law, the use of Parliamentary materials and the Ullah principle)

R (Elan Cane) v SSHD
[2022] 2 WLR 133

Rights of non-binary persons to have an 'X' marking on their passports

Hemmati v SSHD
[2021] AC 143

EU lawfulness of compensation arrangements for those detained pending removal

El Gizouli v SSHD
[2021] AC 937

Provision of evidence to the US in support of prosecution on death penalty offence in the US of El Gizouli and El Sheikh

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Sanambar v SSHD
[2021] 1 WLR 3847

Deportation of foreign national offenders

R (AB) v SSJ
[2021] 3 WLR 494

Detention of juvenile offenders and Article 3 ECHR

MS (Pakistan)
[2020] 1 WLR 1373

Victims of trafficking – relationship between European convention against trafficking and the ECHR

Steinfeld
[2020] AC 1

Discrimination and rights of heterosexual couples to a civil partnership

Bashir
[2019] AC 484

Application of Refugee Convention in Sovereign Base Areas in Cyprus

Al Waheed v The Ministry of Defence
(Supreme Court)

Whether international humanitarian law can provide a basis for detention in a non-international armed conflict situation. (Hearing in Supreme Court 1 February 2015).

Gaughran v The Chief Constable of the Police Service of Northern Island & Secretary of State
[2015] UKSC 29

Challenge to retention of DNA and other personal data re convicted persons. (Judgment handed down 13 May 2015).

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Keyu & others v Foreign and Commonwealth Affairs and another

[2015] UKSC 69

Allegations of killing in 1948 by British soldiers in Malaya.

Issue 1 – should an article 2 ECHR compliant investigation be ordered in 2015

Issue 2 – should proportionality be a free standard ground of domestic judicial review so as to supplant the concept of rationality. (Judgment handed down on 25 November).

Beghal v Director of Public Prosecutions

[2015] UKSC 49

Challenge to Schedule 7 - powers to stop, question and search people at UK ports. (Judgment handed down on 22 July 2015).

Hutchinson v UK

(European Court of Human Rights)

Challenge to the compatibility with Article 3 ECHR of the UK system for imposing whole life sentences (hearing in ECHR on 21 October 2015).

Serdar Mohammed v The Secretary State of Defence (and other related litigated conflicts arising in Afghanistan)

[2015] EWCA Civ 843

A series of challenges in relation to the legality of detention and in relation to whether or not further investigation/enquiry was required under the ECHR. (Judgement from Court of Appeal on 30 July 2015).

Privacy International v Foreign Secretary

[2021] QB 1087

Lawfulness of Intelligence Services authorisation of criminal conduct by covert human intelligence sources

R (Crowter) v SS for Health

[2021] EWHC 2536 Admin

Challenge to Abortion Act brought by Downs child

Barnet LBC v AG

[2022] Fam 404

Application of diplomatic immunity in context of allegations of child abuse in the UK – relationship between Vienna Convention on Diplomatic Immunity and ECHR

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R (Youseff) v SS FCDO

[2022] EWHC 3188 Admin –

Terrorist sanctions under UN regime – compatibility of domestic legislation with ECHR

Environment

Sir James Eadie KC practices extensively in environmental law. Key highlight cases may be found below.

"Represents the government in all its most challenging and complex environmental cases."

— LEGAL 500, 2018

Cases

R (Friends of the Earth) v SS for International Trade & UKECGD

[2022] EWHC 568 (Admin)

Challenge to ECGD decision to provide financial assistance to construction of major gas production plant in Mozambique

R (Friends of the Earth) v SS for International Trade and ECGD

[2022] EWHC 568 (Admin)

Challenge to ECGD decision to provide financial assistance to construction of major gas production plant in Mozambique

Wild Justice v Natural Resources Wales

[2021] Env LR 24

Challenge to general licences for shooting birds

R (National Union of Farmers) v DEFRA

[2021] Env LR 1

Challenge direction to Natural England in relation to badger culling

R (Friends of Antique cultural Treasures) v DEFRA

[2020] 1 WLR 3876

Challenge to Ivory Act 2018 prohibiting sale of ivory goods

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R (Langton) v DEFRA

[2019] Env LR 9

Advising and representing DEFRA in relation to the proposed badger cull

R (Drax Power) v HMT

[2016] 2 CMLR 33

Challenge to removal of the renewable source energy exemption from the climate change levy

R (Guernsey) v DEFRA

[2016] 4 WLR 145

Challenge to suspension of Guernsey fishing licences on grounds of over-fishing

R (Edwards) v Environment Agency

[2011] 1 WLR 79 (Supreme Court)

Whether the system for dealing with costs in environmental cases is 'prohibitively expensive' under the Aarhuis Convention and EU law

Breyer Group Plc & Others v Department of Energy & Climate Change

Acting for the Department of Energy and Climate Change, in seeking to resist claims for damages for more than £200 million brought by participants in the solar panel industry. Manufacturers and distributors of solar technology alleged a violation of their property rights by the reason of the making of a proposal by the Department to reduce the subsidy available to the industry for energy produced from renewable resources. The present case follows an earlier challenge by Friends of the Earth alleging that the proposal was unlawful.

EU Law

Sir James Eadie KC has acted in over 100 cases for the Government before the European Court of Human Rights.

Key highlight cases may be found below.

"He advises the government as the Treasury Devil."

— LEGAL 500, 2019

Cases

Big Brother Watch v UK

App. Nos. 58170/13, 62322/14 and 24960/15

Bulk interception by intelligence agencies

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MN v Belgium
2020

Jurisdiction of contracting states in overseas embassies

Max Mosley v UK
[2011] 53 EHRR 30

Whether domestic law failed adequately to protect Max Mosley's privacy rights under Article 8 ECHR

Ladele and Chaplin v the UK
[2011] ECHR 737

Wearing of crosses and other religious symbols at work

Prisoner voting
ECHR

Greens & MT v the UK; for the UK in the intervention in Scoppola v Italy before the Grand Chamber; and then in the Supreme Court in Chester v Secretary of State for Justice

Roche v UK
[2005]

Christmas islands nuclear detonations

Hatton v UK
[2003] ECHR

Night noise over London caused by Heathrow flights

Earl and Countess Spencer v the UK
[1998] 25 EHRR CD 105

Whether domestic law failed adequately to protect Countess Spencer's privacy rights under Article 8 ECHR

McCann v UK
1995

Gibraltar shootings of IRA bombing unity by British forces

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Osman v UK; McKerr v UK
European Court of Human Rights

Investigative obligations under Article 2

Osman v UK; McKerr v UK
European Court of Human Rights

Investigative obligations under Article 2

Smith and Grady v the UK
(1999) 29 EHRR 493

Homosexual personnel in the armed forces

Chahal v UK
[1996] 23 EHRR 413

Deportation and Article 3

Military operations abroad
ECHR

Numerous cases relating to military operations abroad including in Bosnia, Iraq and Afghanistan (eg. Bankovic v UK; Al Skeini v UK; Al Jedda v UK; Hasan v UK; Hanan v Germany; Al Jaloud v Netherlands)

Fayed v UK; Ernest Saunders v UK
[1994] ECHR 27

Use of compelled material and self incrimination

Data Protection, Freedom of Information & Privacy

Sir James Eadie KC is ranked in the current editions of both Chambers & Partners and Legal 500 for his work in this area.

Key highlight cases may be found below.

"One of the people they bring in to take over when things get hot, because the court listens to everything he says."

— CHAMBERS & PARTNERS, 2020

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Cases

FCDO v Information Commissioner
[2022] 1 WLR 1132

Challenge to use of s.23 and s.24 FOIA (national security exemptions)

R (Open Rights) v SSHD
[2022] QB 166

Challenge to immigration exemption in Data Protection legislation as incompatible with EU law

HM Attorney General v BBC
[2022] EWHC 826 (QB)

Injunction to prevent Panorama revealing the identity of a person they claimed to be an MI5 agent

R (Hackney LBC) v SS for Housing
[2019] EWHC 1438 Admin

Prohibiting local authorities from publishing and distributing free local newsletters more frequently than on a quarterly basis

Dept of Health v Information Commissioner
FTT 5 April 2012

Free space for Government decision making - risk registers

Plowden v Information Commissioner
FTT 18 May 2012

Exemptions applicable to Bush-Blair correspondence in advance of the decision to conduct military operations in Iraq

R (BBC) v Secretary of State for Justice
[2012] EWHC 13 Admin

Affording access to BBC to interview Babar Ahmed

R v Venables
30 July 2010

Whether Jon Venables new identity should be revealed to the press following his conviction on child pornography charges

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Investigations & Inquiries

Sir James Eadie KC has been involved in a large number of Inquiries, including the notable examples found below.

"He is extremely impressive."
— LEGAL 500, 2018

Cases

London Bridge Inquest
2021
Acting for M15

Manchester Arena Attack Inquiry
2019
Acting for MI5

SSHD v Senior Coroner for Surrey
[2017] 4 WLR 191
Application of Public Interest Immunity in the context of inquests

Mid Staffs - The Francis Inquiry
2013
Acted for the Secretary of State for Health

The Leveson Inquiry
2012
Acting for and advising the Government

Finucane
2012
Judicial review of the decision not to set up a 2005 Act public inquiry into the murder of Northern Irish solicitor, Patrick Finucane.

R (M) v Home Secretary
[2012] EWCA Civ 668
Challenge to refusal to set up public inquiry into handling of demonstration at an immigration centre

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The 7/7 bombings inquest
2012
Acting for MI5

Hearing on the Report of the Chief Justice of Gibraltar
[2009] UKPC 43.
Whether the Chief Justice of Gibraltar should be removed from office

ACHIEVEMENTS

Appointments
- Historic: Junior Counsel to the Crown, Common Law ("A" Panel) (1997-2008); First
- Current: Treasury Counsel ("Treasury Devil") (2009-)

VAT registration number: 446932721

Barristers regulated by the Bar Standards Board