

SIR EDWARD GARNIER QC

T. 0207 353 8845

E. eg@onebrickcourt.com

Registered name on the Bar Standards Board Register: Sir Edward Henry Garnier QC MP

Vat Number: 150169530

Call: 1976

Silk: 1995

Called to the Northern Ireland Bar: 2010

SPECIALISATION

- Defamation and malicious falsehood/trade libel in all media (eg internet, e-mail, print and broadcast media) for claimants and defendants, including related European Human Rights Law
- Breach of confidence, data protection and privacy law, including related Human Rights Law
- Contempt of Court
- Freedom of Information Act
- Media reporting restrictions and cases involving access to un-broadcast material under the Police and Criminal Evidence Act 1994
- Passing Off
- Pre-publication advice to local and national newspapers, broadcasters and publishing houses
- Deferred Prosecution Agreements and corporate crime

Has acted for national, foreign and local press, broadcasters and publishing houses, for British and foreign corporate clients, British and foreign Government ministers and senior politicians, sports and entertainment stars, for privately funded and trade union-sponsored clients.

As Solicitor General 2010-12 he appeared in numerous sentencing appeals before the Court of Appeal (Criminal Division), advised in cases involving common law and statutory contempt by jurors, criminal defendants and media organisations as well as prosecuting them in the Divisional Court. He also advised in a wide range of cases involving international law, the law on armed conflict, terrorism, extradition, EU law, the ECHR, devolution, and corporate and individual crime. He developed Deferred Prosecution Agreements for use in cases of corporate bribery, money laundering and other economic crimes.

In 2015 Edward Garnier was instructed by the SFO to lead in the first English DPA case - a failure to prevent bribery under S7 Bribery Act 2010 in Tanzania by a London-based overseas bank - resulting in penalties and other financial orders of over US\$25m approved by the PQBD.

In 2016/17 he was instructed by the SFO to lead a team of 6 barristers in the DPA with Rolls-Royce, the SFO's largest-ever investigation, involving allegations of bribery and corruption in seven overseas jurisdictions involving the company's energy, defence and civil aerospace divisions that resulted in a penalty, interest and costs of over £0.5bn approved by the PQBD simultaneously with similar agreements with the DoJ in the USA and prosecutors in Brazil.

He also accepts work under Conditional Fee Arrangements.

RECOMMENDATIONS

Accomplished media barrister with several decades of experience in defamation, confidence, contempt and freedom of information cases. **Chambers and Partners 2017**

Very able; recommended by clients – **The Legal 500 2016**

30/03/2017

Highly regarded media specialist whose profile at the Bar has been augmented by his political career which included a period serving as Solicitor-General. He has also been called to the Northern Ireland Bar and is praised for his expertise and experience in both jurisdictions. *"He is absolutely charming, very down-to-earth, very eloquent with judges and makes complex issues straightforward."* **Chambers and Partners 2016**

'He has a first-class legal brain and excellent judgement.' **The Legal 500 2015**

Edward Garnier has re-engaged with private practice fully following a stint acting in the government as Solicitor General. A man of great standing, he has attracted some substantial work recently, two very notable examples being his representation of Lord McAlpine of West Green in various cases against the media and individuals who had made unfounded allegations against the peer and a case in the Northern Ireland High Court and Court of Appeal representing a newspaper against a retired top civil servant involving statutory qualified privilege and malice.

A highly revered and respected politician-barrister, Sir Edward Garnier is fully active in the marketplace following his retirement from his role as Solicitor General. Peers note that he has *"got both feet firmly back in chambers."* *"He's a very competent guy and very down to earth."* **Chambers and Partners 2015**

Listed as a leading silk in Chambers and Partners 2014.

He is noted for the wide scope of his practice, and handles cases in Northern Ireland and internationally. *"He is a delight. He has held high office but is absolutely approachable."* *"In court he's a polished street fighter who carries clout."* **Chambers and Partners 2014**

ACADEMIC AND PROFESSIONAL QUALIFICATIONS

Wellington College, Berkshire

Jesus College, Oxford 1971-74 Modern History, (BA 1974; MA 1976)

College of Law, London 1974-76

Called to the Bar by the Middle Temple July 1976

Pupillage 1976-77 with Richard Rampton at 1 Brick Court and 1977 at Chambers of Lewis Hawser QC, 1 Garden Court (general common law, family and crime)

Tenant, 1 Brick Court 1st January 1978

Visiting Parliamentary Fellow, St Antony's College, Oxford (1996 – 1997)

Member of Parliament for Harborough, Leicestershire, since 1992

Member of the House of Commons Home Affairs Select Committee 1992-94

Parliamentary Private Secretary, Foreign and Commonwealth Office 1994-1995

Parliamentary Private Secretary to the Attorney General 1995-97

Parliamentary Private Secretary to the Chancellor of the Duchy of Lancaster 1996-97

Shadow Minister, Lord Chancellor's Department 1997-1999

Shadow Attorney General 1999-2001

Crown Court Recorder 1998

Bencher, Middle Temple 2001

Member of the Commonwealth Parliamentary Association Study Group on Parliament and the Media - Recommendations for an Informed Democracy

Conclusions of a CPA Study Group on Parliament and the Media Held in partnership with the World Bank Institute and The Parliament of Western Australia Perth, Western Australia, 17 – 21 February 2003 (click above link for this publication)

Shadow Home Affairs Minister 2005-2007

Shadow Minister for Justice 2007-2009

Shadow Attorney General 2009 – 2010

Called to the Northern Ireland Bar 2010

Bencher, the Inn of Court of Northern Ireland 2010 – 2012

Solicitor General 2010 - 2012

RECENT REPORTED CASES OF INTEREST

- *Loughran v Century Newspapers Ltd* (2014) NICA 26
- *Lord McAlpine v Sally Bercow* (2013) EWHC 1342 (2013) EWHC 981
- *Lord McAlpine v ITV & Phillip Schofield* (2012)
- *Lord McAlpine v BBC* (2012)
- *Lewis & Ors v R. Re Attorney General's Reference No. 15, 16 & 17 of 2012* [2012] EWCA Crim 1414 (01 June 2012)
- *Thompson, Re Attorney-General's Reference No 103 of 2011* [2012] EWCA Crim 135 (10 February 2012)
- *Rollings, R v* [2012] EWCA Crim 86 (03 February 2012)
- *Attorney General Reference No 18 of 2011* [2011] EWCA Crim 1300 (12 May 2011)
- *The Prosecution of Offences Act 1985 (Specified Proceedings) (Amendment No. 2) Order 2012 No. 2067*
- *Attorney General's Reference No. 73, 75 & 03 of 2010* [2011] EWCA Crim 633 (03 March 2011)
- *Khan, R. v* [2010] EWCA Crim 2880 (09 December 2010)
- *Attorney General v Joanne Fraill and Jamie Sewart* [2011] EWCH 1629 (Admin) - Facebook jury contempt case, first case of its kind

REPRESENTATIVE CASES OF INTEREST

Applications to the Court of Appeal (Criminal Division) under the Unduly Lenient Sentencing (ULS) scheme

Has appeared in 24 ULS applications involving, amongst others, sentences for murder, rape and other sexual assaults against adults and children, serious Class A drugs conspiracies and wholesale imports, people trafficking for employment and sexual exploitation, kidnapping, and possession of firearms with intent to endanger life, including:-

- *R v Mayes* 2010 Sexual activity with an adult with a mental disorder. Sentence increased from 6 to 9 years.
- *R v Milner* 2012 Numerous sex offences against children. Sentence increased from 10 years to an IPP with a minimum term of 7 years.
- *R v Nejloveanu* 2011 Human trafficking for sexual exploitation and controlling prostitutes. Sentence increased from 21 years to an IPP with 10 year 6 month minimum.
- *R v Shanawaz Khan & ors* 2010 Conspiracy to traffic persons for employment exploitation. Sentences increased from 3 to 4 years.

- R v Pyo, Anigbugu & McGee 2011 3 separate "safe haven" rapes/sexual assaults on women in their home or workplace. Sentences increased respectively from 8 years to 15, 8 to 15, and from an extended sentence of 12 years 6 months to 14 years 6 months.
- R v Goicechea & ors (Operation Geneva) 2012, a drugs conspiracy involving 27 defendants, 21 of whose sentences were referred to the CofACD, the largest number of offenders referred to the CofACD since the ULS scheme came into existence under the Criminal Justice Act 1988. 17 sentences increased.
- R v Lewis, Wijtvliet & Vriezen 2012, importation of truck loads of Class A and B drugs from Europe. Sentences increased from 9 years to 13, 13 to 20 and 3 years and 6 months to 6 years. First occasion for CoA to consider the 2012 Sentencing Guidelines on Drugs Offences.
- R v Rollings 2012 Possession of a firearm with intent to endanger life or to enable another to endanger life, 5 years increased to 10 years.
- R v Sanchez Williams 2011 Murder. Life sentence minimum term increased from 15 to 20 years.
- R v Parsons 2011 Attempted murder, rape, aggravated burglary, arson. Life sentence minimum term for attempted murder increased from 12 to 15 years.

Contempt

- A-G v Frail (2011) EWCA Crim1570 Facebook Contempt of Court case.

Defamation

- *Wood -v- West Midlands Police 2003* (qualified privilege; onward publication of police information)
- *Mawdsley -v- Guardian Newspapers 2002* (application of S8 Defamation Act, summary relief)
- *Williams -v- Mirror Group Newspapers 2002* (recovered substantial damages for an African-American female professional boxing judge falsely accused of corruptly scoring the Lennox Lewis/Evander Holyfield title fight in favour of her compatriot)
- *Maneka Ghandi -v- Harper Collins 2001* (recovered substantial damages for Indian Government cabinet minister falsely implicated in a murder in a biography of her late mother-in-law, Indira Ghandi)
- *Garfoot -v- Walker 2000* (recovered £400,000 for claimant falsely accused of rape and other sexual assaults on work colleague)
- *Edwina Currie -v- Express Newspapers 2000* (recovered substantial damages for former MP and Government minister accused of being "The Vilest Woman in Britain" in an article published shortly after the 1997 general election)
- *Patti Boulaye -v- Guardian Newspapers 1999* (recovered substantial damages for British-Nigerian singer who was a Conservative candidate for the Greater London Assembly falsely accused of being a supporter of South African apartheid)
- *Telnikoff -v- Matusevitch (1992) 2AC 343; (1991) 1 QB 102* (requirements for fair comment defence)
- *Sarah Keays -v- Murdoch Magazines (1991) 1 WLR 1184* (Court's jurisdiction to decide question of defamatory meaning as preliminary issue; subsequently recovered £100,000 plus at trial for false allegation that Claimant had written a "kiss'n'tell" book about her life with Conservative cabinet minister Cecil Parkinson)
- *Aldington -v- Tolstoy & Watts 1989* (appeared for 2nd Defendant in "War Criminal" action brought by Lord Aldington, former Conservative cabinet Minister)
- *Orme -v- Associated Newspapers 1979-1981* (appeared for Daily Mail led by Lord Rawlinson QC and Richard Rampton in 6 month jury trial – the longest ever civil jury trial – and in the Court of Appeal and House of Lords hearings in the action brought by the 'Moonies')

Confidence

- *Cornelius -v de Taranto 2001 EMLR 329* (breach of confidence, medico-legal report)

Reporting restrictions

- *R -v- Beaconsfield Magistrates ex parte Westminster Press* - 28th June 1994 Times Law Reports

Deferred Prosecution Agreements

- *SFO -v- Standard Bank November 2015*

- *SFO -v- Rolls-Royce PLC & Rolls-Royce Energy Systems Inc January 2017*

PUBLICATIONS

Contributor: Lissack & Horlick on Bribery 2nd Edition, Butterworths Lexis Nexis (2014)

Contributor: Halsbury's Laws of England, 4th Edn. Vol.45

Telecommunications & Broadcasting Law

Bearing the Standard (jointly 1991)

Facing the Future (jointly 1993)

Articles on defamation, media law, human rights, jury trial and other legal and related public policy issues published in *The Times*, *The Independent* and the legal press (eg: *The Lawyer*, *Counsel Magazine*, *Solicitors' Journal*) plus appearances on television and radio (eg: *BBC Radio 4's Law in Action*, *The World at One* and *The World Tonight*, *BBC 2's Newsnight*). See also *Hansard* for House of Common speeches on many legal issues.

He has also given seminars to British and US solicitors, FTSE 100 companies and other professionals and written about Deferred Prosecution Agreements, through which corporate criminal conduct can be dealt with by means of a deferred prosecution on the making of admissions, the payment of penalties and compensation, and the agreement by the defendant company to be monitored for an agreed period at the end of which the prosecution is dropped if the company has complied with the agreement terms.

His cases have also been discussed in *Media Lawyer*.

Appeared on the BBC Radio 4 programme "The Commission: The Judges" on 15th October 2003

INTERESTS

Music, cricket, shooting, travel & history