



# Caroline Stone

**Year of Call:** 2005

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## Overview

***A highly-experienced barrister: dedicated and incisive with an excellent 'bedside manner'***

Caroline Stone's practice focuses on public law with a particular expertise in national security litigation and a developing practice in education law. She also has significant experience of employment cases.

Caroline is an accomplished advocate and acts on behalf of a diverse range of clients, including individuals, companies and a variety of public authorities. She is frequently instructed in complex matters raising issues of public importance, including human rights challenges, and has appeared before the Court of Appeal and High Court, in addition to various specialist Tribunals and the County Court. She is a member of the Attorney General's B Panel of Junior Counsel to the Crown, having previously been appointed to the C Panel.

Notable cases include:

- **In the matter of Russian sanctions** - advice regarding Ukraine-related designations and closed material procedures under the Sanctions and Anti-Money Laundering Act 2018.
- **R (Sarkandi, Nabipour and Ors) v Secretary of State for Foreign and Commonwealth Affairs** [2015] EWCA Civ 687, [2016] 3 All E.R. 837 - the leading appellate authority on s.6 of the Justice and Security Act 2013 and the use of 'closed material' in civil proceedings.
- **Z, Y, U, W, BB, PP and G v Secretary of State for the Home Department** [2015] EWCA Civ 9 - protracted litigation regarding the continued feasibility of HMG's Deportation with Assurances policy (proposed deportations of suspected terrorists to Algeria).
- **In the matter of an Academy** - advising the Department for Education in a high-profile case concerning the potential termination of an Academy's funding as a result of poor governance and failure to comply with the Independent School Standards (in particular, provisions relating to safeguarding and the need to promote community cohesion, including concerns about extremism and radicalisation).

Caroline is a founding and Assistant Editor of and contributor to the leading practitioner's textbook *National Security: Law, Practice and Procedure* (Oxford University Press, March 2021).

Caroline's meticulous attention to detail, tenacity, pragmatic advice and personable approach are among her key strengths. These skills are of particular value in the protracted, multi-party (claimant and/or defendant) cases in which she is often instructed, especially those involving substantial documentation.

Complementing her domestic practice in public law and human rights, Caroline also has extensive experience of international law and foreign jurisdictions. Whilst working at the War Crimes Chamber of the State Court of Bosnia and Herzegovina (Sarajevo) prior to joining 3PB, Caroline's caseload included Bosnia's first genocide trial relating to a massacre at Srebrenica. In 2012, she was a Judicial Assistant to the Appeals Chamber of the Special Court for Sierra Leone (based in The Hague), dealing with appeals arising from the conviction of Charles Taylor, former President of Liberia. In late 2011, as a Pegasus Scholar, Caroline undertook a 2-month secondment at the Legal Resources Centre, Cape Town, one of South Africa's pre-eminent public-interest law clinics.

In 2009, Caroline was nominated for a Bar Pro Bono Award for her involvement in **R (Compton) v Wiltshire Primary Care Trust** [2008] EWCA Civ 749, 1 WLR 1436 (a leading Court of Appeal authority on protective costs orders, the predecessor to cost-capping orders), for which she and her co-Counsel received a special commendation from the judging panel.

In her downtime, Caroline has a passion for singing and photography.

## Administrative and Public Law

Administrative and Public Law cases of note include:

### **Inquests related to the Stalker-Sampson Inquiry (McKerr and Ors)**

Advising as to disclosure obligations (including re. LPP) in 'legacy' inquests relating to the controversial deaths of nine individuals in Northern Ireland during The Troubles and associated allegations of a 'shoot-to-kill' policy on the part of the British Army and Royal Ulster Constabulary.

### **In the matter of an Academy**

Advising the Department for Education in a high-profile case concerning the potential termination of an Academy's funding as a result of poor governance and failure to comply with the Independent School Standards (in particular, provisions relating to safeguarding and the need to promote community cohesion, including concerns about extremism and radicalisation).

### **Syed & Ors v Secretary of State for the Home Department** [2014] EWCA Civ 196 (sole junior)

Interpretation of the Immigration Rules: (i) whether ACCA's Professional Level Qualification was a "UK recognised bachelor or postgraduate degree" qualifying for the award of points under the Tier 1 (Post Study) work route; (ii) role of UK NARIC in assessing the level of non-degree qualifications obtained in the UK.

### **Cattrell v Secretary of State for Work and Pensions** [2011] EWCA Civ 572 (sole junior)

Successfully resisting an appeal by the Secretary of State challenging the award of Incapacity Benefit, in exceptional circumstances, to an individual who had severe allergy (interpretation of the *Social Security (Incapacity for Work) (General) Regulations 1995*).

### **R (Compton) v Wiltshire Primary Care Trust**

[2009] EWHC 1824 (Admin), [2010] P.T.S.R. (C.S.) 5

Judicial review of a PCT's decisions regarding the closure of hospital facilities. Key issues included (i) the lawfulness of the consultation process and (ii) the principles governing the apparent bias of advisors to public authorities.

[2008] EWCA Civ 749, 1 W.L.R. 1436 (assisted during pupillage)

One of the leading Court of Appeal authorities on protective costs orders, the predecessor to cost-capping orders: guidance on (i) the criteria and procedure for making and setting aside protective costs orders and (ii) the scope of the "general public importance" test.

### **SFO v Lexi Holdings Plc (In administration)** [2008] EWCA Crim 1443, [2009] Q.B. 376

Drafting submissions for this crucial Court of Appeal case determining the scope of the amended 'legislative steer' contained in the Proceeds of Crime Act 2002.

Other examples of Caroline's work in this field include:

- Advising as to the legality of a European Arrest Warrant issued against an individual residing in Cyprus (interpretation of

the *Child Abduction Act 1984*).

- Advising former police officers in relation to challenging decisions taken by the Police Medical Appeal Board (receipt of injury awards/pensions).
- Representing a Councillor accused of breaching the Code of Conduct before his local Standards Committee and thereafter appealing to the First Tier Tribunal (allegations of bullying and breaching provisions regarding respect for others; whether actions undertaken in Councillor's "official capacity").
- Advising on and/or appearing in judicial reviews and other public law matters on behalf of HMRC and the former UK Border Agency, e.g. arising from condemnation hearings or other enforcement action.
- In her early years of practice, Caroline gained significant experience of asset forfeiture law, including civil recovery and restraint proceedings. Cases included advising the former Serious Organised Crime Agency as to the merits of pursuing civil recovery following a failed prosecution in relation to a £6 million fraud.

Please see Caroline's [National Security profile](#) for further details of her judicial review, public law and human rights expertise.

### **Public Inquiries**

Though she has yet to gain direct experience of Public Inquiry work, Caroline has had cause to consider Inquiry materials in the course of her national security cases, e.g. the Stalker/Sampson Inquiry (deaths in Northern Ireland during The Troubles) and the Detainee Inquiry, led by Sir Peter Gibson. She also has significant experience of protracted, multi-party litigation, usually involving multiple government departments and invariably requiring management of significant disclosure exercises.

Caroline is keen to further develop her interest in Public Inquiries and welcomes new instructions in this area.

### **Articles**

[Legislating in the Time of Corona](#) – 3PB [Education Newsletter](#), September 2020

## **Academic qualifications**

- MA (Hons) (Law), Downing College, Cambridge University
- Bar Vocational Course, BPP Law School (Very Competent, 9th in year of 300)

## **Scholarships**

- Pegasus Scholarship (South Africa, 2011)
- Chrystal Macmillan Prize (Middle Temple) in recognition of BVC results (2005)
- Queen Mother's Scholar (Major BVC Scholarship, Middle Temple) (2004)

## **Professional qualifications & appointments**

- Attorney-General's Junior Counsel to the Crown (B Panel)
- Assistant Editor, *National Security: Law, Practice and Procedure* (Oxford University Press, March 2021)

## **Professional bodies**

- Constitutional and Administrative Law Bar Association (ALBA)
- Human Rights Lawyers' Association
- Education Law Association (ELAS)