



LORD GARNIER QC
Call: 1976 | Silk: 1995

Registered name on the Bar Standards
Board Register: The Rt Hon The Lord
Garnier QC
Vat Number: 150169530

Overview

Edward is a highly experienced silk whose practice includes not only defamation, privacy, confidence, malicious falsehood, contempt and related media law cases, but also corporate crime and international human rights. His extensive experience in practice is underpinned by a parallel career in politics and as a Government law officer: he served as an MP from 1992 until 2017 and was Solicitor General from 2010 to 2012.

When in Government, as HM Solicitor General, he developed and introduced into this jurisdiction from the United States the Deferred Prosecution Agreement, a means of dealing with companies who admit their offending to supplement prosecutions against individuals suspected of economic crime. He appeared for the Serious Fraud Office in two of the four DPAs so far approved by the Court, the first one, Standard Bank, in 2014, and the largest, Rolls-Royce, in 2017.

Edward advises and acts for companies and individuals whose rights have been adversely affected by foreign governments and agencies, including, for example, by asset seizures, imprisonment, extradition applications and Interpol Red Notices, and for overseas governments and agencies who are seeking to comply with international standards and the rule of law. He is regularly consulted by NGOs and charitable organisations.

In the media law sphere, Edward acts for individual and corporate claimants, both within the jurisdiction and abroad, and for individual and corporate defendants from, and outside, the publishing, internet and broadcasting world.

Edward has been appointed to the Prosecution Counsel Panel for the Serious Fraud Office 2017-2021.

Recognition

"A smooth operator with wide legal experience and expertise." "He knows the law and expresses in a way that is accessible." Chambers and Partners 2019 (Defamation/Privacy)

Former Solicitor General noted for his expertise in financial crime matters. He is singled out for his knowledge of deferred prosecution agreements involving the SFO. *"A leader in this field who is excellent with clients."* Chambers and Partners 2019 (Financial Crime: Corporates)

'Very clear headed in his approach.' The Legal 500 2018 (Defamation and Privacy)

"He's very experienced, very calm under pressure and a calming influence in tricky situations." Chambers and Partners 2018

"A brilliant strategist, who offers sage counsel to his clients." The Legal 500 2017

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

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."* *"He is very approachable and his political knowledge is a real asset."* Chambers and Partners 2016

"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

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

Representative Cases

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

Edward appeared in twenty-four Unduly Lenient Sentencing scheme 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:

Attorney General's Reference Nos. 15, 16 & 17 of 2012; R v Lewis, Wijtvliet & Vriezen [2012] EWCA Crim 1414 – Concerning 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 Court of Appeal to consider the 2012 Sentencing Guidelines on Drugs Offences.

Attorney General's Reference No. 103 of 2011; R v Thompson [2012] EWCA Crim 135

Attorney General's Reference No. 6 of 2011; R v Rollings [2012] EWCA Crim 86 – Possession of a firearm with intent to endanger life or to enable another to endanger life, 5 years increased to 10 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 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 Sanchez Williams (2011) – Murder. Life sentence minimum term increased from 15 to 20 years.

Attorney General Reference No 18 of 2011 [2011] EWCA Crim 1300

Attorney General's Reference Nos. 73 & 75 of 2010, and 03 of 2011; R v Anigbugu, Pyo & McGee [2011] EWCA Crim 633 – Three 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 Parsons (2011) – Attempted murder, rape, aggravated burglary, arson. Life sentence minimum term for attempted murder increased from 12 to 15 years.

R v Nejlloveanu (2011) – Human trafficking for sexual exploitation and controlling prostitutes. Sentence increased from 21 years to an IPP with 10 year 6 month minimum.

Attorney General's Reference Nos 37, 38 & 65 of 2010; R v Shanawaz Khan & ors [2010] EWCA Crim 2880 – Conspiracy to traffic persons for employment exploitation. Sentences increased from 3 to 4 years.

R v Mayes (2010) – Sexual activity with an adult with a mental disorder. Sentence increased from 6 to 9 years.



Defamation

Loughran v Century Newspapers Ltd [2014] NIQB 26 – For defendant, the publisher of the Belfast News Letter, in a libel action brought by a former head of the Northern Ireland Civil Service.

Lord McAlpine v Sally Bercow [2013] EWHC 1342, [2013] EWHC 981 – One of first libel actions involving Twitter.

Lord McAlpine v ITV & Phillip Schofield (2012)

Lord McAlpine v BBC (2012)

Wood v West Midlands Police (2003) – Qualified privilege, onward publication of police information.

Mawdsley v Guardian Newspapers (2002) – Application of section 8 of the Defamation Act 1996 (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 damages 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] 2 AC 343 (HL) and [1991] 1 QB 102 (CA) – 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 second 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 – at the time 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.

Reporting Restrictions / Contempt of Court

Attorney General v Joanne Fraill and Jamie Sewart [2011] EWHC 1629 (Admin) – Contempt of court for use of Facebook, first case of its kind.

R v Beaconsfield Magistrates, ex p Westminster Press (28 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 and Seminars

Contributor to *Lissack & Horlick on Bribery*, 2nd Edition (2014)

Contributor to *Halsbury's Laws of England, Telecommunications and broadcasting* (Vol. 45), 4th Edition (1985)

Report on Abuses of Human Rights and the Rule of Law in Turkey (jointly with Lord Woolf, Sir Jeffrey Jowell QC and Sarah Palin), 2015

Edward has written widely 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, including *The Lawyer*, *Counsel Magazine* and *Solicitors' Journal*. He had appeared on television and radio, including BBC Radio 4's *Law in Action*, *Unreliable Evidence*, *The Moral Maze*, *The World at One*, *The World Tonight* and *The Commission: The Judges* and BBC 2's *Newsnight*. As an MP, he spoke in Parliament on a wide-range of legal issues.

Edward has 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.

Qualifications

MA Hons (Oxon), Modern History, University of Oxford (Jesus College)

Visiting Parliamentary Fellow, St Antony's College, University of Oxford, 1996-97

Bencher, Middle Temple, 2001

Crown Court Recorder, 1998-2015

Knighthood, 2012

Privy Counsellor, 2015

Life Peer 2018