

Andrew Waters

Call 1987



clerks@5essex.co.uk



+44 (0)20 7410 2000

Andrew Waters is recognised as a leading junior in both police and disciplinary law in the major legal directories, being described as “pre-eminent” in his fields of expertise.

Clients commend Andrew’s approach to his work which “instils you with the confidence that you have the right person” (Chambers UK).

Andrew has a considerable depth of experience of representing and advising police forces in England and Wales across the whole range of civil and public law issues that affect them.

He has acted in high profile, complex and sensitive cases ranging from the **Bichard Inquiry** into child protection issues, following the conviction of Ian Huntley for the Soham murders, to the **Hillsborough Inquests**.

Andrew regularly provides lectures and training to police forces, individual force solicitors and the Association of Police Lawyers.

Expertise

Police Law

Andrew’s extensive Police Law experience covers the whole range of civil and public law issues that affect police forces including:

Civil actions – Civil actions for false imprisonment, assault, malicious prosecution, misfeasance in a public office, HRA claims and negligence.

Discipline – Described as “Pre-eminent for police conduct and discipline case”, he covers a wide range of disciplinary work, both advisory and as an advocate.

Inquests – Andrew has extensive experience of inquests where the police have had some form of contact or dealing with the police.

Judicial review – Andrew regularly appears in the Administrative Court on behalf of the police forces on issues ranging from search warrants, police discipline, claims involving human rights, and public protection.

Notable Police Law cases

Hillsborough Inquests

Andrew represented Sheffield Wednesday Football Club throughout what is now the longest inquest in English legal history. Following on from the inquests he is currently representing the then Club Safety Officer in current criminal proceedings.

Death of Ian Tomlinson

the discipline proceedings against PC Simon Harwood for the death of newspaper vendor Ian Tomlinson.

Hussain v West Mercia Constabulary

Court of Appeal – requirement of recognisable psychiatric damage (rather than anxiety resulting in physical symptoms) in a claim for misfeasance in a public office.

Morrison v Commissioner of Police of the Metropolis

whether the use by the police of a Taser amounted to a breach of Article 3 of the ECHR and required an independent investigation by the Independent Police Complaints Commission rather than by the Metropolitan Police Department of Professional Standards.

Guardian Newspapers v Information Commissioner

unsuccessful attempt by the Guardian Newspaper to obtain from Avon & Somerset Constabulary the investigation report in respect of the allegation that the former Liberal Leader Jeremy Thorpe had been involved in a conspiracy to murder.

Bichard Inquiry

represented Cambridgeshire Constabulary at the inquiry into the child protection procedures (in particular intelligence keeping and vetting) following the conviction of Ian Huntley for the murders of Jessica Chapman and Holly Wells.

Cowan v Chief Constable of Somerset & Avon Court of Appeal

liability of police forces for negligence post Osman.

O'Sullivan v Commissioner of Police of the Metropolis

public interest immunity attaches to reports from police to the Crown Prosecution Service.

Public and Administrative

Andrew regularly appears in the Administrative Court on behalf of the police forces on a wide range of issues including search warrants, disclosure of information, police discipline, claims involving human rights, and public protection.

Notable Public and Administrative cases

Morrison v Commissioner of Police of the Metropolis

whether the use by the police of a Taser amounted to a breach of Article 3 of the ECHR and required an independent investigation by the Independent Police Complaints Authority rather than by the Metropolitan Police Department of Professional Standards.

Bates v Chief Constable of Avon & Somerset

legality of search warrants especially where privileged material is sought.

Inquests

Andrew has considerable experience of inquests both on behalf of police forces and the Home Office.

His inquest work has covered a wide variety of issues including missing persons, psychiatric patients, police pursuits and deaths in custody to name but a few.

Andrew represented Sheffield Wednesday Football Club in the recent **Hillsborough Inquests**. He was involved throughout the two years of the inquests – now the longest inquests in English legal history, Following on from the inquests he is now representing the then Club Safety Officer in current criminal proceedings.

Professional Discipline and Regulatory

Andrew is described as “Pre-eminent for police conduct and discipline cases” (Chambers UK). He has a considerable depth of experience both in terms of advisory work and as an advocate. He also regularly provides lectures and training to police forces and police lawyers on this area of law.

Cases of note include the discipline proceedings against PC Simon Harwood for the death of **Ian Tomlinson**, a newspaper vendor, during the G20 protests in London.

Andrew has experience of dealing with Health and Safety issues both in a policing and non-policing context. He has dealt with high profile and complex cases, including representing Sheffield Wednesday Football Club following the **Hillsborough** disaster.

Andrew also has considerable experience in other disciplinary fields including work for the Nursing and Midwifery Council and the Bar Council.

Human Rights

Andrew has advised police forces on the whole range of ECHR / HRA issues that can arise in police cases, from Article 2 right to life claims to Article 8 right to private life cases.

Notable Human Rights cases

Morrison v Commissioner of Police of the Metropolis

whether the use by the police of a Taser amounted to a breach of Article 3 of the ECHR and required an independent investigation by the Independent Police Complaints Commission rather than by the Metropolitan Police Department of Professional Standards.

Gowing v British Transport Police

High Court claim for £7,000,000 alleged to have arisen from a search of the claimant’s business and subsequent prosecution, where the HRA was relied on as one of the heads of claim.

Information Law

Andrew has advised and appeared on behalf of police forces across a wide spectrum of issues. These have included FOI requests for disclosure for information from police forces, the use / misuse of information held by the police and issues of retention.

Notable Information Law cases

Representing Avon & Somerset police in a FOI claim by the Guardian Newspaper to obtain the investigation report into the alleged conspiracy to murder by the ex-Liberal Party leader, Jeremy Thorpe

Advising police forces at a national level on issues arising out of the alleged manipulation of forensic samples by employees of Randox Testing Services.

Public Inquiries

Andrew represented Cambridgeshire Constabulary at the **Bichard Inquiry** into child protection procedures (in particular intelligence keeping and vetting) following the conviction of Ian Huntley for the murders of Jessica Chapman and Holly Wells – **the Soham Murders**.

Education & Qualifications

- 1987 – Called to the Bar by Inner Temple
- 1987 – Bar School
- 1986 – Bristol Polytechnic

Awards & Scholarships

