

David Messling

Call 2017



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David Messling accepts instructions across Chambers' main practice areas, in particular police law, public and administrative law, including judicial review and human rights, inquests and inquiries, professional discipline, data protection and information law, and personal injury.

He regularly acts for police forces, local authorities, and other public sector organisations.

David joined 5 Essex Chambers as a tenant in September 2019 following successful completion of his pupillage.

David previously spent five years working in the Higher Education sector, including as an adjudicator for the Office of the Independent Adjudicator for Higher Education.

Expertise

Police Law

David regularly represents and advises police forces defending claims brought in the High Court and County Court, including for false imprisonment, negligence, assault/battery, malicious prosecution, misfeasance in public office and breaches of the Human Rights Act 1998, the Equality Act 2010, and the GDPR and Data Protection Act 2018.

He is frequently instructed in multi-track claims regarding arrest, alleged damage to property, stop and search, and allegations of mistreatment in police custody. Recent cases have included appearing as sole counsel in a multi-day jury trial of a wrongful arrest claim. David is also regularly instructed in interim applications, including strike out and summary judgment application, CCMCs,

David has extensive experience representing police forces in a wide range of police civil applications and appeals. These have included Stalking Protection Orders, Sexual Harm Prevention Orders and Sexual Risk Orders, Closure Orders, Gang Injunctions, and committal applications. He recently acted for a police force making the force's first application for a Slavery and Trafficking Risk Order.

David is instructed in matters relating to the civil forfeiture of funds under the Proceeds of Crime Act 2002, including cash forfeiture, account freezing and forfeiture applications, and judicial reviews relating to POCA decisions. He also has experience of advising on the forfeiture of cryptocurrency.

He has appeared in family proceedings in the High Court and Family Court, representing police forces seeking or resisting disclosure of information from family proceedings and on applications for Forced Marriage Protection Orders, including FMPOs in relation to persons lacking capacity.

Public & Administrative

David is regularly instructed to draft summary and detailed grounds and to appear on behalf of public bodies in hearings in the Administrative Court.

His recent judicial review experience has included defending challenges to police seizures of dangerous dogs, resisting applications against Crown Court decisions to forfeit money as proceeds of crime, and responding to challenges to decisions made under the police complaints regime. David has also advised on judicial review proceedings of decisions not to prosecute, community resolution outcomes to criminal investigations, and retention of police information.

David acted for the Chief Constable of Thames Valley Police in *R(Andrews) v Chief Constable of Thames Valley Police* [2022] EWHC 887 (Admin), which addressed police powers of seizure under the Dangerous Dogs Act 1991.

He acted for the Commissioner of the City of London Police in *Duffy v City of London Police & Ors* [2021] NIQB 49, led by John-Paul Waite, in proceedings regarding the jurisdiction of English police forces in Northern Ireland.

He is presently instructed, led by Anne Studd KC, for the Commissioner of the Metropolitan Police in *R(O'Connor) v Police Misconduct Panel & Ors*, having represented the Appropriate Authority in the police misconduct proceedings.

David also regularly appears in the Crown Court to resist appeals against firearms licensing decisions, including cases involving issues of mental health and domestic violence. He has experience of advising on firearms licensing refusals based on sensitive intelligence.

Before coming to the Bar, David worked as an adjudicator for the Office of the Independent Adjudicator for Higher Education, including responding to judicial review claims against the ombudsman.

Professional Misconduct

David regularly acts for Police Forces in misconduct proceedings, including special case proceedings (now accelerated misconduct proceedings). He has been instructed as Appropriate Authority Counsel in cases covering excessive use of force, racial discrimination, and operational dishonesty.

David also has extensive experience of fitness to practise cases involving trainee healthcare professionals, including nurses, pharmacists, doctors, and physiotherapists. His work as an adjudicator has included judging complaints regarding Equality Act 2010 discrimination, disclosure of criminal convictions, and alleged abuse of process.

Inquests

David regularly appears on behalf of public bodies in inquest proceedings, including jury inquests and cases engaging Article 2 of the ECHR. He has experience in inquests involving police shootings, deaths in custody, missing persons investigations, and complex mental health issues.

David's recent cases have included a jury inquest following a police shooting, a seven-day inquest into the death of a young woman in mental health crisis housing, an Article 2 inquest into the death of a man walking on the motorway following release from police custody, and a jury inquest into the death of a motorcyclist in a partly-constructed cycle lane. He frequently acts in cases involving suicide or sudden death following police contact or in circumstances where emergency services have been called to attend serious incidents.

David is presently instructed by the Metropolitan Police in the inquest into the fatal stabbing of PS Matiú Ratana, led by Clair Dobbin KC, and by the Secretary of State for the Home Department, led by Francesca Whitelaw KC, in the inquests into the 2020 Reading Forbury Gardens terror attack.

Professional Discipline & Regulatory

David regularly acts for Police Forces in misconduct proceedings, including accelerated misconduct proceedings. He has been instructed as Appropriate Authority counsel in cases covering excessive use of force, racial discrimination, operational dishonesty, and sexual assault. David also has experience of drafting Regulation 30 notices and advising on hearings involving special measures and vulnerable witnesses.

His discipline practice has also included acting on judicial review claims relating to misconduct outcomes and to the handling of public complaints.

David also has extensive experience of fitness to practise cases involving trainee healthcare professionals, including nurses, pharmacists, doctors, and physiotherapists.

His work as an adjudicator prior to coming to the bar, has included judging complaints regarding Equality Act 2010 discrimination, disclosure of criminal convictions, and alleged abuse of process.

Public Inquiries

David has been instructed since 2019 as junior counsel to the Grenfell Tower Inquiry, focusing in particular on the Inquiry's investigation of the smoke ventilation system at Grenfell Tower.

He is also presently instructed in the UK Covid-19 Public Inquiry, on behalf of NHS Digital (now part of NHS England), led by Alex Ustych.

Education & Qualifications

- 2016 – BPP University, London, BPTC (Very Competent)
- 2013 – University of East Anglia, Graduate Diploma in Law (Distinction)
- 2012 – St John's College, University of Oxford, BA History & Economics (Upper Second)

Memberships

- Personal Injuries Bar Association (PIBA)
- Administrative Law Bar Association (ALBA)
- Association of Regulatory & Disciplinary Lawyers (ARDL)

Scholarships/Awards

- Diplock Scholarship – Middle Temple

Awards

