

Edward Lamb KC

Call: 2006 | Silk: 2024

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Edward's practice includes the most important private children cases with complex cross jurisdictional issues, inflicted non-accidental catastrophic injury on children, and clinical negligence/PI cases involving life-long disability, lack of capacity and birth injury. His expertise in these areas frequently places Edward in important and complex cases that involve multi-jurisdictional issues that span these specialisms.

Edward is a listed KC in the most recent legal directories across all of his specialist areas: Family (children); Personal Injury; Clinical Negligence and the Court of Protection.

Having been on the Attorney General's Panel from 2021 to 2024, Edward has acted for the Home Office, FCDO and DWP in a range of public law matters. Often these cases involved complex international jurisdictional issues, in line with his non-public law practice. Edward is the joint author of the chapter on Human Rights Damages in Injury Claims to be published shortly in Kemp and Kemp.

Edward founded the Court of Protection team in Chambers which is now thriving. He is one of the few leading barristers to specialise in both civil claims arising out of brain injury and the Court of Protection. In his purist Court of Protection work, he is hugely experienced in acting for public bodies and protected parties in a range of clinical and welfare matters including end of life care, capacity to pursue IVF treatment and care and residence decisions.

Areas of Expertise

Family Law

Edward has a leading practice in a number of areas relating to children and the consequences of relationship breakdown. He has appeared in numerous reported cases as a junior, both led by King's Counsel and without King's Counsel.

International Children:

Edward's children practice has an international focus: dealing with issues from abduction to relocation. Edward is frequently instructed on last minute and emergency applications in the High Court related to this area of work. He has a detailed knowledge of the problems facing families with an international spread involving the USA, Argentina, Singapore, Australia, India, Pakistan, Cyprus,

Greece, France, Tunisia, Morocco, The Russian Federation and the UAE.

Edward often advises high net worth families and those who have roots spread across jurisdictions, on how best to move between those jurisdictions. He has a particular interest and practice in victims fleeing domestic violence and how this may affect their rights under the 1996 Hague Convention.

Edward is currently instructed in a seminal case on when the English courts determine habitual residence. It is currently being appealed to the Supreme Court. The outcome of this case will affect all cases relating to children in this jurisdiction.

Private Children:

Many of Edward's cases involve complicated factual and medical evidence. They include issues relating to domestic relocation cases; domestic violence and coercive control; parental alienation and cases arising out of injuries sustained to children. Examples of this work are included below. His separate but complimentary brain injury practice gives him the benefit of a forensic and analytical approach to the evidence that puts clients at a significant advantage.

Public Law:

Edward has appeared in cases of the utmost difficulty in involving non-accidental injuries and fictitious illness cases: acting on both sides of the fence. Aside from the cases listed below Edward has appeared in numerous reported cases in the past 4 years that include: *Re: H* (Hair strand testing) EWFC 64; *A CCG v AF & Ors* [2020] EWCOP 16; and *Brent v NB* [2017] EWCOP 34. Unusually at the family bar Edward was appointed to the prestigious Attorney General's Panel of Civil Counsel and represents the government in a number of family related matters in the Family Court; mostly relating to issues of PII; disclosure and issues relating to national security.

Financial:

Edward retains a niche but well-formed financial/property practice: mainly mid value in the £10m to £100m range. He has a particular specialism in the financial provision for children and issues relating to child maintenance. He has appeared in a leading judicial review of relating to the CMS's refusal to re-calculate a non-resident parents' maintenance following a Tribunal decision. Edward frequently advises on issues relating to consent orders (variation, enforcement etc.) in Financial Relief Proceedings.

Notable Family Law cases

London Borough of Hackney v P & Ors (Re Jurisdiction: 1996 Hague Child Protection Convention) [2023] [2024] 1 F.C.R. 173

A v B [2022] EWHC 2962

Edward acted for the adopters in this case involving a Hague Convention adoption from an Asian country into the UK. Judd J identifies that these cases are complex and require specialist legal advice on the process (both from the adopter's perspective and the local authority's). Of further interest was the effect of a mother lacking capacity in dispensing with her consent pursuant to s.52 of the Adoption and Children Act 2002. This is the first reported case on this issue and is now the leading authority on such cases.

London Borough of Hackney v P & Ors [2022] EWHC 1981 (Fam) McDonald J

A case concerning 3 questions relating to the 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility. The case concerned a child who had previously been cared for by her grandmother in Tunisia and then brought to England and Wales. The local authority issued care proceedings and the following preliminary issues arose (upon transfer from HHJ Hughes KO):

- i) Does the jurisdictional scheme 1996 Hague Convention apply to these proceedings notwithstanding this case involves a non-Convention State?
- ii) If 1996 Hague Convention do not apply to these proceedings involving a non-Convention State, does jurisdiction arising out of the presence of the child in the jurisdiction subsist for the purposes of care proceedings?
- iii) If the question of habitual residence falls to be determined in this case, whether under the jurisdictional provisions of Chapter II of the 1996 Hague Convention or otherwise, what is the relevant date for that determination?

The Court determined that in respect of (i) Hague 1996 does apply between a contracting state and non-contracting state and in relation to (ii), if the child is not habitually resident (to be argued in due course at a later hearing) in England and Wales for the purposes of Art 5, the common law jurisdictional basis of presence will subsist in respect of the child.

Issue (iii) has been the subject of conflicting High Court authority [see RE NH (1996 Hague Convention: Habitual Residence) [2016] 1 FCR 16 and Warrington Borough Council v T and others [2022] Fam 107]. The Court determined that the relevant date was at the date of the hearing and not the point at which proceedings were issued or some other date.

AB v BB [2022] EWHC 1965 (Fam) DHCJ David Lock QC

Edward Lamb, instructed by Georgina Emmerson of Ellis Jones Solicitors, successfully defended an application by the mother AB (“the Mother”) under the Child Abduction and Custody Act 1985 for the summary return of EF to Cyprus, where the Mother claimed the child is habitually resident. The application was defended on the grounds that (a) EF was habitually resident in the UK at the relevant date, (b) the Mother consented to EF’s relocation to the UK or otherwise acquiesced in the child’s relocation to the UK, (c) that returning EF to Cyprus would expose him to a grave risk of physical or psychological harm or otherwise place him in an intolerable situation. The father was successful in establishing each of his pleaded defences and the application was dismissed.

A v. HA; EN and LA [2022] EWHC 1030 (Fam), Moor J

An on-going case involving allegations of wrongful retention of children in Cyprus and whether or not English orders were sufficiently registered in Cyprus pursuant to Brussels IIR. Issues relating to the reach of the Inherent Jurisdiction and power to vary English made orders in relation to children habitually resident in Cyprus.

LA v. D and D [2022] EWHC (Fam), Poole J

Foreign adoption case involving complicated concurrent civil proceeding and dealing with the question of whether an adoption order extinguishes a child’s right to be maintained from a parent’s estate through an application under s.1 Inheritance (Provision for Family and Dependents) Act 1975.

O, Re (A Child: The Vienna Convention on Consular Relations 1963) [2021] EWHC 908 (Fam) (14 April 2021)

The leading authority upon the circumstances where a local authority should notify a foreign country of the proceedings in the UK.

The key question was whether the Vienna Convention on Consular Relations was directly applicable in the UK. The court, adopting Edward's submissions verbatim in the Judgment, felt it was not and it was of persuasive power only. Moreover that those international obligations were secondary to the statutory regime under the Children Act 1989. This case is of vital importance to all local authorities when faced with a welfare dilemma between the notification requirements under international treaties and domestic welfare protection measures.

SK v. LC 2021 (HHJ Sapnara)

22 day fact finding private children law against leading Counsel; highly complicated case involving issues of jurisdiction in relation to previous USA proceeding. Coercive control and alienation key elements. Arguments on admissibility of expert reports prepared in previous proceedings in the US jurisdiction. The Scott schedules ran to 50 pages and the matter is currently at the welfare stage.

LBTH v. K and Ors 2021 (HHJ Bugg)

A 12 day fact finding (plus 7 days of welfare) hearing relating to an injured baby. 8 experts; complicated interpretation of neuro-radiological expert evidence. An important case as Judge dealt with a commonly raised feature in brain injuries; Ehlers Danlos Syndrome. Leading Counsel for the respondent suggested that this syndrome led to non-specified and spontaneous bleeding in the brain. Also important evidence of leading Ophthalmologist, that indicated there is limited forensic value from the spread of haemorrhage in the retina, when considering non accident injury.

LBE v. OG 2021 (HHJ Karp)

14 day hearing relating to injured baby with catastrophic brain injuries. The injuries were so significant that the neurologist likened the effects to having an RTA at 60mph. There was a significant dispute between the parties that was resolved by an analysis of the brain scans that showed significant intra-cerebral bleeding, that was not readily noticeable on the earlier scans.

LBB v. R (and 8 children) Judd J

Described by the High Court Judge as 'just about as complicated as it gets'. Edward's client was seeking the recovery of children from Morocco. The hearings determined welfare issues, in the UK but also in Morocco. 7 subject children from 2 mothers. During final hearing, police disclosed evidence of serious criminal activity of the father. The Police claimed public interest immunity over surveillance evidence obtained in the course of the investigation; application heard. 2 other family members, proposed carers, were found with £1million in their possession (from the father's criminal activities). Case concluded in settlement before final hearing.

R v M : 2020 Keehan J

Successful response to an application for a return of a child from India. Successfully argued habitual residence and acquiescence.

H (A Child : Hair Strand Testing) [2017] EWFC 64

The lead case on hair stranding testing in family proceedings.

H v H (2020)

Acting for a husband in protecting a family business worth £10m+. Edward was led by Andrew Bagchi KC and successfully settled a long-running and important case. The case involved complicated company valuations and assessment of expert actuarial evidence.

R v R (2020)

Short marriage/needs case settled on day 1 of final hearing. Involving unusual settlement concerning testamentary provision for a child of the marriage.

N v N (2019)

A long-running application to set aside consent order with allegations of fraud. Settled on day 2 of final hearing.

Personal Injury

Edward is frequently instructed in cases involving serious and catastrophic injury. Instructed by many of the nation's leading solicitor's firms, Edward is well placed to apply his additional specialism as head of the Court of Protection team to cases involving complicated and technical arguments about capacity (many arising out of serious brain injuries).

As Edward has a keen interest in the sea and sailing, he also focuses on cases involving accidents that occur at sea. He is currently instructed in a number of cases before the Admiralty Division of the High Court.

Edward is one of only a handful of PI leading barristers who also retains an active practice in the Family Division. This joint specialism sees him frequently advising on cases arising out of sexual abuse both for defendants and claimants and gives him a unique insight into the prevailing law in the Family Division that often underpins these claims.

Edward was a contributing author to the leading text book on CICA claims now in its second edition. He has an increasing defence practice arising from his appointment to the Attorney General's Panel of Counsel. He is an author of the chapter on Human Rights Damages in Kemp and Kemp and frequently advises on cases with a human rights element.

Edward was junior counsel acting for a numerous claimants from the Grenfell tragedy.

Edward frequently appears in inquests that arise out of road traffic accidents and medical accidents.

Notable Personal Injury cases

K v. MOD (on-going)

Involving injuries that occurred in a collision between 2 vessels at sea. Concerning the Merchant Shipping Act and limitation periods and difficult quantum issues for future loss of earnings at sea.

R v. G (on-going)

Co-counsel with Giles Mooney KC, catastrophic RTA leading to an injured boy who contracted bacterial meningitis whilst receiving treatment for catastrophic but survivable injuries. The Claimant now largely vegetative.

A v. H (on-going)

Catastrophic injuries sustained in an RTA. Multiple and severe injuries to a 19 year old. Difficult arguments on the future loss arising from claimant's inability to join the army.

P v. Ors (on-going)

Acting for a famous international DJ whose career was cut short by a catastrophic RTA. Difficult question on determining his earnings capacity and cross jurisdictional issues between Italy and the UK.

RX v. CICA [2022]

An appeal against CICA. Client was victim of horrific sexual assault. The client obtained £1m+ judgment in High Court. It was incapable of enforcement as the perpetrator had transferred all his assets. The 2012 CICA scheme as drafted prevented an award being made, so she was refused compensation. Edward mounted a successful challenge to the wording of the scheme itself. Significant award made. Now the lead authority on this important point.

BDE v C

Claims arising out of sexual abuse within a family.

P v Oxleas

NHS Trust Settled at a JSM for disabling back injury sustained at work. Led by Andrew Ritchie KC.

X v CICA (Upper Tier Judicial Review)

A test-case involving an award of £750,000 and whether the 3 distinct periods of historic sexual abuse can attract separate awards under the 2001 CICA Scheme.

C v CICA

A maximum award case acting for a catastrophically brain injured client, Edward drafted the schedule and appeared at Tribunal under the 2001 Scheme.

Smith v TFL & Ors

A 12-day inquest against a number of KCs involving the death of a school-girl at traffic works. Edward secured a favourable verdict from the jury in the face of developed legal submissions from his opposing legal Counsel.

Clinical & Wider Professional Negligence

Edward has a thriving clinical negligence practice and professional negligence practice, primarily related to actions involving lawyers.

Edward was the author to the chapter on consent in the text book, Clinical Negligence Claims (4th Edition) Sharghy et al. 2019. Many of his clinical negligence cases also involve issues of capacity, that he is well placed to deal with as Head of the Court of Protection team in Chambers

Edward's professional negligence practice utilises all of his specialist knowledge in the civil, family and Court of Protection jurisdictions. Edward is often instructed in negligence claims arising out of family breakdown and with particular reference to financial provision.

Notable Clinical & Wider Professional Negligence cases

A Manufacturer of Prosthetic Eye Lenses Grouped Litigation

A multi-claimant action arising out of clinical negligence/product liability from defective eye lenses.

Various Claimants vs. Optical Express

Acting in over 25 cases involving negligent laser eye surgery treatment and defective consent procedures.

W v. NHS

Cerebral Palsy case. Secondary victim claim also as part of main claim in respect of the mother. Pledged at £40m+. Led by Giles Mooney KC.

D v. NHS

Cerebral Palsy case. £10m+. Co-counsel with Giles Mooney KC.

J v. NHS

Significant claim concerning the historic negligence of an obstetrician causing shoulder dystocia. There is complicated medical evidence concerning the prevailing clinical knowledge at the time and further advanced limitation arguments.

RE C (Deceased)

Negligent treatment of mental health patient, leading to his suicide, significant dependency claim.

J v. J

Defending a claim for negligent advice at FDR stage leading to an under-settlement of a financial provision claim. Main claim was in relation to misapplication of expert evidence of shareholder valuations of family-owned company.

P v. A

Defending a claim for negligent drafting of order in financial relief claim that related to an existing power of attorney within proceedings and whether the negligence action was a collateral attack.

R v. Z

Acting for a claimant seeking damages for the negligent advice on the creation of a trust in managing a large settlement award.

Court of Protection

Edward is the head of the specialist Court of Protection team in Chambers that has seen an exponential growth since its inception

in late 2015. Edward has been listed in the Legal 500 for some time and noted as a 'confident and articulate advocate'. He deals with the broad spectrum of COP work: from welfare to finances and cases involving consent to medical treatment. Edward is instructed by the Official Solicitor and government departments through his recent appointment to the Attorney General's Panel of Counsel.

The COP team in Chambers (under his leadership) has now been listed as the number 2 chambers in the list of approved London Chambers for the London Alliance of Local Authorities.

In the past year, Edward has appeared in cases mainly against silks/leading juniors and have been involved in significant and important cases in this jurisdiction. The DCJ for East London has invited Edward to prepare an advisory note for all London local authorities on the appropriate mechanism for the transfer of cases from the Family Court to the Court of Protection.

Notable Court of Protection cases

CCG v. AF [2020] EWCOP 16: Mostyn J

Against leading silks a withdrawal of artificial nutrition case. This case was the first ever trial in England and Wales to be conducted by skype and received interesting comment. Edward acted for the local authority.

HS v. [2020] Cobb J and Lieven J

Acting for HS by her deputies. An application for approval of a course of IVF for a protected Chinese national and consequential visits to China by the Deputy.

ST v. CC [2021]

Acting for a LA. Listed before a s.9 COP judge. Intractable and complex dispute relating to the local authority obtaining access to assess ST for assessment by family. An interesting case testing the limits of the powers available to the local authority's to assess P when family members are not compliant with requests to permit access for assessment.

VM v. Surrey

Acting for P through the OS. This case is on-going and concerns VM who had her property removed from her by her sons. The case not only involved difficult decisions about the placement of VM but also involved detailed submissions from the OPG as to the extent of the COP's jurisdiction to set aside a property transfer if this was relevant to VM's placement. The case is on-going.

LBB v. NB [2017] EWCOP 34

Acting for Father of P. Intractable dispute between the family and the OS and the LA. Each side has differing views of the need for independence of P who is severely disabled but retains some capacity. A important case with the OS instructing leading Counsel

and further listing in the High Court before Hayden J. The case has widespread importance for (a) to what extent are the views of family members considered in a hierarchy of importance of views and (b) how best to accommodate the views of P who has been heavily influenced by family members.

RE YW [2016 EWCOP 18]

Acting for a Respondent. Authority on the appointment of panel deputy and determination of best interests in light of a family dispute. Instructed on a direct access basis. It is authority for (a) the importance of medical evidence establishing capacity to make decisions as to finance and (b) the analysis the Court will undertake when considering whether the costs of a deputy are appropriate set against a wide family dispute. Put shortly: whether a panel deputy should be appointed in all cases of family dispute.

Education

- LSE Law (International Protection of Human Rights) LLB 2003
- LSE (Russian and Post-Soviet Studies) MSc, 2004

Memberships

- Personal Injury Bar Association
- Family Law Bar Association
- Court of Protection Bar Association

Appointments

- Co-opted member of the Executive Committee
- Personal Injury Bar Association
- Attorney General's Panel of Counsel (Civil)
- Lead reviewer for Advocate Mental Health Stream

Awards

- Shortlisted for Family Law Junior Barrister of the Year at the Family Law Awards 2023
- Lincoln's Inn Bursary Award 2007

Notable Cases

- Re: KK (Children) [2024] EWCA Civ 1025
- London Borough of Hackney v P & Ors (Re Jurisdiction: 1996 Hague Child Protection Convention) [2024] 1 F.C.R. 173
- K v. Secretary of State for Work and Pensions [2023] EWHC
- Re B-S (EWCA 2023)
- Frati v. Bowen Carter [2023] EWHC 874 (KB)
- A v A District Council [2023] 1 F.L.R. 1117
- London Borough of Hackney v P & Ors [2022] EWHC 1981 (Fam) McDonald J
- AB v BB [2022] EWHC 1965 (Fam) DHCJ David Lock QC
- A v. HA; EN and LA [2022] EWHC 1030 (Fam), Moor J
- LA v. D and D [2022] EWHC (Fam), Poole J
- Kambli v AR [2021] EWCOP 53
- Re O (A Child: The Vienna Convention on Consular Relations 1963) [2021] EWHC 908 (Fam)
- CCG v. AF [2020] EWCOP 16
- HS v. [2020] Cobb J and Lieven J
- LBB v. NB [2017] EWCOP 34
- Re: H (Hair strand testing) 2017 EWFC 64
- RE YW [2016 EWCOP 18]

Accreditation Logos



