

Yaaser Vanderman

YEAR OF CALL: ENGLAND AND WALES: 2012; NORTHERN IRELAND:

2019

"A class act and very good on his feet" "Yaaser is a splendid junior. He is extremely bright, has an exemplary comprehension of the law and remains calm under pressure"

(Chambers and Partners 2024) (Legal 500 2023)



Practice Overview

Yaaser is recognised as a leading barrister across his specialisms of public and administrative law, human rights, planning and environmental law, and protest law.

He regularly appears in the High Court, Court of Appeal and Supreme Court in high-profile and test cases. For example, he has appeared in 9 Supreme Court cases since 2019.

He works with a range of clients, including individuals, major companies, NGOs, regulatory bodies and Government, believing that he can offer the best service to all of his clients if he has the broadest experience possible. He has been appointed to the Attorney General's B Panel of Junior Counsel and is called to the Bar of Northern Ireland.

Yaaser is the author of *Manual on Protest Injunctions: Practice, Procedure and Persons Unknown* (2024) – a free online resource aimed at all those involved in claims where an injunction is sought to restrain protest and trespass activity – and the website .

He is described in the directories as: *"a class act and very good on his feet", "great at understanding clients' objectives and is creative in his approach to finding solutions", "really great to instruct and good to deal with, and produces fantastic written work", "A highly skilled advocate, conscientious and diligent", "exceptionally bright and assimilates instructions and information extremely quickly" and "Smart, proactive, dedicated, extremely responsive and diligent".*

Some of his recent cases include the following:

- Various protest cases relating to abortion, airports, universities, energy companies, COVID-19, local parks and NHS trusts. For example, he acted for the Northern Ireland Human Rights Commission in the Supreme Court challenge to the Abortion Service (Safe Access Zones) Bill, which made it a criminal offence to protest within 100m of an abortion clinic. He

also acted in the High Court challenge to the banning of the Sarah Everard vigil in Clapham Common. Yaaser has been involved in dozens of protest hearings since 2022.

- Civil liberties and human rights cases including in relation to social security issues, abortion laws both in England and Northern Ireland, various COVID-19 policies and restrictions and bulk transfers of data protected by data protection laws. For example, he acted in the Supreme Court case of *R (SC) v SSWP* relating to the two-child benefit rule which limits child tax credit to the first two children. It is the leading case on various issues, including the margin of appreciation in the human rights context, the use of Parliamentary materials, and the use of unincorporated international agreements. He also acted for the Northern Ireland Human Rights Commission in the successful challenge to the failure of the Government to secure that abortion services were, in fact, available to women and girls in Northern Ireland following legalisation of abortion in the Abortion (Northern Ireland) Regulations 2020.
- Commercial Judicial Reviews in a range of sectors and on a number of subjects, including in relation to: challenges by sections of the pharmaceutical industry relating to the pricing of branded medicines to the NHS; the renewable energy industry and windfall levies; and, the airline industry. For example, Yaaser acted in a challenge brought by Manchester Airport Holdings and a number of airlines to the international travel system during the COVID-19 restrictions.
- Energy, Utilities and Infrastructure including challenges to decisions to permit exploration, installation or exploitation of energy resources; challenges to decisions relating to other national infrastructure such as airport runways; and, promoting and objecting to Transport and Works Act Orders for railway schemes. For example, he recently acted for the developer in a challenge to the licensing of gas storage caverns (holding approximately 500 million standard cubic metres of natural gas) to be constructed under the sea off the coast of Islandmagee, Northern Ireland. In addition, Yaaser acted for Network Rail in obtaining the consent for the East-West Rail scheme, which will connect Oxford to Cambridge.
- Administrative and public law including on education issues, immigration, housing, animal welfare and local government. For example, Yaaser recently acted for the Northern Ireland Human Rights Commission in its challenge to the Illegal Migration Act 2023, the legislative framework which underpinned the proposed removal of asylum seekers to Rwanda, resulting in disapplication of various provisions of the 2023 Act. He was involved in the challenge to the A-level results system that was set up by Ofqual in 2020 to award students grades according to an algorithm as the pandemic meant they could not take their exams. He was also instructed in the Supreme Court cases of *DN Rwanda v SSHD* (involving the detention of a foreign national (for the purposes of deportation) on the basis of secondary legislation subsequently found to be ultra vires) and *AM (Zimbabwe) v SSHD* (on the circumstances in which removal of a seriously ill individual to another country would result in breach of Article 3 ECHR (inhuman and degrading treatment)).
- Planning and environment including in the infrastructure, energy, waste, commercial/retail

and residential sectors. This experience overlaps with his expertise in the same sectors on public law and property law matters, giving him unique insight into these areas. For example, Yaaser was instructed in the leading Supreme Court case of *Lambeth LBC v SSCLG* [2019] 1 WLR 4317 relating to the interpretation of planning conditions. He was also instructed in the Supreme Court challenge to the redevelopment at Old Truman Brewery on Brick Lane dealing with the lawfulness of local authorities' constitutions relating to development committees (*R (Spitalfields Historic Building Trust) v Tower Hamlets LBC* (2024)).

Public Law

Yaaser is a specialist barrister with expertise in administrative law, civil liberties, commercial/regulatory law, international trade, healthcare and life sciences, environmental and planning law, education, social security, and immigration, asylum and citizenship claims. He acts for claimants, defendants, interested parties and interveners.

Yaaser is regularly instructed in high profile cases, having been instructed in nine Supreme Court cases since 2019.

He has recently been involved in the following matters:

Commercial, regulatory, energy and infrastructure : Yaaser has been involved in challenges brought in a range of sectors and on a number of subjects including:

- A recent challenge brought by sections of the pharmaceutical industry relating to the pricing of branded medicines to the NHS (*R (BGMA) v SSHSC* [2023] EWHC 1725).
- Matters relating to windfall levies on the energy and renewables sectors, including in relation to the electricity generator levy and the Energy (Oil and Gas) Profits Levy Act 2022.
- Challenges to the payment structure of the electricity capacity market.
- The airline industry's challenges to the international travel system during the COVID-19 restrictions
- Decisions to permit exploration, installation or exploitation of energy resources and decisions relating to national infrastructure such as airport runways. For example, in *Re No Gas Caverns* [2024] NICA 50, he acted for the developer in a Court of Appeal challenge to the licensing of gas storage caverns (holding approximately 500 million standard cubic metres of natural gas) to be constructed under the sea off the coast of Islandmagee, Northern Ireland.
- The challenge by a commercial operator to a permit granted to a large energy from waste plant in the area of Mid and East Antrim Borough Council, Northern Ireland.
- Challenges to decisions permitting fracking wells. *R (Preston New Road Action Group) v SSCLG and Cuadrilla* [2018] EWCA Civ 9, was a Court of Appeal challenge to the first horizontal fracking wells in the UK. The claim involved, amongst other things, air quality and climate change issues and whether the Environmental Impact Assessment was flawed.

Yaaser has also been involved in matters relating to the aeronautical sector and agricultural sector.

Healthcare and life sciences: Yaaser has acted in most of the important challenges on abortion issues over the last few years in England and Northern Ireland. This has included acting for the Northern Ireland Human Rights Commission in challenges brought against the failure of the Government to secure that abortion services were, in fact, available to women and girls in Northern Ireland following legalisation of abortion in the Abortion (Northern Ireland) Regulations 2020. Yaaser also acted in *R (Crowter) v SSHSC* [2023] 1 WLR 989, where the claimants argued the Abortion Act 1967 breached their human rights insofar as it permitted the abortion of fetuses with Down's Syndrome at any point before birth. His cases also include commercial JRs: for example, a recent challenge brought by sections of the pharmaceutical industry relating to the pricing of branded medicines to the NHS (*R (BGMA) v SSHSC* [2023] EWHC 1725).

Social security: Yaaser acted in the Supreme Court case of *R (SC) v SSWP* [2022] AC 223 relating to the two-child benefit rule which limits child tax credit to the first two children. It is the leading case on various issues, including the margin of appreciation in the human rights context, the use of Parliamentary materials, and the use of unincorporated international agreements. He has also been involved in the Supreme Court and Court of Appeal challenges to the EU Settlement Scheme in *R (Fratila) v SSWP* [2021] UKSC 53 and *AT v SSWP* [2024] 2 WLR 967.

Education: Yaaser acted in a number of challenges against the Government's approach to education and schools during COVID-19. For example, Yaaser was involved in the challenge to the A-level results system that was set up by Ofqual in 2020 to award students grades according to an algorithm during the pandemic. More recently, he has acted for the Government in challenges to Academy Orders under the Academies Act 2010.

Immigration, asylum and citizenship: Yaaser has acted in a number of significant cases including the recent successful challenge by the Northern Ireland Human Rights Commission to the Illegal Migration Act 2023, the framework which underpinned the proposed removal of asylum seekers to Rwanda. This challenge resulted in disapplication of various provisions of the 2023 Act (*Re NIHRC* [2024] NIKB 35). He also acted in the Supreme Court cases of *AM (Zimbabwe) v SSHD* [2021] AC 633 (on the circumstances in which removal of a seriously ill individual to another country would result in breach of Article 3 ECHR (inhuman and degrading treatment)) and *DN Rwanda v SSHD* [2020] AC 698 (involving the detention of a foreign national (for the purposes of deportation) on the basis of secondary legislation subsequently found to be ultra vires). He was also instructed in the Court of Appeal case of *R (Williams) v SSHD* on whether requiring destitute children to pay a fee before obtaining British citizenship was ultra vires the primary legislation and/or a breach of Article 8 and/or 14 ECHR. This was a precursor to the *R (PRCBC) v SSHD* case which went to the Supreme Court.

Prior to joining Chambers, Yaaser worked at the following organisations:

- Human Rights Clinic at Harvard Law School

- South African Human Rights Commission
- Liberty
- International Bar Association (Human Rights Institute).

Civil liberties and human rights

Free speech and Protest: Yaaser has been involved in free speech and protest cases relating to abortion, airports, universities, energy companies, food manufacturers, COVID-19, local parks and NHS trusts.

For example, he acted for the Northern Ireland Human Rights Commission in the Supreme Court following the Attorney General's challenge to the Abortion Service (Safe Access Zones) Bill, which made it a criminal offence to protest within 100m of an abortion clinic (*Re Abortion Services Bill* [2023] 2 AC 505). The Attorney General had argued that this was a breach of Articles 9, 10 and 11 ECHR. The case was reported on the , the and the .

He also acted in the challenge to the banning of the Sarah Everard vigil in Clapham Common (*R (Leigh) v Met Police* [2022] 1 WLR 3141). The case was reported on the , and .

Yaaser has been involved in dozens of protest and trespass injunction hearings since 2022. For example, he recently acted for Liberty in a protest case considering the implications of the Supreme Court judgment in *Wolverhampton CC v London Gypsies and Travellers* [2024] 2 WLR 45.

Abortion: Yaaser has acted in most of the important challenges on abortion issues over the last few years in England and Northern Ireland. This includes:

- Acting for the Northern Ireland Human Rights Commission in the successful challenge to the failure of the Government to secure that abortion services are, in fact, available to women and girls in Northern Ireland following legalisation of abortion in the Abortion (Northern Ireland) Regulations 2020 (*Re NIHRC* [2021] NIQB 91). Press reports of that challenge can be found on the .
- A Court of Appeal challenge to the Abortion Act 1967 by claimants arguing that the primary legislation is a breach of their human rights insofar as it permits the abortion of fetuses with Down's Syndrome at any point before birth (*R (Crowter) v SSHSC* [2023] 1 WLR 989). The case was reported on , , , and .
- A Court of Appeal challenge to the decision during the COVID-19 pandemic to permit both abortion pills to be taken at home for early medical abortions (*R (Christian Concern) v SSHSC* [2020] EWCA Civ 1239).
- A Court of Appeal challenge by the Society for the Protection of Unborn Children that measures taken by the Secretary of State to try to secure an abortion service in Northern Ireland were unconstitutional (*Re SPUC* [2023] NICA 35). The case was reported on and .

Right to life (Article 2 ECHR): Yaaser acted in the test case challenging the Government policy in the first-wave of lockdown to transfer those in hospital to care homes (*R (Gardner) v SSHSC* [2022] 4 All ER 896). One of the issues involved was whether the Government had breached the systems or operational duty in Article 2 ECHR by transferring individuals in hospitals to care homes without a requirement for testing or quarantining. He also acted in a challenge to the Government's failure to update its air quality strategy to take into account the fact that poor air quality was exacerbating the impacts of COVID-19.

Inhuman and degrading treatment (Article 3 ECHR) : Yaaser acted for the AIRE Centre in *AM (Zimbabwe) v SSHD* involving the circumstances in which removal of a seriously ill individual to another country would result in breach of Article 3 ECHR (inhuman and degrading treatment). This was covered on the , the and the . He also acted for the AIRE Centre in *Hafeez v United Kingdom*, which was an appeal to the European Court of Human Rights relating to an extradition request by the USA. It was argued that extradition of H would breach his Article 3 ECHR right to be free from inhuman and degrading treatment as he would be at risk of getting a sentence of life imprisonment without parole. The issue was whether the US mechanisms of Presidential clemency and compassionate release were sufficiently objective and fair

Right to a fair trial (Article 6 ECHR): Yaaser acted in the Supreme Court challenge to the Gang Injunctions regime imposed by the Policing and Crime Act 2009 and whether it was compatible with Article 6 ECHR (*Jones v Birmingham CC* [2024] AC 168). He has also acted in the Court of Appeal challenge of *JHB v DBS* [2023] EWCA Civ 982 in which the Court of Appeal considered whether an individual placed on the Disclosure and Barring Service's lists, pursuant to the provisions in the Safeguarding Vulnerable Groups Act 2006, had an appeal on factual issues in the Upper Tribunal.

COVID-19: Yaaser acted in many cases involving challenges to restrictions imposed or other decisions made in the context of the COVID-19 pandemic. This included:

- The High Court challenges to the COVID-19 regulations requiring those who worked in social care and in the NHS to have been vaccinated against the virus.
- The test case challenging the Government policy in the first-wave of lockdown to transfer those in hospital to care homes (*R (Gardner) v SSHSC* - see above).
- The airline industry's challenges to the international travel system during the COVID-19 restrictions. This involved a challenge by Manchester Airport and a number of airlines to the system of allocating countries to the Red, Amber or Green list (*R (Manchester Airport Holdings) v SSHSC* [2021] 1 WLR 6190). News reports of the case can be seen in the , the , and the .
- A number of challenges to decisions to put specific countries on the international travel Red list (e.g. Pakistan and Bangladesh), the failure to grant medical exemptions to those flying back from Red list countries who would otherwise have to quarantine in designated hotels,

and the failure to grant fee waivers to those with financial hardship who have had to pay the cost of staying in those hotels.

Protest and Trespass

Yaaser is a specialist barrister with expertise in protest law. He has a background in both property law and human rights law, meaning that he is uniquely well-placed to act in claims relating to protest injunctions.

Yaaser is the author of *Manual on Protest Injunctions: Practice, Procedure and Persons Unknown* (2024) (foreword by Lord Carnwath) – a free online resource aimed at all those involved in claims where an injunction is sought to restrain protest and trespass activity – and the website .

He has been instructed in dozens of protest and trespass hearings since 2022 and has also advised extensively on these issues, including in relation to claims brought by:

- Airports
- NHS trusts
- Universities
- Park authorities
- Security companies
- Energy companies
- Quarrying companies
- Food manufacturers
- Local authorities

EU LAW AND WITHDRAWAL AGREEMENT

Yaaser's practice frequently involves dealing with EU regulations and Directives, whether that relates to environmental and climate change issues, information and data, healthcare and life sciences, social security, or free movement and asylum.

He also regularly acts in domestic cases, as well as advising, on issues relating to retained and assimilated EU Law as well as the EU-UK Withdrawal Agreement and NI Protocol (Windsor Framework).

His recent cases include:

- *R (Here for Good) v SSHD* (hearing in June 2024): a challenge to the rule taking away the right of appeal for those applying late for Pre-Settled Status under the Withdrawal Agreement and after August 2023.
- *Re Northern Ireland Human Rights Commission* [2024] NIKB 35: widescale challenge to the

Illegal Migration Act 2023 based on breaches of the Windsor Framework/NI Protocol. The successful claim led to disapplication of 12 provisions of the Act.

- *AT v SSWP* [2024] 2 WLR 967: Court of Appeal challenge on whether EU citizens relying on residence rights derived from the Withdrawal Agreement can still benefit from the EU Charter of Fundamental Rights in order to obtain Universal Credit.
- *Hynek v LB of Islington* (2024): challenge to homelessness decisions by the local authority on the basis that, following *AT v SSWP*, the refusal breached Article 1 of the EU Charter of Fundamental Rights (right to dignity).
- *Re SPUC* [2023] NICA 35: Court of Appeal challenge brought by a pro-life group to the Abortion (Northern Ireland) Regulations 2021 on the grounds of breach of the Withdrawal Agreement.
- *R (Fratila) v SSWP* [2021] UKSC 53: Supreme Court challenge on whether removing the ability of those with Pre-Settled Status to claim Universal Credit was unlawfully discriminatory on the basis of Article 18 TFEU.

Commercial

Yaaser regularly works with commercial clients on complex and sensitive issues. He has significant experience of working with clients in:

- The pharmaceutical sector
- The energy industry
- The renewables industry
- Airports and the aeronautical industry
- Food manufacturing and supply sector
- The agricultural industry
- The sports industry

For example, Yaaser has recently been involved in:

- Obtaining urgent injunctive relief in dozens of cases where protestors and trespassers have undertaken direct action on private land.
- A recent challenge brought by sections of the pharmaceutical industry relating to the pricing of branded medicines to the NHS (*R (BGMA) v SSHSC* [2023] EWHC 1725).
- Matters relating to windfall levies on the energy and renewables sectors, including in relation to the electricity generator levy and the Energy (Oil and Gas) Profits Levy Act 2022.
- Challenges to the payment structure of the electricity capacity market.
- The airline industry's challenges to the international travel system during the COVID-19 restrictions
- Decisions to permit exploration, installation or exploitation of energy resources and decisions relating to national infrastructure such as airport runways. For example, in *Re No Gas Caverns* [2024] NICA 50, he acted for the developer in a Court of Appeal challenge to the licensing

of gas storage caverns (holding approximately 500 million standard cubic metres of natural gas) to be constructed under the sea off the coast of Islandmagee, Northern Ireland.

- The challenge by a commercial operator to a permit granted to a large energy from waste plant in the area of Mid and East Antrim Borough Council, Northern Ireland.
- Challenges to decisions permitting fracking wells. *R (Preston New Road Action Group) v SSCLG and Cuadrilla* [2018] EWCA Civ 9, was a Court of Appeal challenge to the first horizontal fracking wells in the UK. The claim involved, amongst other things, air quality and climate change issues and whether the Environmental Impact Assessment was flawed.

Yaaser has particular expertise in obtaining injunctive relief against Persons Unknown. In the context of protest and trespass, he has written the only book on the topic – *Manual on Protest Injunctions: Practice, Procedure and Persons Unknown* (v.2, 2024) – and authors the related website – .

Environment

Yaaser is a specialist planning and environmental barrister with experience in the infrastructure, energy, waste, commercial/retail and residential sectors. This experience overlaps with his expertise in the same sectors on public law and property law matters, giving him unique insight into these areas.

Yaaser was instructed in the leading Supreme Court case of *Lambeth LBC v SSCLG* [2019] 1 WLR 4317 relating to the interpretation of planning conditions.

He was also instructed in the Supreme Court challenge to the redevelopment at Old Truman Brewery on Brick Lane dealing with the lawfulness of local authorities' constitutions relating to development committees (*R (Spitalfields Historic Building Trust) v Tower Hamlets LBC* (2024)).

Some of his other recent matters include:

- Infrastructure: Yaaser acted for Network Rail in obtaining the Transport and Works Act Order for the East-West Rail scheme, which will connect Oxford to Cambridge. He has also acted for Network Rail in obtaining the permission for the Cambridge Re-Signalling Scheme. He acted for AstraZeneca in relation to the application to construct and operate Cambridge South station. Separately, he acted in the challenge to the proposed expansion to Heathrow Airport in the form of a third runway.
- Football: He acted in a challenge to the decision to grant planning permission for the new Chelsea FC stadium. This was based on air quality, procedural fairness and a challenge to the conditions in the planning permission.
- Energy: Yaaser regularly deals with clients in the energy sector. He recently acted for the developer in a challenge to the licensing of gas storage caverns (holding approximately 500

million standard cubic metres of natural gas) to be constructed under the sea off the coast of Islandmagee, Northern Ireland. He has also been instructed in challenges to decisions to permit fracking wells *R (Preston New Road Action Group) v SSCLG and Cuadrilla* [2018] EWCA Civ 9).

- Waste: Yaaser recently acted in a challenge by a commercial operator to a permit granted to a large energy from waste plant in the area of Mid and East Antrim Borough Council, Northern Ireland.

Publications

- *Manual on Protest Injunctions: Practice, Procedure and Persons Unknown*. It can be found at .
- 2017 - "Right to Protest and Direct Action" [2017] JR 338
- 2017 - "Freeing up beds in hospitals – can a hospital patient be evicted?"
- 2016 - "Substantive Legitimate Expectations" [2016] 3 Judicial Review 174
- 2013 - "*RT and KM v Secretary of State for Home Department* – Problems with core/margin reasoning in claims of persecution" [2013] Judicial Review 26
- 2012 - 'The Right to a Fair Trial in *Tariq v Home Office*: taking blind shots at a hidden target' [2012] Judicial Review 70
- 2012 - 'Ultra Vires Legitimate Expectations: an argument for compensation' [2012] Public Law 85

EDUCATION & QUALIFICATIONS

Qualifications

- Harvard Law School – LLM
- Oxford University, Keble College – BCL (Distinction)
- Cambridge University, Clare College – MA (Hons) in Law (Double First)

Prizes

- Cambridge-Harvard Exchange Scholar
- Eldon Law Scholar 2012 (most promising Oxford University graduate intending to practise at the Bar)
- Commercial Remedies highest mark in the year (Oxford University)
- Queen Mother Scholar (Middle Temple)
- William Senior Prize for Law (highest in Clare College)
- James William Squire Scholar (Cambridge University)
- Foundation Scholar (Honorary) (Cambridge University)

- Human Rights Lawyers Association Bursary Award
- International Bar Association Educational Trust Scholar
- Phoenicia Scholar (Bar European Group Conference)
- ALBA Scholar (ALBA summer conference)

Directory Quotes

"Yaaser is a class act and very good on his feet." Chambers and Partners, 2024

"Yaaser is great at understanding clients' objectives and is creative in his approach to finding solutions." Chambers and Partners, 2024

"He is always really great to instruct and good to deal with, and produces fantastic written work." Chambers and Partners, 2024

"A highly skilled advocate, conscientious and diligent." Legal 500, 2024

"Yaaser is significant and follows the fast pace of the market." Chambers and Partners, 2024

"Yaaser guides you through the process and makes sure you approach everything in the most strategic way." Chambers and Partners, 2024

"He is bright and knowledgeable about the law." Chambers and Partners, 2024

"Very knowledgeable in this area, extremely well-prepared and with good judgement." Legal 500, 2024

"Yaaser is a splendid junior. He is extremely bright, has an exemplary comprehension of the law and remains calm under pressure." Legal 500, 2023

"Yaaser is technically excellent, and quick to respond. He is a solid advocate who is calm, assured, and accurate, and dispenses clear advice whilst commanding the respect of clients." Legal 500, 2023

"Yaaser is exceptionally bright and assimilates instructions and information extremely quickly." Legal 500, 2023

"Yaaser is personable and friendly. He goes above and beyond to ensure his advice is clear. He is a safe pair of hands and a pleasure to work with." Chambers and Partners, 2023

"He is skilled at understanding the client's objectives and delivers advice calmly and succinctly." Chambers and Partners, 2023

"He is popular with clients." Chambers and Partners, 2023

"Smart, proactive, dedicated, extremely responsive and diligent." Legal 500, 2022

"Very bright, already an accomplished advocate, and his drafting is excellent. It is early in his career but he is clearly going places." Legal 500, 2021

"Very good communication skills and grasps complex legal points. He is well prepared and good on detail." Legal 500, 2021