



## Jonathan Bellamy

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Phone: 0114 273 8951

Year of Call: 2008

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Jonathan Bellamy is noted for his expert handling of health and welfare cases concerning contact with others, residence and deprivation of liberty. He regularly acts for the Official Solicitor, as well as local authorities and family members.

Strengths: "His knowledge is such that he knows everything." "His advocacy skills are phenomenal." **Chambers UK Bar 2023**

"Recommended Expert." **Legal 500 2023**

Jonathan read law at the University of Manchester where he was awarded the RG Lawson prize for his dissertation on 'The Developing Approach of the Law to the Resolution of Intractable Contact Disputes'.

Jonathan completed the Bar Vocational Course at the Inns of Court School of Law in London before being called to the Bar by the Honourable Society of the Inner Temple in 2008.

### Appointments

- Deputy District Judge – North Eastern Circuit
- Fee-paid Judge of the First-tier Tribunal , assigned to the Health, Education and Social Care Chamber
- Nominated Judge of the Court of Protection

## Memberships

- Association of Lawyers for Children
- Court of Protection Practitioners Association
- Family Law Bar Association

## EXPERTISE

### Court of Protection

Jonathan regularly acts for the Official Solicitor, local authorities, NHS Trusts and family members in health and welfare proceedings. These proceedings often include a person being deprived of their liberty and the court making decisions as to where it is in the person's best interests to reside and receive care.

In addition to representing parties before the Court of Protection, Jonathan also represents parties before the Family Court and, therefore, is well placed to act in those matters which cross jurisdictions.

## CASES

### **DM v Y City Council [2017] EWCOP 13**

Represented DM, by his litigation friend, the Official Solicitor, on an application for the court to determine (a) whether DM, who was an abstinent alcoholic, should continue to reside and be cared for at a care home which forbade alcohol, or (b) whether he should be moved, as he wished to be, to a home which allowed the consumption of alcohol. Bodey J commented that the case had been "thoughtfully argued" by Mr Bellamy on behalf of DM's litigation friend, the Official Solicitor.

### **Re RS [2015] EWCOP 56**

Represented RS, by her litigation friend, the Official Solicitor, in a hearing which considered the scope of reports ordered pursuant to section 49 of the Mental Capacity Act 2005.

### **Re KW [2015] EWCOP 53**

Represented the local authority in proceedings brought pursuant to section 21A of the Mental Capacity Act 2005 to challenge a person's deprivation of liberty.

## LEGAL DIRECTORY RECOMMENDATIONS

Strengths: "Very reliable, always prompt, clear in his writing and a good advocate." **Chambers UK Bar 2022**

“Very organised and works very methodically” **Legal 500 2022**

“Noted for his expert handling of health and welfare cases concerning contact with others, residence and deprivation of liberty. He regularly acts for the Official Solicitor, as well as local authorities and family members.

Strengths: “A really solid pair of hands. His drafting skills are brilliant and he is very solid in court. He’s also very collaborative to work with and provides sensible and pragmatic advice.” “Very solid, reliable and good with individual clients.” **Chambers UK Bar 2021**

“His main strength is his calm manner whatever the situation. He also has the ability to cut through to the main issues and deal with what is important.” **Legal 500 2021**

## Family - Children

Jonathan regularly appears in the Family Court on a wide range of children matters, including applications for care and placement orders, special guardianship orders, child arrangements orders, specific issue orders and secure accommodation orders.

Jonathan has a particular interest in cases involving ethico-legal issues, such as surrogacy, and has acted in matters before the High Court which have necessitated the use of the court’s inherent jurisdiction.

In addition to representing parties before the Family Court, Jonathan also regularly represents parties before the Court of Protection. This means Jonathan is well placed to act in proceedings where it is considered that a party lacks capacity to litigate and those proceedings which cross the jurisdiction of the Family Court and the Court of Protection, for instance, cases which concern the deprivation of liberty of those aged 16 and 17.

## CASES

### **Re D (A Child) [2014] EWHC 2121 (Fam)**

Acted in proceedings before the High Court concerning international surrogacy arrangements. Moylan J stated “This case provides a clear example of the difficulties created as a result of surrogacy arrangements being subject to varying degrees of domestic regulation, from significant regulation to none at all, and also because of the existence of significant differences in the effect of such domestic regulation. There is, in my view, a compelling need for a uniform system of regulation to be created by an international instrument in order to make available an appropriate structure in respect of what can only be described as the surrogacy market.”

## Inquests

Jonathan has appeared in a number of high profile and long running inquests, many of which have engaged Article 2 of the European Convention on Human Rights. He is particularly skilled in those inquests touching upon the practices and procedures of mental health and social care professionals.

## CASES

### **Inquest into the death of Elliot Hobson (2018)**

Represented a supported accommodation provider in an inquest into the death of a 17-year-old who was deemed a looked after child by the local authority.

### **Inquest into the death of Peter Stanley (2014)**

Represented a local authority in an inquest into the death of a 17-year-old who was deemed a child in need by the local authority.

### **Inquest into the death of Peter Thompson (2011)**

Represented a mental health professional in an Article 2 inquest into the death of a mental health patient who had been voluntarily admitted to hospital. The court heard evidence that there had been a gross failure to provide basic nursing care to the deceased. The jury returned a verdict of misadventure contributed to by neglect.

### **Inquest into the death of Abbie Jones (2010)**

Represented a GP receptionist in an Article 2 inquest into the death of a four-month-old child who died as a direct consequence of being wrongly prescribed a significant overdose of the diuretic, Frusemide.