

## Mark Hill KC

Call: 1987 QC: 2009 [Public Access](#)

### Practice areas:

**Ecclesiastical Law and Religious Liberty, Public Law, ADR**



## Practice Profile

Mark Hill KC is recognized as pre-eminent in the field of ecclesiastical law and religious liberty. He has represented clients in the Supreme Court and Court of Appeal, as well in the European Court of Human Rights, other international courts and tribunals, and the ecclesiastical courts of the Church of England.

He sits on the Panel of Experts of the International Religious Freedom or Belief Alliance, and advises foreign governments on freedom of religion, as well as conducting judicial training overseas including Kyrgyzstan, Malaysia, Myanmar, Nigeria, Ukraine and Uzbekistan.

He is Visiting Professor and Distinguished Fellow at Notre Dame University London Law Program where he is course director for its acclaimed module on International Religious Liberty. He is also Honorary Professor at the Centre for Law and Religion, Cardiff University; Extraordinary Professor at the University of Pretoria; Visiting Professor at the Dickson Poon School of Law at King's College London and Adjunct Professor at Notre Dame University, Sydney.

Mark took silk in 2009 and was elected a Bencher of the Honourable Society of the Inner Temple in 2011. He was appointed President of the European Consortium for Church and State Research in 2012. He is Vice President of the International Consortium for Law and Religion Studies, and a Director of the Board of the African Consortium for Law and Religion Studies.

He regularly publishes and lectures on matters of Church and State.

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## Ecclesiastical Law and Religious Liberty

Mark is the author of *Ecclesiastical Law*, now in its fourth edition (2018) and is Consultant Editor of the *Ecclesiastical Law Journal*. He is currently engaged as Contributing Editor for the Sixth Edition of the

Ecclesiastical Law volume of *Halsbury's Laws of England*, scheduled for publication in 2024. His other publications include *English Canon Law* (1998) and *Faithful Discipleship: Clergy Discipline in Anglican and Roman Catholic Canon Law* (2001), *Religion and Law in the United Kingdom* (2021) *Religious Confession and Evidential Privilege in the Twenty-first Century* (2021) and *Routledge Handbook on Freedom of Religion of Belief* (2021).

He is Chancellor of the Dioceses of Chichester, Leeds and Europe and for more than a decade sat on the Legal Advisory Commission of the General Synod of the Church of England. He is a member of the Standing Committee of the Ecclesiastical Judges Association.

He has appeared in the Court of Arches in the leading cases of *Re Blagdon Cemetery* (2002) and *Re Holy Trinity, Eccleshall* (2010), and *Re Christ Church, Spitalfields (No 1)* (2015). He regularly represents clients in the Consistory Courts and in Clergy Discipline Tribunals. He is an acknowledged expert on the operation of the Clergy Discipline Measure 2003. He has also acted in one of the rare contested cases of pastoral breakdown under the Incumbents (Vacation of Benefices) Measure 1977.

In the secular courts, his casework includes faith schools and academies, charity, employment, trusts and property matters. He was retained in the Supreme Court in *Preston v President of Methodist Conference* (2013), on the employment status of clergy, *Shergill v Khaira* (2014) on the justiciability of religious doctrine, and *Re Northern Ireland Human Rights Commission* (2018) abortion and the right to life. He has represented clients in the European Court of Human Rights and been a signatory to several amicus briefs in the United States Supreme Court and the Inter-American Court of Human Rights.

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## Public Law

Mark has a wide experience of public law and judicial review and has represented a variety of clients in the Administrative Court. Cases have included fairness and due process in the appointment of clergy: *R (Sawyer) v Bishop of Chelmsford and Bishop of Barking* (2011); ministerial discretion in the grant of exhumation licences: *R (HM Coroner v Secretary of State for Justice and Sutovic* (2009) Administrative Court; failure by justices' clerk to consider complaint before issuing a summons: *R (Swindon Borough Council) v Swindon Justices* (2004); reasonableness and privacy concerning child sex offenders *R (J and P) v West Sussex County Council* (2002); Greater Manchester *Police v Power* (2009), concerning whether spiritualism amounted to a religion of belief. He was retained in the Supreme Court in *Re Northern Ireland Human Rights Commission* (2018) addressing abortion and the right to life.

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## ADR

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## Human Rights

Mark is regularly instructed in cases concerning freedom of religion under Article 9 of the European Convention on Human Rights and discrimination under the Equality Act 2010. His publications include *Religious Liberty and Human Rights* (2002), *Religion and Law in the United Kingdom* (2021) and *Religion*

and Discrimination Law in the European Union (2012).

He was retained by a group of interveners in *Eweida and others v United Kingdom* (2013), concerning the wearing of religious symbols in the work place; and acted for the applicants in *Church of Jesus Christ of Latter-day Saints v United Kingdom*, (2014) challenging the lack of exemption from business rates for religious buildings.

In the United Kingdom, he acted for the successful appellants in the House of Lords in *Parochial Church Council of Aston Cantlow v Wallbank* (2003) which concerned the enforceability of chancel repair liability and the status of the Church of England as a public authority for the purposes of the Human Rights Act 1998. He appeared in the Court of Appeal and Supreme Court in the seminal case of *Shergill v Khaira* (2014) addressing the justiciability of doctrinal disputes, and appeared in *Re Northern Ireland Human Rights Commission* (2018) addressing abortion and the right to life.

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## Publications

Mark writes for a variety of Journals in the United Kingdom and abroad and regularly speaks at international conferences. He has contributed chapters to numerous edited volumes and is the author or editor of a number of books including the following:

- *Halsbury's Laws of England*: contributing editor of the sixth edition of Volume 34, 'Ecclesiastical Law', forthcoming (2024)
- *Islam, Religious Liberty and Constitutionalism in Europe*, co-editor, forthcoming (2023)
- *Religious Confession and Evidential Privilege in the Twenty-first Century* (Sydney, 2021), co-editor
- *Religion and Law in the United Kingdom* (Fourth edition Wolters, 2021) co-author
- *Routledge Handbook on Freedom of Religion or Belief* (Routledge, 2021), co-editor
- *Christianity and Criminal Law* (Routledge 2020), co-editor
- *Ecclesiastical Law* (Fourth edition, Oxford University Press, 2018), author
- *Religion, Law and Security in Africa* (African Sun Media, 2018), co-editor
- *The Confluence of Law and Religion* (Cambridge University Press, 2016), co-editor
- *Great Christian Jurists in English History* (Cambridge University Press, 2016), co-editor
- *Magna Carta, Religion and the Rule of Law* (Cambridge University Press, 2015), co-editor
- *Religion and Discrimination Law in European Union* (Trier, 2012), editor
- *Jowitt's Dictionary of English Law* (Third edition, Sweet & Maxwell, 2010), contributing editor
- *Religious Liberty and Human Rights* (University of Wales Press, 2002), editor
- *Faithful Discipleship: Clergy Discipline in Anglican and Roman Catholic Canon Law* (Rome, 2001), editor
- *English Canon Law* (University of Wales Press, 1998) co-editor

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## Reported Cases

- *Re Jesus College, Cambridge: Rustat Memorial* (2021), Ely Consistory Court
- *In the matter of the Northern Ireland Human Rights Commission* (Abortion Law) (2018) Supreme Court

- ***Re Christchurch Spitalfields*** (No 1) (2015), Court of Arches
- ***Shergill v Khaira*** (2014), Supreme Court
- *Preston v President of Methodist Conference* (2013), Supreme Court
- ***Eweida and other v United Kingdom*** (2013), European Court of Human Rights
- ***Shergill v Khaira*** (2012), Court of Appeal
- ***Church of Jesus Christ of Latter-day Saints v United Kingdom*** (2011), European Court of Human Rights
- *R (on the application of Sawyer) v Bishop of Chelmsford* (2011) Administrative Court
- ***Regina v Twaite and Judge Advocate General*** (2011), Court Martial Court of Appeal
- *Holliday v Musa* (2010), Court of Appeal
- ***Re Holy Trinity, Eccleshall*** (2010), Court of Arches
- ***Sant Baba Jeet Singh v Eastern Media Group*** (2010), High Court, Eady J
- ***R (on the application of HM Coroner) v Secretary of State for Justice and Sutovic*** (2009) Administrative Court
- ***Greater Manchester Police v Power*** (2009) Employment Appeal Tribunal
- ***Parochial Church Council of Aston Cantlow v Wallbank*** (2007) High Court, Lewison J
- ***Stretch v United Kingdom*** (2003), European Court of Human Rights
- ***Parochial Church Council of Aston Cantlow v Wallbank*** (2004), House of Lords
- ***R (Swindon Borough Council) v Swindon Justices*** (2004), Administrative Court
- ***Re Blagdon Cemetery*** (2002), Court of Arches
- ***R (J and P) v West Sussex County Council*** (2002), Administrative Court
- *Tribe v Tribe* (1996), Court of Appeal
- ***Pacific Associates v Baxter*** (1990), Court of Appeal
- ***National Employers' Mutual Insurance Company Limited v Jones*** (1990), House of Lords

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## Quotes

*"He is a practitioner who is at the very top of the ecclesiastical law community. He is extremely well known and deeply respected by all who come across him."*

Chambers and Partners, 2023

*"His breadth of knowledge is quite startling and he is very practical and realistic."*

Chambers and Partners, 2023

*"Mark understands the law around freedom of religion exceptionally well."*

Chambers and Partners, 2023

*"He works hard and gives of his time very generously in this area. The depth of his knowledge and experience is basically unrivalled. Mark writes the main textbooks and is an exceptional voice in the sector."*

Chambers and Partners, 2022

*"Incredibly proactive." "Very intellectual." "In all areas of law a very robust advocate. Very effective." "The heavyweight in this area."*

Chambers and Partners, 2019

*'Well versed in complex human rights matters pertaining to faith and religious liberty. He is particularly*

*highly regarded for this niche specialism, and is a regular feature in domestic, European and US courts.'*  
Chambers and Partners, 2017

*"An acknowledged expert in the niche area of religious liberty"*  
Chambers and Partners, 2011

*"An acknowledged expert in ecclesiastical law. He regularly appears in Consistory Courts, the Court of Arches and various ecclesiastical tribunals"*  
Chambers and Partners, 2010

*"Mark Hill KC continues to be regarded as the foremost authority on religious liberty"*  
Chambers and Partners

*"Undoubtedly one of the leading silks in ecclesiastical law."*  
The Legal 500, 2014