

## OBITUARY

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### Sir John Laws (1945–2020)

MARK HILL QC

Chairman, Ecclesiastical Law Society

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It was impossible not to like John Laws. He radiated affability. Thus his many friends were saddened to learn of his death on Palm Sunday. They took comfort that his daughter, Margaret Grace, on whom John doted, was able to be at his hospital bedside in his final hours, notwithstanding the lockdown caused by the coronavirus pandemic which has disrupted all our lives and, ultimately, claimed his.

John Grant McKenzie Laws was born on 10 May 1945 into a medical family—both his parents were doctors—and spent his childhood in the mining community of Easington, County Durham. He was educated at Durham Chorister School, and as a King’s Scholar at Durham School. He studied at Exeter College, Oxford, obtaining a first-class BA in 1967. He was called to the Bar in 1970 by the Inner Temple, of which he was elected a Bencher in 1985, and Treasurer in 2010.

John was a popular junior barrister who quickly built up a busy practice. In 1984 he was appointed First Junior Treasury Counsel (or ‘Treasury Devil’), and effectively became standing counsel to Her Majesty’s Government. Many of his cases were in the public eye—*Spycatcher*, *Gillick*, ‘*Death on the Rock*’—as well as the long-running *Factortame* litigation, which was to determine the domestic status of European law. The irony was not lost on John years later that it was his own nephew Dominic Cummings who put this jurisprudential juggernaut into reverse, as the *éminence grise* behind Boris Johnson’s hard Brexit.

In 1992, as was then the practice for the Treasury Devil, John was appointed directly to the High Court Bench, without taking silk. He was an admirable puisne judge, and was swiftly elevated to the Court of Appeal in 1998, becoming a privy counsellor. He was a delight to appear before: unfailingly polite and patient; and always happy to reveal his provisional thinking, thereby allowing counsel to try to persuade him otherwise. A few even succeeded.

In *McFarlane v Relate Avon Limited* (2010), John famously rejected a submission, supported by a witness statement from the then Archbishop of Canterbury,

that the Lord Chief Justice should establish a specialist panel of judges with a proven sensitivity and understanding of religious issues to hear cases engaging religious rights. John noted that judges ‘administer the law in accordance with the judicial oath, without fear or favour, affection or ill will’, stating that the special procedure as proposed would be ‘deeply inimical to the public interest’.

By the time that John retired from the Court of Appeal in 2016, he had become the longest serving Lord Justice of Appeal. He was too gracious to voice any disappointment about not having been further elevated to the Supreme Court, as he undoubtedly deserved, and as many expected. He was appointed Goodhart Visiting Professor of Legal Science at the University of Cambridge, where students relished his lovingly crafted lectures, drawn from his lifetime of experience at the legal coalface.

A long-serving member of the Editorial Board of this *Journal*, John was a frequent contributor of book reviews, always perceptive and occasionally trenchant. He was a key speaker at Ecclesiastical Law Society conferences in Durham in 2003 and again in Trinity Hall, Cambridge, in 2017, where he delivered an elegant and memorable after-dinner speech.

John was devoted to his wife, Sophie, and palpably diminished by her untimely death in the summer of 2017. They remained sweethearts throughout their life together, taking joy in the other’s achievements. They were particularly relaxed on the Greek island of Andros, where they built a home and many friendships. John was known by every bar and taverna owner on the island, whom he engaged in conversation with his stylish Greek–ancient and modern. Whether in Pimlico or in Greece, John would always find time to befriend a cat or two. And his grandchildren, James (six) and Sophie (three), adored him.

John allowed me to re-tell, with increasing embellishment, the story of my first case in silk. Summoned home at short notice from overseas, I endured a difficult journey back, arriving just in time. After the applicant’s counsel had completed her submissions, I rose to respond, but John gestured me to resume my seat, saying, with a twinkle in his eye, ‘I needn’t trouble you, Mr Hill.’

On his retirement from the Bench, he gave me his short court coat, or ‘bum-freezer’ as he called it, delighted to have found a recipient of similar dimensions. Every time I dress for court, I will do so with added pride, recalling with affection Sir John Laws, the finest advocate of his generation, and the most convivial of companions.

*Rest eternal grant unto John and Sophie;  
And let light perpetual shine upon them.*