



SIMON PHILLIPS QC

1980-83: Sussex University. Law: BA(Hons) 2.1
1983-84: Trinity Hall, Cambridge University. Law Masters: LLM
(1st in Advanced Corporate & Securities Law).
1984-85: Pupillage. Chambers of Lord Irvine, 11 King's Bench Walk
1985: Called to the Bar. Inner Temple. Basil Nield Scholar
1985-89: Tenant at 50 Essex Street & Verulam Buildings, Gray's Inn
1989: Tenant at Park Court Chambers, Leeds

2002: CPS Grade 4
2002: Recorder (crime & civil)
2002: Attorney General's 'A' list of prosecution counsel
2005: Attorney General's leader list of Special Advocates
2006: Fee-paid Immigration Judge
2009: Serious Fraud Office 'A' list of counsel
2010: Queen's Counsel
2010: Serious Fraud Office list of Queen's Counsel

Fields of Practice:

Crime

- Homicide
- Serious fraud
- Sexual offences, incl. historic child abuse
- Drugs offences
- Death by dangerous driving
- Proceeds of crime & asset recovery

Regulatory and Environmental

- Health & safety – industrial fatalities
- Maritime accidents – incl. multiple fatalities
- Major fisheries prosecutions
- Environmental and environmental health
- Medicines control
- Licensing
- Professional disciplinary
- Bar Standards Board – pro bono

Areas of Practice

General Crime

- Both defence and prosecution work. Experienced in homicide cases – incl. joint enterprise murder, multiple manslaughter, death by dangerous driving, and fatal maritime incidents.
- Particular interest in white-collar fraud. Instructed in Serious Fraud Office casework since 2005. Appointed to the SFO's 'A' list of counsel in July 2009, and the SFO's list of Queen's Counsel in March 2010. Regularly engaged in CPS Complex Case Unit casework involving fraud and money laundering. Instructed by defence firms, and also by regional economic crime squads and by the Serious Organised Crime Agency and its predecessor, the Assets Recovery Agency, in confiscation proceedings and assets recovery.
- Extensive experience in the prosecution and defence of RASSO (Rape & Serious Sexual Offences) cases, and in historic child abuse, and in Operation Orr computer-related casework.
- Over 20 years' experience prosecuting and defending serious offences of violence, incl. robbery, gun crime and cases involving mental health issues.

Regulatory and Environmental

- Experienced in HSE cases involving fatalities, and industry leading plc's.
- Regularly instructed to prosecute major DEFRA casework on and off circuit, incl. the Marine Fisheries Agency's largest fisheries prosecutions in the North.
- Experienced in a broad range of environmental and environmental health issues, incl. high-profile Pesticides Safety Directorate cases, and also Food Standards Agency, Forestry, Animal Welfare, Veterinary products, Milk Quota and Trading Standards cases.
- Successfully defended in high-profile test cases brought by the Medicines and Healthcare products Regulatory Agency and its predecessor, the Medicines Control Agency.
- Instructed in private and statutory body compliance casework by professional regulators (e.g. Bar Standards Board) and by industry regulators (e.g. Federation Against Copyright Theft, European Leisure Software Publishers' Association).

Licensing

- Instructed by broad cross-section of the trade in licensing work, including plc's and regional police forces. High-profile casework has included:-
 - successful grant of premises licence for multi-million pound development at international sports stadium in contested application;
 - cross-examination of Nottinghamshire Chief Constable in (7 day) licensing appeal relating to application for 1800 person capacity city centre nightclub;
 - national chain licensed betting office casework;
 - advice to Chief Constable in connection with a major new concept in off-licence sales and development.

Practical past experience of a broad range of common law and commercial litigation. Between 1985-1995, practised in London and initially on North Eastern Circuit in intellectual property, employment law, restraint of trade, professional negligence, personal injury, inquest, immigration & general common law. Academic background as part-time tutor in contract law of London University LLB students.

Selection of cases of significance

BUSINESS CRIME

Particular interest in white-collar crime. On the Serious Fraud Office's 'A' list of junior counsel prior to being appointed Queen's Counsel. Extensive experience of advising on disclosure issues. Appointed in 2005 by the Attorney General to the leader list of Special Advocates for cases involving issues of national security.

- *R v Potts & others* - the 'PPP' prosecution. Instructed 2005-2009 by the SFO. Buy-to-let property fraud involving £80m of 1,750 investors' funds. All defendants convicted. Case prominently reported in the SFO's 2009 annual report.
- *R v D. Brown* - prosecution for Northumbria Complex Case Unit of the MD & CEO of an international oil company for a £2.5m false invoice fraud. Convicted. £656,000 confiscation & compensation order.
- *R v Hedges* - CPS Special Casework prosecution & POCA proceedings against a former bank manager for theft from a nursing agency partnership.
- *R v Roxby* - prosecution & POCA proceedings for CPS Special Casework against a senior credit agency business manager for defrauding her employers in a multiple false account fraud.
- *R v Heaps* – complex case unit car clocking conspiracy.

Tax:

- *R v Webster & others* - Inland Revenue Special Compliance 3 month trial, involving electronic presentation of evidence, allegation of conspiracy to evade corporation tax.
- *R v Dougherty* – defended in conspiracy to evade duty in major cigarette importation.

Expert witnesses:

- *R v Akashinroju* - defence of conspirator in fire-bombing, forgery & blackmail enforcement of business debt. Forensic scientific challenge to expert cell-site analysis relating to mobile phone evidence.

Guideline case:

- *R v Oprey & Pinchbeck* - reported at [2002] 1 Cr.App.R.(S.) 317. Defended, reduction on appeal of sentence of hotel manager. Guideline fraud sentencing authority for fraud against employers.

SERIOUS NON-BUSINESS CRIME

Over 20 years' experience prosecuting and defending serious offences of violence, including homicide, robbery, gun crime and cases involving mental health issues.

- *R v Ukpabio* - reported at [2008] 1 Cr.App.R.6, & in Archbold (2011) (at para 8-72). Prosecution of Rampton hospital detainee for wounding medical staff. This case marked a significant jurisdictional development of the court's common law powers with reference to the circumstances where a defendant's attendance by video link at trial may be permitted.
- *R v Khan & others* – multi-handed murder prosecution of Hanoi burglar car thieves who were convicted of murdering the victim using a screwdriver as a weapon.
- *R v Edmeade* – murder prosecution. Victim stabbed outside city centre nightclub.
- *R v Wood* – defended, 17 year-old charged with robbery & murder. Victim robbed & killed in grounds of cricket club.
- *R v Jackson* – defended, double murder and attempt murder in arson attack.
- *R v Jenkinson* – defended, petrol attack on occupied dwelling house. Witnesses by video link from Australia.
- *R v Jones & others* – CPS Special Casework prosecution of drugs conspiracy/supply/importation.
- *R v Patterson & others* – CPS Special Casework prosecution of drugs conspiracy/supply. National Crime Squad investigation.
- *R v Moore* – defence of 16 year old in alleged racist attack on Chinese restaurant staff. Victim left in coma after sustaining clubbing to skull.

Co-defendant giving evidence for the Crown:

- *R v Joyce & others* (2010). Murder prosecution. One defendant offered to give evidence against her former partner. All three defendants were convicted, including the principal for murder.
- *R v Yaar & another* (2009) - Complex Case Unit contract killing murder prosecution, the third trial in a series of multi-handed 'honour-killing' murder investigations.
- *R v Cave* - defended in alleged conspiracy to supply heroin via commercial retail and warehouse premises.

Prominent international casework experience, and in the prosecution and defence of historic child abuse and serious sexual offences cases:

- *R v Nchet* (2009) - prosecution of couchsurfing.com rapist. Witnesses were flown in from Hong Kong and Taiwan for the trial and re-trial. Convicted.
- *R v R. Taylor* – prosecution for historic sexual abuse of 3 complainants over a 20 year period.
- *R v S. Taylor* – prosecution of 19 year-old for violent rape of 17 year-old male.

- *R v M. Shazad* (2010) – prosecution of mini-cab driver for rape of passenger.
- *R v R.S* – reported at [2010] EWCA Crim 2743. Defendant aged 12-15 at time of series of alleged rapes.
- *R v R.H* - reported at: [2007] EWCA Crim 3250. Defence of city councillor in historic child sexual abuse case with Public Interest Immunity disclosure issues relating to the destruction of materials from past investigations.
- *R v B-G* - defended in 50 day trial relating to historic sexual abuse of children in Market Weighton de la Salle Order care home. Co-accused was convicted and sentenced to a total of 21 years imprisonment. The diocese is the subject of an £8m compensation claim. Defendant acquitted.
- *R v S.N* – defended in child sexual abuse trial of defendant (who had previously admitted possession of 120,000 indecent images of children). Defendant acquitted.
- *R v Rutter* – defended in historic child rape case. Palentypist used at trial. Convictions quashed on appeal.
- *R v Powell* – defended, 4 year reduction on appeal of sentence of female for false imprisonment & rape with occult overtones.
- *R v Chowdhury* – defended, successfully argued on appeal for sentence reduction for diabetic defendant suffering hypoglycaemic attack at time of indecent assault.

Sports-related casework:

- *R v Griffin* (2010) - prosecution for East Midlands Complex Case Unit of the head of British National Martial Arts Association for theft of funds relating to 60,000 insurance premiums of martial arts instructors and students.
- *R v J.B.* - Prosecution of participant in international Gumball Rally.

Computer expert evidence:

- *R v M. Cicero* (2009) - prosecution for Northumbria Complex Case Unit of self-styled computer expert and hacker for downloading indecent images of children. Extensive computer forensic expert evidence was required to address issues raised and to negate the possibility of a malicious remote attack on the defendant's computers.
- *R v D.C* - defended, challenge of no case to answer in paedophile computer imaging prosecution (of an anaesthetic technician) that had been referred to CPS Special Casework by US Department of Homeland Security. Defendant discharged.

REGULATORY LAW

Health and Safety Law. Experienced in fatal accident cases. Particular expertise in accidents where expert witnesses from a variety of disciplines are engaged:

- *R v Vroon Offshore Services Ltd & Fryer (2009)* - prosecution for Humberside & South Yorkshire Complex Case Unit relating to the deaths at sea of 3 crew members of a North Sea gas rig rescue vessel. The deceased had all been asphyxiated in an oxygen-deficient chain locker.
- *Re: Frenchgate Centre overhead bridge collapse at inner-city underpass construction site* - advice to HSE regarding proceedings.
- *R v Apollo Cradles Ltd & Bradway Construction Ltd* - HSE prosecution of cradle hire & construction companies for fatally catastrophic collapse of a suspended access cradle. Pre-trial advice in conference with mechanical engineering and metallurgist experts at the Health & Safety Laboratory in Buxton. Evidence relating to component failure in Australia and manufacturing modifications in Holland was adduced at trial
- *R v Corus* - HSE prosecution arising from a falling crane hoist fatality in a steel mill.
- *R v Eggborough Power Ltd* - HSE prosecution arising from a fatal staircase collapse at a power station.
- *London Fire & Emergency Planning Authority v Greggs Plc (2010)* - defended the UK's leading bakery retailer. Allegations related to the Regulatory Reform (Fire Safety) Order 2005.

Successfully defended in prominent test cases brought by the Medicines and Healthcare products Regulatory Agency and its predecessor, the Medicines Control Agency:

- *R v K.W, Spiritual High Ltd & others (2009)* - defended a company manager, raising abuse of process challenge to this MHRA prosecution of major importers & distributors of 'legal high' BZP (benzylpiperazine). The focus for challenge was the discrepancy between the MHRA's prosecution strategy and its submissions to the European Commission on medicines control. Defendant discharged.
- *R v A.K* - defended, raising abuse of process challenge to Medicines Control Agency prosecution of an alleged conspiracy to import vast quantities of kumagra. Defendant discharged.

Copyright, Trade Mark, E-Commerce, and Firearms regulations:

- Federation against Copyright Theft casework.
- European Software Publishers Association casework.
- Trading Standards casework.

Professional Disciplinary:

- *Bar Standards Board v LC (2009)* - high-profile disciplinary casework.
- General Medical Council casework.

- Police officers - including defence to prosecution for perverting the course of justice.

ENVIRONMENT

Instructed in several of the largest UK fisheries prosecutions brought by DEFRA and the Marine Fisheries Agency. Currently instructed by the Marine Management Organisation. Experienced in a broad range of environmental and environmental health issues, including high-profile Pesticides Safety Directorate cases, and also Food Standards Agency, Forestry, Animal Welfare, Veterinary products, Milk Quota and Trading Standards cases.

- *R v I. Perkes & another* - reported at [2010] EWCA Crim 1010. Instructed by Serious Organised Crime Agency, responding to an appellate challenge to POCA confiscation orders against fish merchants.
- *R v TN Trawlers Ltd & others* - prosecution for DEFRA of 12 vessel owners, masters & fish merchants. Fish sales were traced through Dutch markets. This case was the first UK prosecution of fish merchants for non-submission of sales notes. Confiscation proceedings for Assets Recovery Agency netted £900,000.
- *R v Kilkeel Fishselling Ltd & others* - Marine Fisheries Agency (DEFRA) prosecution. 24 defendants convicted. Confiscation proceedings for Assets Recovery Agency resulted in £1m confiscation of corporate assets. Case debated in Northern Ireland Assembly.
- *R v Lockers Trawlers Ltd & others* - Marine Fisheries Agency (DEFRA) prosecution - 11 defendants convicted, including the president of the National Federation of Fishermen's Organisations. Case debated in Parliament and reported in Hansard.
- *R v S.Trawlers* - Marine Fisheries Agency (DEFRA) prosecution for closed season scallop-dredging in Cardigan Bay.
- *R v Marshall, Roebuck Eyot Ltd & another* - Pesticides Safety Directorate (DEFRA) prosecution of the supplier of a banned product, Renardine.
- *R v G.M* - Pesticides Safety Directorate (DEFRA) prosecution, following on from a judicial review challenge, for unlicensed storage of bio-chemicals.
- *R v Greenopen Ltd* - successfully challenged overseas expert accounting evidence and resisted an application to quash fines imposed against a Spanish Trawler company.

LICENSING

Instructions include liquor, entertainment and gaming licensing. Instructed by applicants and objectors at first instance and on appeal in casework involving the major chains, industry leaders, local authorities and Chief Constables.

- *Re: Headingley Carnegie Stadium* - contested proceedings; obtained licensing grant for applicants for a new £7m international cricket/rugby stadium development by a sporting & university consortium.

- *Re Zanzibar* - 7 day appeal hearing, involving cross-examination of Nottinghamshire Chief Constable who was opposing an application for a new 1800 capacity nightclub at a city centre venue.
- *R v Fletcher & another* - prosecution of licensed premises manager and colleague for false accounting thefts from employers.

Additional Information:

- Trained and (fraud trial) experienced in electronic presentation of evidence.
- Experienced in conducting seminars (e.g. national firms, regional law society, medico-legal society, and licensing to senior police officers).
- Recruitment and training: past committee work in appointment of applicants to chambers, and also as pupil-supervisor.
- Member of the Criminal Bar Association (CBA), and the Planning and Environment Bar Association (PEBA)
- Member of the Association of Regulatory & Disciplinary Lawyers (ARDL), and the Health & Safety Lawyers Association (HSLA), and the UK Environmental Law Association (UKELA)
- Member of the North-Eastern Circuit
- Associate member : Francis Taylor Building, Inner Temple, London EC4Y 7BY
www.ftb.eu.com
- North of England committee representative of the Jesters Club – international squash & rackets club. Captained touring squash teams to Norway (2003), Singapore (2006), Scotland (2010).