

NICHOLAS LUMLEY QC

Call: 1992

LLB (Hons) University of Newcastle

Practice: Crime, Regulatory and Professional Conduct, Licensing

Summary

Nicholas Lumley's principal area of practice is crime in which he has particular experience and expertise in the prosecution and defence of serious sexual offences, fraud, large-scale drugs supply and importation, homicide and human trafficking and exploitation.

His current practice is evenly split between prosecution (Nicholas is a Grade 4 Prosecutor) and defence work, and while much of his work is undertaken on the North East Circuit, he regularly accepts instructions on the Northern and South Eastern Circuits.

He has extensive experience of presenting (and responding to) appeals in the Court of Appeal Criminal Division and has appeared before the Administrative Court in criminal and regulatory matters.

He is also engaged in advising and defending individuals and companies in other criminal matters and additionally has extensive experience in regulatory and licensing matters.

A member of the Criminal Bar Association, Nicholas is a specialist rape prosecutor with expertise and experience in the prosecution of the most serious sexual offences. He has recent experience in prosecuting a multi-defendant paedophile ring, stranger rapes, date rapes and child abuse.

Widely regarded as having expertise in the treatment and questioning of vulnerable witnesses, Nicholas Lumley has been a Recorder since 2008.

Specialisms and examples of recent work:

Sexual Offences

Nicholas has particular expertise in the prosecution and defence of serious sexual offences. He is regularly sought out to act in such cases.

In the last two years Nicholas has acted for defendants charged with multiple rapes of prostitutes, rapes of children, inter-generational rapes over a period of 30+ years and rapes of vulnerable adults.

Recent cases have involved:

- the admissibility of cross-border allegations of rape
- the integrity and analysis of DNA samples and findings
- the admissibility of past sexual history

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Homicide

Nicholas frequently appears for the defence and prosecution of murder and manslaughter.

Nicholas was junior counsel for the first defendant in **R v Rahman [2008] 1 A.C. 129, HL** which involved complex issues relating to the liability of secondary parties in the context of joint enterprise.

He has recently acted for the defence in murder cases where there have been issues of causation, provocation, and diminished responsibility. He also has a particular interest in the interpretation and presentation of DNA evidence.

He was junior council in the prosecution of Martin Brown, a 'col case review' murder where the advances in DNA analysis led to the collection of the accused some 20 years after the event.

In the past two years, Nicholas has been retained by the prosecution to act multi-defendant murder cases involving multiple issues of causation and joint enterprise. He is currently involved in the prosecution of six men accused of murdering, dismembering and hiding the remains of the victim. He is also involved in the prosecution of a case of manslaughter where there are ongoing issues as to causation and the quality and propriety of medical intervention.

Fraud

Nicholas has regularly acted for the defence and prosecution in substantial fraud allegations. In the last two years, Nicholas has acted for the defence on behalf of company directors, financial advisors and bank employees in allegations concerning insider-trading, intercompany fraud and multiple mortgage frauds allegedly involving losses of many millions of pounds.

A recent example is *R v Drinkhill and Others* (a multi-million pound inter-company fraud) where the defendant was acquitted at the close of the prosecution case.

He has also acted in ancillary applications concerning the disqualification and rehabilitation of company directors and has been instructed by the prosecution, both as leading junior and alone, to prosecute substantial frauds perpetrated by bank employees and employees of publicly-quoted companies.

Large-scale drug supply and importation

Nicholas regularly acts for the defence and prosecution in cases concerning the importation, supply, production and possession of prohibited drugs. He has been involved in cases for and against HM Revenue and Customs.

Recent and notable work includes:

- *Operation Primary* – Large scale supply of cocaine and ecstasy. Issues concerning entrapment and the deployment of undercover police officers who joined criminal gangs.
- *R v Van Z* – Large-scale importation of cannabis.

Human Trafficking and exploitation

Nick has acted for the defence in such cases, a recent example being the defence of a restaurateur charged with human trafficking (*A-Gs reference Numbers 37,38 and 65 of 2010 [2010] EWCA Crim 2880* People trafficking for exploitation).

As Counsel for the lead defendant, this long running trial involved the running of an ostensibly respectable Indian restaurant and featured;

- the questioning of numerous vulnerable victims from India, Pakistan and the Middle East
- the interpretation and application of the Asylum and Immigration (Treatment of Claimants) Act 2004.

Other Crime

Recent and reported cases include;

- *R v Hesketh [2006] EWCA Crim 2596* Defence counsel for a professional gambler concerning the admission of fresh evidence on appeal in a confiscation case.

Regulatory and Professional Conduct

Nicholas is frequently instructed to appear on behalf of the General Medical Council in cases concerning the fitness to practice of doctors and has extensive experience of allegations of police malpractice and misconduct.

Licensing

Nicholas has been instructed to advise and represent licensees and Local Authorities in cases concerning the retention and revocation of liquor licenses and, further, has been instructed to advise and represent the likes of haulage companies and other corporate bodies in relation to the retention of individual and corporate licences.