

# James Lloyd

Call 2017



[jameslloyd@mountfordchambers.com](mailto:jameslloyd@mountfordchambers.com)



020 7936 6300

James accepts instructions in all of Chambers' areas of practice, with particular expertise in financial crime, regulatory compliance, and professional discipline.

James is the Deputy Head of the Mountford Chambers Regulatory Practice Group. He is frequently instructed to present fitness to practise cases and professional disciplinary cases on behalf of professional regulators. He also acts for regulated professionals before disciplinary tribunals across several industry sectors.

James has been involved in several Serious Fraud Office investigations relating to financial institutions and insider dealing. His advisory practice has included advising multinational entities on SFO investigations into global trading arrangements. He has assisted in past business reviews of financial institutions, particularly relating to COBS compliance, and has been involved in 'skilled person' reviews (under s.166 FSMA 2000) instigated by the UK Financial Conduct Authority into alleged mis-selling of interest rate hedging products by a major retail bank, and investigations into mis-management of investment portfolios.

James recently acted as junior alone for four of five applicants in *Page & Ors v Financial Conduct Authority* [2022] UKUT 124 (TCC); one of the largest Upper Tribunal cases of recent years, relating to the transfer of c.1,500 retail customer pensions (totalling over £60 million) into loan notes and bonds being promoted by an unrelated entity. The case was heard over 5 weeks and involved: detailed consideration of IFA duties in respect of products; due diligence; duties relating to outsourced activities and conflicts of interest; the requirements of honesty and integrity for regulated IFAs; limitation; and de facto directorship.

# Expertise

## Crime

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James has a busy criminal defence practice and acts in cases across the criminal spectrum. He has particular expertise in cases involving financial crime and fraud, computer misuse, drugs offences and serious violence.

James also acts on behalf of the prosecution, instructed by the CPS and agencies including the RSPCA and the Driver and Vehicle Standards Agency.

## Notable Crime cases

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### R v R and B [Operation Junonia] – Hove Crown Court

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Led by [William England](#) acting for the first defendant in case involving the largest illegal gun factory ever uncovered in the UK. The case involved the seizure of tens of live weapons from crime scenes across the UK, and the seizure of up to 150 partially-manufactured replica Browning pistols.

### R v N - Central Criminal Court

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Represented a well-known music artist charged with being in possession of a machete style knife, having been stopped with a quantity of drugs and cash. Following extensive cross-examination of police witnesses exposing significant flaws and gaps in the police investigation, the jury unanimously acquitted the defendant in just over an hour.

### R v W and Others [Operation Warmth] – Stoke Crown Court

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Led by [Alexandra Scott](#) acting for the second of six defendants in an eight-week money laundering trial involving an estimated £150m in cash transfers across the North-West and South-East involving EncroChat devices accessed through Operation Venetic. The case involved complex analysis of business activities and the use of a haulage business as a front for unlawful activity, and resulted in the seizure of tens of millions of pounds in cash.

[Daily Express](#) ; [BBC News](#)

### R v K and Others [Operation Vault] – Teesside Crown Court

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Junior alone acting for the second of twelve defendants in a large-scale drugs supply conspiracy involving the movement of Class A and Class B drugs and hundreds of thousands of pounds across the North-East and North-West.

### Chronicle Live

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#### R v A [Operation Preto] – Isleworth Crown Court

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Secured acquittal after trial of defendant charged with possession of a weapon following an outbreak of street violence.

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#### R v J [Operation Savoy] – Chelmsford Crown Court

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Junior alone acting for the second of seven defendants charged with conspiracy to pervert the course of justice by providing false witness statements to the Court of Appeal.

### Essex Live ; Gazette News

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#### R v A – Reading Crown Court

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Junior alone for defendant charged with possession with intent to supply Class A and B drugs.

### Media coverage

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#### R v H – Wood Green Crown Court

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Secured acquittal of defendant charged with racially aggravated assault on security guard at supermarket.

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#### R v M – Kingston Crown Court

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Secured acquittal after trial of defendant charged with coercive and controlling behaviour, spanning multiple accusations over the course of almost two years.

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#### R v J – Liverpool Crown Court

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Junior alone acting for defendant charged with s.18 gbh and weapons possession offences following incident involving the partial amputation of a victim's face.

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#### R v H – Inner London Crown Court

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Successful appeal against a Magistrates' Court conviction for possession of an offensive weapon. Separately secured suspended sentence on multiple counts of theft, fraud, violence and public disorder.

### Daily Mail

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## Business Crime & Fraud

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James has experience acting in matters involving corporate liability and fraud and has acted on behalf of corporates and individuals facing allegations of fraud, fraudulent trading and money laundering offences. He is particularly trusted in cases involving voluminous financial records and accountancy data. He has been instructed to advise businesses and charities on compliance with regimes including data protection, anti-money laundering procedures and anti-bribery rules.

Prior to joining Chambers, in a City firm, James was involved in Serious Fraud Office investigations relating to financial institutions and insider dealing. Since joining Chambers, his advisory practice has included advising multinational entities on SFO investigations into global trading arrangements.

Alongside experience of defending cases of fraud, fraudulent trading, evasion of duty and Fraud Act offences alleged against individuals, James is frequently instructed to prosecute cases before the criminal courts by the Driver and Vehicle Standards Agency involving the fraudulent obtaining or use of driving licences and falsification of driving records and has extensive experience in cases involving the possession, manufacture, sale and supply of articles for use in frauds.

## Notable Business Crime & Fraud cases

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### R v P – Ipswich Crown Court

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Junior alone acting for defendant charged with fraudulent trading over a two-and-a-half-year period. A case involving extensive forensic accountancy evidence over the trading period and allegations of fraudulent dispensing of cheques and payments.

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### Page and Ors v The Financial Conduct Authority [2022] UKUT 124 (TCC)

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Junior alone acting for four of five appellants of FCA decision notices and prohibitions. The case was one of the most substantial to be considered by the Upper Tribunal in recent years, relating to the transfer of c.1,500 retail customer pensions (totalling over £60 million) into loan notes and bonds being promoted by an unrelated entity.

[2022] UKUT 124(TCC)

Media Coverage:

The Financial Times ; FT Advisor  
Practical Law  
Law360  
Money Marketing

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### R v B – Southwark Crown Court

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Second junior to Andrew Trollope QC representing first defendant in the later stages of a five-defendant MTIC-type fraud relating to metals trading.

Appeal: [\[2020\] EWCA Crim 1596](#)

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### SFO v Company X – Investigation

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Advisory appointment during the currency of a Serious Fraud Office investigation into global metals trading. Required to advise a multi-national company on exposure and engagement with the SFO's investigation.

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### R v O – Maidstone Crown Court

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Junior alone in case involving multiple allegations of holding and converting criminal property.

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### R v E – Southwark Crown Court

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Secured acquittal of defendant charged with possession of articles for use in fraud on the Crown offering no evidence following representations on disclosure.

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### R v K – Sevenoaks Magistrates' Court

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Secured discontinuance of proceedings for possession of articles for use in fraud in case involving alleged loop devices used for bank card cloning.

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## Criminal Regulatory

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James has experience across Mountford Chambers' regulatory practice areas, and is frequently called upon to advise and act for regulated individuals and businesses across a range of industries.

### Data Protection and GDPR

James is well-versed in the field of data protection; he is our designated Equality and Diversity Data officer in Chambers. James' advisory practice includes advising regulated individuals and companies on the obligations under the UK Data Protection Regime, and investigations by the ICO. His recent experience includes advising a large national charity of the redrafting of data protection and retention policies, and the

processing of data in respect of private prosecutions.

He is frequently called upon to advise upon data protection in the context of criminal proceedings, and has advised individuals and UK police forces on the remit and limitations of the UK DPA and GDPR regimes.

### Finance and banking

James has significant experience in financial regulation. Prior to joining Chambers, he gains experience in a City firm in past business reviews of financial institutions, particularly looking at COBS compliance, and was involved in 'skilled person' reviews (under s.166 FSMA 2000) instigated by the UK Financial Conduct Authority into alleged mis-selling of interest rate hedging products by a major retail bank, and an investigation into mis-management of investment portfolios.

James acted as junior alone for four of five applicants in *Page & Ors v Financial Conduct Authority* [2022] UKUT 124 (TCC); one of the largest Upper Tribunal cases of recent years, relating to the transfer of c.1,500 retail customer pensions (totalling over £60 million) into loan notes and bonds being promoted by an unrelated entity. The case involved: detailed consideration of IFA duties in respect of products; due diligence; duties relating to outsourced activities and conflicts of interest; the requirements of honesty and integrity for regulated IFAs; limitation; and de facto directorship.

### Driving and vehicle safety

James is frequently instructed to prosecute cases before the criminal courts brought by the Driver and Vehicle Standards Agency involving the fraudulent obtaining or use of driving licences and falsification of driving records.

He is experienced in a range of vehicle safety regulations, and has also been instructed on behalf of individuals and corporates appearing in Traffic Commissioner proceedings.

## Asset Forfeiture & Civil Recovery

James has a busy confiscation and asset recovery practice.

In criminal confiscation matters, James accepts and is often called upon to undertake advisory work in respect of both the 2002 and 1988 Acts. He is frequently praised for his forensic approach to the confiscation process, being instructed in many cases after the conclusion of complex criminal proceedings to 'unpick' financial affairs in contested POCA proceedings.

James is experienced in acting for and advises both defendants and interested parties in applications for the re-consideration of confiscation orders, and enforcement of orders including:

- Enforcement proceedings;
- Appeals of confiscation orders;
- s.22 and earlier equivalent applications;
- s.23 and earlier equivalent applications; and
- Applications for the appointment of enforcement receivers.

In respect of civil recovery of assets, James has been involved in several cases where account freezing orders and cash forfeiture have been in play. He has successfully resisted many cash forfeiture proceedings and been praised for his thorough approach. With a background in financial regulation, and significant experience in complex financial cases, he is able to advise clients on most aspects of civil recovery, including the recovery of cryptoassets.

## Notable Asset Forfeiture & Civil Recovery cases

### National Crime Agency v Companies J1 and J2 – Westminster Magistrates' Court

Acted on behalf of two linked companies in account freezing order applications made by the NCA following the instigation of criminal proceedings relating to bribery and money laundering.

### Essex Police v B – Chelmsford Magistrates' Court

Successfully opposed an application by Essex Police for the continued detention of seized cash following the seizure of approximately £20,000 in sterling and similar amounts in two other currencies at Stansted airport.

### R v J – Central Criminal Court

Acted for an interested party, opposing an application to appoint an enforcement receiver over the matrimonial home. Successfully rebutted the presumption of joint equitable title, and established that the defendant's equitable title had been extinguished over the course of the marriage and multiple re-mortgages: no receiver appointed.

### R v B – Kingston Crown Court

Acted for an interested party in a contested application to appoint enforcement receivers over a property portfolio. Successfully argued the existence of beneficial title of the interested party, avoiding the appointment.

### R v R – Leicester Crown Court

Contested POCA matter. Benefit figure reduced from £340,000 to £50,000 after legal argument seeking to depart from a previously agreed (higher) figure.

### R v R – Derby Crown Court

Contested POCA matter. Benefit figure reduced from £90,000 to £20,000

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R v R – York Crown Court

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Contested s.23 application following further investigation a number of years after the order was made.

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R v J – Harrow Crown Court

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Successful (opposed) s.11 POCA application

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R v S – Reading Crown Court

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Successful (opposed) s.11 POCA application

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R v D – Westminster Magistrates' Court

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Successfully resisted application to activate default sentence where defendant owed in excess of £200,000

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R v G – Westminster Magistrates' Court

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Successfully resisted application to activate default sentence where defendant owed in excess of £650,000

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R v B – Westminster Magistrates' Court

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Successfully resisted application to activate default sentence where defendant owed in excess of £450,000

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## Professional Regulation

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James is the Deputy Head of the Mountford Chambers Regulatory Practice Group, and has a wealth of experience in fitness to practise and professional disciplinary matters.

He is frequently instructed to present fitness to practise cases and professional disciplinary cases on behalf of professional regulators including the Teaching Regulation Agency, Nursing and Midwifery Council and Health and Care Professions Council. James undertook a two-and-a-half-year secondment at a Band 1 firm where he presented cases for a number of professional regulators, including the General Optical Council, the General Pharmaceutical Council and the Architect's Registration Board. He has been called upon to advise regulators on matters of law, evidence and procedure.

James also acts for regulated professionals before disciplinary and similar tribunals, having extensive experience of the professional disciplinary process. He is frequently called upon at all stages of that process: to advise on investigations; to appear in applications for interim orders or reviews of such orders; representation at final hearings; and appeals.

James's recent cases have included:

- Nurses and midwives (NMC)
- HCPC-registered individuals
- Social Workers (Social Work England)
- Architects (ARB)
- Police Officers (Police Disciplinary Tribunals)
- Teachers (Teaching Regulation Agency)
- Independent Financial Advisors (FCA proceedings in the Upper Tribunal)

In addition, James has been involved in a number of cases where University students faced disciplinary action, either by the University in question, or by professional regulators. He is available to advise and provide representation in respect of such matters.

## Notable Professional Regulation cases

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### Architects

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#### **ARB v H**

Case involving an architect's online conduct towards other including potentially abusive correspondence.

#### **ARB v S**

Case involving alleged failures to have proper regard to regulations and elevation parameters, resulting in unsafe plans and civil liability.

#### **ARB v C**

Case involving alleged lack of integrity over the financial management of a project, including the advancing of undocumented loans between architect and client.

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### Barristers

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#### **BSB v X**

Advising a barrister client on potential liability arising from a media arrangement, including advice on the terms of the BSB handbook and recent developments in respect of social media and news commentary.

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## Biomedical Sciences

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### HCPC v B

Case involving a biomedical scientist making homophobic remarks to colleagues and allegedly attending their place of work drunk, unfit to work.

[Daily Gazette](#) ; [Essex Live](#)

### HCPC v M

Case involving a biomedical scientist convicted of fraud.

[The Times](#) ; [Daily Express](#)

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## Hearing Aid Dispensers

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### HCPC v P

Acted on behalf of the HCPC in case involving multiple allegations of dishonesty and manipulation of records.

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## Midwives & Nurses

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### NMC v N

Acted on behalf of a midwife accused of multiple failings amounting to lack of competence during a return to work period following compassionate leave. Secured the dismissal of all allegations at facts stage.

[Read more...](#)

### NMC v M

Acted on behalf of a midwife who admitted to significant failings in respect of cardiotocography, contributing to patient death. Secured conditions of practice order following lengthy submissions on the clinical environment and remediation.

### NMC v E

Case involving multiple allegations of lack of competence in ED setting.

### NMC v B

Case involving allegations of poor medication monitoring and improper administration procedures in

care home setting.

### **NMC v G**

Case involving allegations of bullying, harassment and social media misuse.

### **NMC v M**

Acted on behalf of the NMC, securing the striking off a nurse in a case involving the provision of care while under the influence of alcohol and multiple serious medication errors in care home setting.

### **NMC v H**

Case involving alleged dishonesty on the part of a midwife who worked bank shifts through two agencies without disclosing the same to her employer, while in receipt of sick pay.

### **NMC v M**

Acted for midwife, in interim order proceedings following Trust-level investigation and inquests launched into multiple deaths. No order made.

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## Occupational therapists

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### **HCPC v G**

Acted on behalf of an OT accused of misconduct and lack of competence following dismissal from a Trust after a series of criticisms relating to record completion and data storage ranging fourteen years. Secured a finding of no current impairment.

[Read more...](#)

### **HCPC v O**

Case involving alleged dishonesty over declaration of criminal cautions decades before the OT qualified.

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## Operating Department Practitioners

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### **HCPC v F**

Acted for the HCPC in case involving ODP convicted of possessing child pornography.

[BBC News](#)

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## Opticians

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### GOC v X

Case involving alleged misappropriation of documentation relating to dispensed products and harassment.

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Paramedics

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### HCPC v Y

Acted for a paramedic previously dismissed from the service for alleged dishonesty relating to their ability to attend a red call without sufficient PPE. All allegations found not proven at facts stage.

[Read more...](#)

### HCPC v S

Acted for the HCPC in a case involving a paramedic's response at the scene of a suicide.

[The Telegraph](#) ; [The Metro](#)

### HCPC v NS

Acted for the HCPC in a case involving a paramedic's response to a patient in cardiac distress, and adverse comments made to the Regulator.

[The Sun](#)

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Physiotherapists

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### HCPC v F

Case involving male physiotherapist and alleged sexual misconduct toward female patient.

[The Daily Mail](#)

### HCPC v K

Case involving male physiotherapist and alleged sexual misconduct toward female patient.

[Daily Express](#) ; [The Metro](#) ; [International Business Times](#)

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Police Officers

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**Chief Constable of Sussex Police v Police Sergeant X**

Case involving multiple allegations of abuse of position, dishonesty and failings in line-management.

**IOPC v Police Constable Z**

Investigation into officer's conduct outside employment with the relevant police force.

**Chief Constable of Sussex Police v Inspector Y**

Case involving allegations of abuse of position and sexual misconduct.

**Chief Constable of Sussex Police v Police Constable ZA**

Case involving allegations of serious sexual misconduct.

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Psychologists

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**HCPC v S**

Case involving multiple allegations of historic sexual abuse.

[The Times](#)

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Radiographers

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**HCPC v W**

Acted for the HCPC in case involving a radiographer of self-administering drugs at their place of work and a conviction for theft of drugs and paraphernalia.

[SOR](#)

**HCPC v H**

Acted for HCPC in case involving a radiographer convicted of rape.

[SOR](#)

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Social Workers

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**SWE v M**

Acted of behalf of the social worker, successfully arguing against the imposition of an 18-month interim order pending completion of SWE's investigation.

**HCPC v Y**

Social worker accused of multiple instances of lack of competence.

**HCPC v Z**

Acted for the HCPC in case involving social worker making and maintaining social media contact with vulnerable service users.

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**Speech and Language Therapists**

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**HCPC v X**

Lengthy case involving an SLT's provision of care to primary school children. The case involved multiple allegations relating to the updating and monitoring of care plans, delivery of therapy, and issues surrounding dishonest completion of service user records.

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**Teachers**

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**TRA v CA**

Teacher alleged to have inappropriately restrained pupils in a primary setting.

**TRA v H**

Case involving allegations of interference with student coursework and manipulation of assessment grades.

**TRA v CB**

Case involving convictions for serious sexual offences against children.

[Liverpool Echo](#)

**TRA v O**

Case involving criminal conviction for serious sexual offences where issues of anonymity arose beyond the identities of pupils and staff.

**TRA v A**

Case involving allegations of a teacher's inappropriate relationship with a pupil both in and outside of the school environment, including online contact and the pupil attending the teacher's home on multiple occasions.

# Inquests & Inquiries

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## Healthcare

James has significant experience of healthcare regulation, having acted for several healthcare regulators including the NMC, GDC, GPhC, COG and HCPC and also regulated professionals across a range of tribunals. His significant experience in healthcare regulation has resulted in James being instructed in several complex cases involving potential clinical negligence and serious procedural failures.

## Health and safety

James' experience in the regulation of other sectors such as rail and air provide a wide range of expertise in the field of health and safety, which clients consider invaluable in inquests. He has recently appeared in an inquest touching upon these areas of expertise; potential NHS failings leading to a death on a railway, and is available to advise and provide representation generally.

## Safeguarding

James frequently acts in professional discipline cases involving young and vulnerable people. He has acted for the Teaching Regulation Agency (TRA) in a number of cases where safeguarding concerns played a central role. Similarly, he has acted in many cases before healthcare regulators in which patient and service user safeguarding failures have resulted in catastrophic outcomes. He is a member of the Sports Resolutions Safeguarding Case Management Panel.

## Financial investigations and past business reviews (PBRs)

James has acted as an independent reviewer in past business reviews of financial institutions, particularly relating to COBS compliance. He has been involved in 'skilled person' reviews (under s.166 FSMA 2000) instigated by the UK Financial Conduct Authority into alleged mis-selling of interest rate hedging products by a major retail bank, and investigations into mis-management of investment portfolios.

# International Law

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## Extradition

James has acted in a number of cases involving the in- and out-bound extradition of those facing criminal proceedings. He is often asked to advise on the process and procedure in respect of those abroad and facing extradition to the UK, and has acted in a number of cases in the UK opposing the extradition of individuals to requesting states.

James has also acted in proceedings relating to the issuing of arrest warrants in the UK, and advises on appeals.

## Notable International Law cases

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### Extradition

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#### United States of America v M

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Accusation extradition request relating to internet-based alleged criminality.

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#### Poland v J

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Extradition request for RP based upon conviction for fraud offences.

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#### UK Crown Prosecution Service v W

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Successfully opposed a CPS request for a European Arrest Warrant to be issued in respect of a suspect charged with causing death by dangerous driving.

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#### Romania v S

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EAW extradition request following conviction under Articles 329 and 13 of the Romanian Penal Code.

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#### Greece v E

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EAW accusation request following conviction for dishonesty offences.

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#### Greece v U

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EAW extradition request following conviction in absence for fatal offence.

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#### Poland v M

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EAW extradition request for RP said to have escaped from prison.

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#### France v G-P

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EAW extradition request following conviction in absence for cross-jurisdictional smuggling offences.

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# Education

## Education

- LL.B (Hons), Newcastle University
- BPTC, Kaplan Law School

## Scholarships/Awards

- Lord Wolfson Scholarship, Lincoln's Inn
- Hardwicke Entrance Award, Lincoln's Inn
- Crowther Shield, Lincoln's Inn

# Memberships

- ThoughtLeaders4FIRE – Fraud. Insolvency. Recovery. Enforcement. [FIRE]
- Association of Regulatory & Disciplinary Lawyers [ARDL]
- Proceeds of Crime Lawyers Association [POCLA]
- Young Fraud Lawyers Association [YFLA]

# Publications

## Professional Regulation

- Miller v College of Policing: Social media, 'non-crime hate incidents', and the right to freedom of expression – [Mountford Chambers Blog](#)
- Sexual Misconduct at the Bar – [Mountford Chambers International Women's Day Series](#)
- Intractable insight: suspension is not enough – [Kinglsey Napley LLP Regulatory Blog](#)
- Coronavirus (COVID-19): Healthcare Regulation FAQs – [Kinglsey Napley LLP Regulatory Blog](#)

## Regulatory Compliance

- Nothing cryptic about it: the new rules in UK crypto regulation and their impact on asset recovery – [Mountford Chambers Blog](#)
- Off the rails: RAIB publishes its report on the November 2019 Neville Hill incident – [Mountford Chambers Blog](#)

## Extradition

- High Court considers challenge to the lawfulness of detention under European Arrest Warrants (Polakowski and others v Westminster Magistrates' Court and others) – [Lexis PSL](#)

- Extradition proceedings in the UK post-Brexit: the new normal – [Mountford Chambers Blog](#)
- Extradition proceedings in the UK post-Brexit: unwarranted concern? – [Mountford Chambers Blog](#)
- Extradition proceedings in the UK post-Brexit: difficulties remain – [Mountford Chambers Blog](#)

## Appointments

- Sport Resolutions Safeguarding Case Management Panel [SCMP]
- CPS – Grade 1

James is the appointed Diversity Data Officer at Mountford Chambers