

Jim Olphert

Call 2014



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Jim is an experienced member of Chambers' Regulatory and Crime teams. His primary focus is in the areas of professional discipline, general regulation and regulatory crime.

The bulk of his current practice is focused on representing professionals and regulators before fitness to practise and professional conduct panels across healthcare, policing, teaching and sport. With his background in criminal practice – as with many in Chambers – Jim is a strong courtroom advocate capable of presenting his client's case effectively and forcefully, but also handling vulnerable or sensitive witnesses with care. He is also a capable written advocate, and regularly achieves positive outcomes for his clients through detailed and complete written submissions advanced on their behalf. The breadth of Jim's work before regulators and disciplinary committees has also meant that he is quick to learn and understand new regulatory regimes, and can speak with authority on the broader principles underpinning most disciplinary and regulatory bodies.

Jim also continues to practise in crime, with his recent focus being a combination of private prosecutions work and prosecuting and defending in complex regulatory crime matters, including health and safety, traffic and environmental prosecutions. He is valued for his calm and easy manner with clients, and his ability to explain complex concepts to clients and juries alike.

Jim has also received instructions in the field of indirect taxation and MTIC fraud before the Tax Chamber, and is familiar with both the Tribunal's procedures, and also the legislation and European caselaw which form the basis of cases in this area.

Expertise

Crime

Jim is an experienced criminal practitioner. He accepts instructions across the full spectrum of criminal matters. He is particularly valued for his direct advice and ability to deal with complex cases clearly and with compassion.

His longstanding road traffic defence practice has seen him represent high-net worth clients and those running complex medical defences, including non-insane automatism

Notable Crime cases

[R v CE \[2019\] Basildon Crown Court](#)

CE was to be sentenced for stabbing a teenager 11 times. The Court was persuaded to impose a determinate sentence and not find dangerousness provisions were met.

[R v SF \[2018\] Peterborough Crown Court](#)

SF was prosecuted for offences in Cambridgeshire and North London relating to a string of high-value car thefts. The case relied on DNA and cell-site evidence.

[R v AN \[2017\] Birmingham Crown Court](#)

AN was prosecuted for faking her own death to defraud a life assurance policy. The case was reported in the national press.

Business Crime & Fraud

Jim's practice in serious fraud straddles both the criminal courts and First-Tier Tribunal (Tax Chamber). He has a particular expertise and a growing practice in MTIC and other VAT fraud matters appealed to the Tax Chamber arising from HMRC *Kittel* and *Alessio* decisions. His knowledge in these complex and specialist proceedings leaves him well-placed for instruction on matters involving wider tax fraud and cases arising from allegations of cheating the revenue.

Notable Business Crime & Fraud cases

[R \(on the Application of SSC\) v HMRC \[2021\] EWHC 3174 \(Admin\)](#)

Jim acted as one of two junior counsel for HMRC. The hearing on the issue of interim relief was reported, and is a landmark decision on the issue of interim relief in cases of VAT deregistration under the *Ablessio* principle.

[R v MA \[2019\] Southwark Crown Court](#)

MA was prosecuted for conducting complex maintained line fraud against elderly victims.

Criminal Regulatory

Jim is regularly instructed in matters before the Crown and Magistrates Courts to prosecute or defend regulatory crime. His experience across regulatory regimes outside of crime, his time at the CPS and his knowledge of road traffic have led to instructions involving driving standards, environmental protection, and animal cruelty. He has also been instructed in cases prosecuted by local authorities involving benefit frauds, and Trading Standards investigations.

Drawing particularly on his road traffic and CPS experience, he is also regularly instructed on behalf of the DVSA in respect of both licensing and fraudulent tachograph cases in the Crown Court. These data-heavy cases require particular understanding of how to carefully present complex data to the court and juries.

Asset Forfeiture & Civil Recovery

Jim has a developed practice in asset forfeiture. His practice encompasses both post-conviction applications under POCA 2002 arising from convictions in the Crown Court, but also civil applications in the Magistrates Court, where he appears regularly for police forces and other parties.

Jim's expertise in this field has also seen him deliver training and lectures on the subject and advise forces on issues of statutory interpretation.

Notable Asset Forfeiture & Civil Recovery cases

[R v Daniels \[2024\] EWCA Crim 1395](#)

Instructed on appeal following the making of a "forfeiture" order by the Crown Court. Arguments before the Court of Appeal focussed on the interpretation of s.143 PCCSA (as then was) and the interface between the criminal appellate jurisdiction and civil remedies to recover wrongfully retained property.

R v OD [2019] Reading Crown Court

Instructed following conviction to deal exclusively with the complex POCA proceedings arising from offences of money laundering spanning a number. The case had a complex international element.

R v FO [2018] Central Criminal Court.

Successfully argued on a s. 23 appeal that the defendant should not be liable as an available asset for foreign property confiscated by authorities abroad was not recoverable.

Professional Regulation

Jim has a significant experience in the field of professional regulation and professional discipline proceedings. He has appeared for both regulators and registrants in proceedings before a number of healthcare regulators including the NMC, HCPC, GOC and GPhC. He has also acted for teachers before the TRA, and is presently instructed on ongoing matters before both teaching and healthcare regulators. Having spent time with Band 1 firms in this field on secondment, he is keenly aware of the litigation process involved with professional discipline matters and accepts instructions at all levels of proceedings. He is also available for instruction to advise regulators on procedure, standards and enforcement.

Jim has also developed a practice defending police officers before disciplinary panels. He is regularly instructed at an early stage and can assist with drafting and early engagement, often to the benefit of his clients.

Jim has also appeared in the High Court in respect of Interim Order proceedings arising from regulatory investigations.

Recently, Jim has also received instructions in the field of sports regulation and anti-doping, advising on investigations in this field.

Notable Professional Regulation cases

NMC v CH [2023]

Appeared for the Registrant in an emotionally charged case involving medicines administration errors on a neonatal intensive care ward, and allegations of dishonesty arising from them. Jim successfully defended all contested allegations, and despite an initial sanctions bid of a strike-off, his client ultimately received a conditions of practice order.

TRA v SO [2023]

Jim acted for the teacher in a case where serious allegations of conduct with students were alleged. The contested allegations were found not proven, and Jim was able to persuade the panel to make a recommendation of a prohibition order which could be reviewed after only 2 years.

SWE v MT [2023]

Defended a Social Worker in a case which involved legal argument touching on the SRA v Beckwith decision. Jim was successful in persuading the panel to dismiss all allegations at half-time

HCPC v WA [2020]

Appeared for the regulator in lengthy and complex case involving sexual misconduct by a practitioner psychologist.

HCPC v SW [2021]

Presenting on behalf of the HCPC in a case where the paramedic withheld care on the basis of discrimination

GOC v GT [2021]

Presenting on behalf of the GOC before a panel asked to adjudicate on the issue of jurisdiction for virtual hearings.

Public Law

Jim has a growing practice in public law arising from his work in police actions, professional regulation and tax matters. He is an experienced practitioner in the Administrative Court and has also appeared in the Family Division relating to complex intra-jurisdictional issues arising from criminal investigations.

Jim is also regularly instructed to deal with civil and anti-social behaviour injunctions in the County Courts.

Private Prosecution

Jim has also been instructed to advise on private prosecutions across the criminal spectrum. His experience as a former CPS prosecutor means that he has a particular understanding of application of the full code test and disclosure regimes.

As a result of his background working for the PCS, Jim is also increasingly sought after to act as disclosure

counsel in large investigations. He is able to advise on investigatory approach, as well as conducting full disclosure tasks. He is also well-versed in disclosure software and systems.

Publications

- [Where to draw the line – an analysis of the decision in Beckwith v SRA](#)
- [Not Really 'Closing the Loophole' – Jim Olphert reviews the changes to Sentencing Council guidance on exceptional hardship applications.](#)

Appointments

- Sport Resolutions Safeguarding Case Management Panel (SCMP)
- CPS Advocate Panel – Level 2