

Richard Barraclough KC

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Richard Barraclough KC has vast experience in **civil**, **family** and **criminal** matters; acquired over 40 years of practice.

His practice includes:

- **Serious crime** (principally homicide, abuse, fraud, illegal money lending and proceeds of crime);
- **Food Regulation/Law**
- **Family law** where allegations of the most serious criminal conduct are made in fact finding hearings;
- Death and catastrophic injuries however caused;
- **Regulatory crime**, local authority law and policy, consumer law, **food law**, **licensing** and Coroners Courts;
- **Civil** and **commercial** advice and litigation including bankruptcy, contracts, trusts, wills, land, leases and employment;
- **Environmental crime** and planning enforcement;
- Civil fraud;
- **Professional negligence**;
- Transport Commissioners;
- Marine matters.

He appears in all courts including the Court of Appeal and the House of Lords (now Supreme Court). He appeared in the Privy Council for appellants in Capital (death sentence) appeals over a number of years.

Richard is a recognised expert in jury trials and has been involved in a series of high profile murder, manslaughter, fraud, consumer protection, child abuse and rape cases.

He is equally at home as an advocate before judges and disciplinary tribunals.

He is expert in the handling of vulnerable witnesses and defendants and is a trained facilitator in relation to the process.

Richard is legal advisor to the General Medical Council and has broad experience of medical matters.

His Coronial practice has involved **inquests** into deaths following complex medical complications, Article 2 matters and appearance for the Coroner in judicial review.

Richard is also now a recognised expert in "baby shaking" cases and at Christmas 2020 participated in a 5 week trial where most of the evidence was expert medical evidence and was given remotely from various hospitals including from Western Australia.

He is known for his ability to work with teams of experts and for his common sense approach to litigation.

He advised and represented Lord Bramall in his claim for damages against the Metropolitan Police for conspiracy, misfeasance in a public office, trespass and defamation following the collapse of Operation MidlandK.

Clients

Richard has acted for major construction and transport companies including London Underground and Transport for London, car manufacturers, factories, railways, hospitals, schools, insurers and local authorities as well as individuals from company directors to diplomats sons, anti-terrorist officers contract killers, gangs and psychopaths.

He prosecutes and defends in major criminal matters.

Richard is a recognised expert in jury trials and has been involved in a series of high profile murder, fraud, consumer protection, child abuse and rape cases. He is equally at home as an advocate before judges and disciplinary tribunals. He is expert in the handling of vulnerable witnesses and defendants and is a trained facilitator in relation to the process.

Richard sits as legal assessor to the General Medical and Dental Councils and has broad experience of medical matters. His Coronial practice has involved inquests into deaths following complex medical complications, Article 2 matters and appearance for the Coroner in judicial review.

Expertise

Complex Crime

Richard is frequently brought in to lead in criminal cases involving death, abuse and significant medical issues including “shaken baby syndrome”. He has been engaged to lead in gang murders, murders involving complex scientific issues and as specialist Counsel approved by the Court to represent a defendant who was otherwise unfit to plead. He has undertaken the defence of a number of psychiatric patients accused of murder.

A number of his cases infra have resulted in changes in or development of the law and practice.

His commercial training and experience as a Solicitor provides him with considerable accountancy expertise for fraud cases. He undertakes complex Proceeds of Crime matters.

He has also been involved in a case involving the illegal exportation of arms to the Middle East.

In 2017 he advised and represented Lord Bramall in his claim for damages against the Metropolitan Police for conspiracy, misfeasance in a public office, trespass and defamation following the collapse of Operation Midland.

Notable Complex Crime cases

R v Peacock (2023) (Central Criminal Court)

Defending in the trial of the double murderer Lee Peacock who compiled a list of up to four or five drug dealers to be assassinated or executed in north London.

R v Afolabi (2023) (Woolwich Crown Court)

Leading Daniel Stevenson. The case concerned conspiracy to rob, wounding and manslaughter. The conspiracy culminated in the ambush of a dealer in a car park. He was stabbed and bled to death. The two involved in the attack were convicted of manslaughter. All defendants were due to be sentenced for a variety of offences

R v Mohammed Atif (2022) (Sheffield Crown Court)

Defending – Murder by shooting of Sheffield Solicitor. MA is a young man with a severe learning disability. Despite reports from psychiatrist and psychologist

that he was fit to plead, he was unable to participate in the trial even with an intermediary. RB QC at short notice arranged for two S12 psychiatrists to report further and give evidence to Lambert J who ruled that he was unfit to plead. The jury thereafter considered whether he “did the acts”. At the close of the prosecution case the judge ruled on a submission that he had no case to answer and he was discharged. The remaining defendants charged with murder were convicted.

R v Burnett (2021)

Instructed to defend a man who kicked to death a homeless man living in a tent in a Dover graveyard. Complex issues of split personality and a large amount of medical and psychiatric evidence.

R v Islam (2020)

Defending in a shaken baby case where a 6 week old baby suffered catastrophic brain and skeletal injuries. Following cross examination of the expert neurosurgical experts acquitted by direction of the judge of S18 causing grievous bodily harm.

R v Rebelo (2020)

Prosecuted retrial in DNP manslaughter case with appeal to Court of Appeal.

R v Shepherd (November December 2018 January 2019)

Drug related execution of a subordinate. Cambridge Crown Court. Subject of Channel 4 two-episode documentary “24 Hours in Custody” broadcast in January 2020).

R v Rebelo (2018)

Prosecuting the distributor of a slimming agent to vulnerable persons causing death, for manslaughter. An academic paper is being prepared on unlawful act and gross negligence manslaughter.

Financial & Corporate Crime

Richard’s frauds practice benefits from his extensive previous experience as a Commercial Solicitor and as such he has successfully undertaken a number of civil and criminal fraud, consumer, regulatory and proceeds of crime cases.

He also has an interest in cybercrime including the “Darknet”, intellectual property, passing off and copyright.

Notable Financial & Corporate Crime cases

Cross Rail

In 2017 he defended in a significant Cross Rail corruption and fraud trial. He represented one of the defendants involved in a multi-million pound corruption involving a rail infrastructure company engaged in bribing individuals engaged in the award of rail contracts.

R v Chapman (Stephen Roy) 2015 [EWCA] 694

In 2015 he successfully represented Birmingham City Council in a prosecution involving a loan shark who appealed against a confiscation order made against him

for £177,000.00.

Regina v Khan 2011 EWCA 2240

He led for the defence in the two major cases of local and general electoral fraud (Slough and Bradford). He litigated a case of conspiracy to defraud by a significant bank.

Richard represented a veterinary surgeon in a case involving the sale of drugged and dangerous horses. The trial lasted three months and involved expert evidence called in relation to equine psychology behaviour and conditions, veterinary practice and the effect of drugs on horses.

The second case involved false claims relating to the recycling of electronic waste destined for the Nigerian market.

General Crime

Richard Barraclough KC is a recognised expert in jury trials and has been involved in a series of high profile murder, manslaughter, fraud, consumer protection, child abuse and rape cases.

He is frequently brought in to lead in criminal cases involving serious economic organised crime and terrorism. He has been engaged to lead in a number of gang-related cases across the country.

Described by Chambers UK legal directory as *"An exceptional barrister and outstanding advocate in the courtroom with a commanding presence."*

Richard was approved by the court to represent a defendant who was otherwise unfit to plead. He has undertaken the defence of a number of psychiatric patients accused of murder.

Notable General Crime cases

R v Tahir (2021)

S2 Terrorism Act 2006.

R v Burnett (2021)

Instructed to defend a man who kicked to death a homeless man living in a tent in a Dover graveyard. Complex issues of split personality and a large amount of medical and psychiatric evidence.

R v Alabaoso, Matimba & Tejan (2021)

Prosecuting County Lines revenge murder of opposition drug gang member in gang warfare case.

R v Roach (2019-2020)

Prosecuting County Lines revenge and control of market inspired murder.

R v Gledhill (2019)

Drug revenge and gang related execution by firearm. Leeds Crown Court.

R v Shepherd (2018-2019)

Drug related execution of a subordinate. Cambridge Crown Court. Subject of Channel 4 two episode documentary "24 Hours in Custody" broadcast in January 2020).

R v Siddique (2018)

County Lines revenge murder in residential area of Farnborough Hampshire.

Regulatory Law Barristers

Richard's regulatory practice involves planning enforcement, illegal slaughter/butchery/sale of meat, food safety regulation, fly-tipping, breach of licence conditions, recycling plants, waste, collapsed cranes and other structures.

He also has an interest in cybercrime including the "Darknet", intellectual property, passing off and copyright.

Notable Regulatory Law Barristers cases

Richard was recently instructed in an appeal against the revocation by the Environment Agency of waste permit for a London recycling unit. He is also instructed to defend in a case of multi million Pound fraud involving exaggerated claims in respect of electrical recyclable waste an environmental crime perpetuated by fraud.

Richard was instructed to defend a professional veterinary surgeon in a case of conspiracy to defraud in relation to the pre-sale vetting of horses.

Richard advised on authorisation in relation to Food Standards Agency and LACORS in prosecutions under Food Hygiene Regulations.

National College for Teaching & Leadership (2016)

Richard appeared before the National College for Teaching and Leadership on behalf of teacher.

Birmingham City Council v Wyeth (Trading as SMA Nutrition)

He conducted the prosecution of the manufacturers of powdered milk for the illegal advertising of the product. Birmingham Trading Standards launched the prosecution. The case focused on the International Code of Marketing of Breastmilk Substitutes and the UK Infant Formula and Follow on Formula Regulations 1995 and the evidence of world experts in the field. One issue involved the UK's right to regulate the marketing of baby milk. Professor Tomkins of the Centre for International Health and Development, Institute of Child Health London is reported as saying "As someone who has spent his professional life concerned with ways of improving children's health through improving nutrition and diet and as somebody who sees this as being eroded by attempts to violate the WHO code, I applaud the Trading Standards prosecution of SMA. I offer my thanks and congratulations but more importantly please accept on their behalf the thanks of children born and yet to be born who will benefit from your successful case".

Momentum Network Ltd (2012)

In Birmingham Crown Court, Richard was Leading Counsel with Lee Bennett in the landmark prosecution of Momentum Network Ltd (trading as 'Credit Card Killer') and its directors Basil and Amanda Rankine, for fraud and under the Consumer Protection Regulations 2008. The value of the fraud was in excess of £1.8m and was part of a "debt sale" business described by the Office of Fair Trading as a "scam". He and Lee Bennett pursued the same defendants in the civil court over some 5 days for enforcement orders under the Enterprise Act and then for the committal of Basil Rankine for contempt including an appeal by the contemnor to the Court of Appeal.

R v Nicholson (2010)

In Warrington Crown Court, he prosecuted a "loan shark" in Birmingham on behalf of Birmingham Trading Standards National Illegal Money Lending Team and Cheshire Police. The Defendant was convicted of illegal money lending, blackmail, assault and rape. Long sentence and IPP.

Richard has advised a major insurer on consumer credit and the components of insurance premiums to be incorporated within APR calculations.

Olson v Maidstone Borough Council

Judicial review of a decision to revoke hackney carriage licence after conviction for rape overturned. Issue of standard of proof in such administrative matters.

R v Kent Magistrates Court ex Parte Folkestone Court Practitioners & Users Group CO/2787/98

Review of decision to close local Magistrates courts.

Murphy v Director of Public Prosecutions [1990] 2 AER 390

Acted on behalf of the DTI (now DBERR) under the employment agency regulations

Acted on behalf of the DTI (now DBERR) under the employment agency regulations.

Health & Safety

He has spent many years practising in this area of law and has been involved in a number of multi-millionpound claims for death and catastrophic injury.

He has acted for hospitals, factories, car manufacturers, London Underground and railway companies amongst others.

He represents major insurers by way of direct access.

He has an interest in structures generally from buildings and factories to individual gantries, cranes and equipment and in particularly liability for collapse. He has experience of construction claims.

He has a particular interest in psychiatry and stress claims.

He has delivered lectures on this type of claim.

The breadth of his experience covers PVS and other brain damage cases, devastating skeletal and soft tissue injuries, asbestos related conditions, post-traumatic stress claims, claims for medical negligence including matters relating to by way of example obstetrics, delayed diagnosis of cancer.

He is expert in the analysis of scientific issues. He works easily with accountants. He is happy to travel anywhere to see clients, sites and experts. He undertakes round table settlement negotiations at any stage of proceedings.

He has been involved in cases where a patient escaped from a psychiatric hospital and committed suicide and a resident who escaped from a local authority care home and was injured.

Notable Health & Safety cases

Benzodiazepine Litigation

Audit Counsel in the Benzodiazepine litigation.

Myodil Litigation

He was instructed in the Myodil litigation.

Regina v Hubble

P&O Ferry Pride of Bilbao accident where 3 yachtsmen were alleged to have been struck and killed by a cross Channel ferry, he was Leading Counsel for the defence with a team of experts in hydrodynamics, body drift, tidal movements, radar, sailing and ship construction.

Cutter v Eagle Star Insurance Co. Ltd. [1998] 4 AER 417 (compulsory third party insurance)

Collision in a car park. Definition of "road" for the purpose of Council Directives and S145(3)(a) RTA 1988.

Bailey v IBC Vehicles Ltd [1998] 3 AER 570

Burrows v Montgiardi

Daniels v Heinz (Causation) CCRTF 97/1566/2

Care Proceedings

Family law where allegations of the most serious criminal conduct are made in fact finding hearings.

Richard is a recognised expert in "baby shaking" cases and recently participated in a 5 week trial where most of the evidence was expert medical evidence and was given remotely from various hospitals including from Western Australia.

With his criminal, medical negligence and personal injury background, he has particular experience in shaken baby cases and this involving, death, catastrophic injury and sexual abuse.

Notable Care Proceedings cases

Family court fact finding in a case of grooming and rape of young children (2021).

R v Islam (2020)

Defending in a shaken baby case where a 6 week old baby suffered catastrophic brain and skeletal injuries. Following cross examination of the expert neurosurgical experts acquitted by direction of the judge of S18 causing grievous bodily harm.

Civil Law

Richard advises in commercial matters generally including insurance, competition law, bank miss-selling, international trusts, policy matters for a variety of institutions, standard banking terms and construction of wills.

By way of further example he has advised and on occasion been involved in litigation in relation to:

- The potential liability (considering both UK and US law and practice) of major hotel chains in relation to possible claims for child exploitation where structure, management, staffing and systems are to be considered;
- Commercial contracts;
- Penalty clauses;
- Publishing contracts;
- Franchises;
- Computer licence agreements;
- Land banking schemes;
- Excessive charge back levies;
- Anti-competition issues in relation to insurers and their relationship with aggregators;
- Data sharing in the context of insurers and aggregators and anti-competition issues;
- Force majeure in the context of commercial contracts between certain major insurers and banks;
- Liability of auctioneers for negligence following withdrawal of significant fine art collection by overseas Hong Kong/ American clients;
- Safeguarding;
- Construction of wills and contentious probate issues including a 10 day trial in the Chancery Division of the High Court representing the family of a deceased who had parted with his estate before death.

Significant Cases Include

R v Rebelo (No1) [2019] EWCA Crim 633

The appeal arose from trial one in 2018 when Richard successfully prosecuted the distributor of a slimming agent to vulnerable persons causing death, for manslaughter.

The Court of Appeal in *Rebelo (No 1)* accepted that posting such an item is not unlawful and dangerous manslaughter (UDAM) that *caused* her death. The failure to comply with a food regulation was not sufficient. The Court of Appeal, led by Leveson P, applied the classic definition of autonomy – whether she was ‘free, informed and deliberate’ such that the ‘chain of causation’ from the supplier was broken.

R v Rebelo (No2) [2021] EWCA Crim306

Mr Rebelo was convicted at re-trial in 2020 and his subsequent appeal was dismissed.

Appointments

- Kings’s Counsel (2003)
- Fellow of the University of Hull Wilberforce Institute

- Master of the Bench (Inner Temple)
- Legal Advisor to the General Medical Council and the General Dental Council
- Former Chairman of the Bar Council's Disability Committee
- Teacher of advocacy at the Inner Temple
- Member of the Royal Society of Medicine (2024)