

3PB Barrister Profile



Nigel Lickley QC

Call 1983, Silk 2006

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Academic Qualifications

LLB, University College London 1982

Nigel Lickley QC is a criminal specialist. His work includes general and regulatory crime and fraud. He prosecutes and defends.

Nigel has been elected the Leader of the Western Circuit; the Western Circuit has 1136 members and Nigel's role is to represent the views of circuiters to official bodies.

His recent cases include

Murder

R v Vincent Tabak - Murder of Joanna Yeates. Bristol Crown Court, October 2011.

R v Donovan (2011-P) - Murder and three attempted murders by submariner on board HMS Astute.

R v X (2011 - D) Child cruelty allegations against father of small child. Injuries to different areas of body including fractures suggestive of different mechanisms of force being applied. Case brought after High Court Family division 'fact finding hearings'.

R v. Butkus 2011 (D) Lithuanian defendant charged with murder when he and deceased were observed to be fighting by coastguard when at sea in a small boat.

R v S and Others (2010 - D) - Death occurred following a pub fight. Causation issues arose following determination of cause of death and the rare brain injury suffered by victim. Lawfulness of first blow delivered by S and the uncertainty as to which impact may have caused the fatal injury central to case.

R v Y (2010 - P) - Death by stabbing of defendants brother following her intervention in a fight between her brother and her partner. Provocation and lawful defence of another issue in case.

R v Kibbuka (2010 - P) - Murder of wife and deliberate sedation of children permitting crime to be committed.

R v Towers (2009 - D) - Murder of elderly lady by relative.

R v B and B (2009 - P) - Murder of man walking his dog by strangers.

R v Conan (2009 - D) - Double killing of young mother and four year old child by father. Significant change of mental state between deaths only one hour apart. Development of mental impairment sufficient to justify diminished responsibility finding on second death.

R v Crook (2008 - D) - Double killing of parents. Significant pre-event psychiatric history. Defendant unfit to stand trial issue of 'doing the act' resolved by jury. Defendant unable to attend trial. Conducted throughout by video link.

R v Lovell (2008 - P) - Death of elderly mother by son. Significant pre event psychiatric history.

R v Maitland (2008 - P) - Murder of landlord by tenant.

R v Healy (2008 - P) - Murder of victim during robbery in own home.

Fraud / Revenue and Customs

R v S and Others (2009 - 2010 D) - RCPO prosecution of large scale alcohol excise fraud (operation Tangelo).

R v B and Others (2010 - D) - Large scale importation and distribution of drugs.

R v C (2009 - D) - Insurance company fraud by staff following flood claims and need for work to be performed.

R v W (2008 - D) - NHS fraud

Health and Safety

R v LSC and Others (2009 - D) - Fatal accident due to fall from high level after scaffolding collapse.

R v SSG (2008 - D) - Prosecution of specialist glazing company following fall by contractor from plaza dome at Centre Parcs' complex at night when replacement glass panels being installed.

Sexual offences

R v Porter (2008 - D) - Serious sexual offences alleged against young male. Victims very young females.

R v Gomart (2009 - D) - Trafficking of prostitutes.

Notable Cases

Reported cases include:

R v Thompson and Hanson [2007] 1 WLR 1123 - Availability of prosecution right of appeal following dismissal hearing - S. 58 Criminal Justice Act 2003.

R v Lang [2006] 1 WLR 2509 - Leading authority regarding sentencing of 'Dangerous offenders' under CJA 2003.

R v Benguit [2006] EWCA 1953 - Murder / Bad character use of - CJA 2003

R v Emmett and Emmett [1996] AC 773 House of Lords - Proceeds of crime. Defendant's acceptance of prosecutor's statement - mistake of law. Use / extent of / limits of agreements for purposes of determining benefit etc.

R v Torode [1999] EWCA CRIM 281 - VAT fraud / confiscation. Telephone intercepts / Public Interest Immunity hearings / disclosure.

R v Cox [1998] EWCA 1458 - Harassment - stalking / use of statements when witnesses unavailable due to illness / only independent witness of fact - S.23 CJA 1988.

R v Thompson [1996] EWCA 1789 - Historical sexual abuse - severance / abuse of process.

R v O'Prey [1998] EWCA 3339 - Dangerous driving / drugs offences incorrect basis of sentencing.

Represented Oxfordshire County Council in successful prosecution of two rogue trader builders ([Link](#))

Case work examples

Importation of Drugs

R v Rochester and Others (2007) - Instructed to prosecute the confiscation hearings following earlier convictions for importation of cocaine from Jamaica and money laundering offences. Case concerned large scale benefit and the recovery of hidden assets, properties in the UK, rental income, joint ownership with partners and assets owned abroad. Maximum term Financial Reporting Order made - S.76 Serious Organised Crime and Police Act 2005.

R v Brian Brendon Wright aka 'The Milkman' (2007) - Prosecution of head of international drug smuggling operation following evasion from justice for seven years. See *R v Soaresbelow*.

R v Soares and Others - Multiple linked trials - large scale international smuggling of cocaine from the Caribbean.

R v Doyle and Others - Cocaine / cannabis importations from Jamaica - drugs concealed in container consignments of vegetables.

R v Plunkett and Others - Criminal Justice (International Co-operation) Act 1990 prosecution. Large consignment of drugs recovered on a vessel in Bay of Biscay bound for Northern Europe.

R v Lopez, Wright and Phillpott - Cocaine / heroin importation via cross channel ferries - drugs dropped into to the sea to be located by sensor beacons / transmitters / divers.

R v Emmett and Emmett - Fishing trawler importation of cannabis via Devon port.

VAT Fraud

R v Ozanne, Torode and Others - MTIC / Missing trader / Carousel offending - inter community VAT fraud / abuse of European mobile telephone market. The case was the first MTIC fraud prosecuted in the UK. It involved the multi million pound diversion of mobile phones with large scale loss of revenue within the European market and the Channel Islands. The case was complicated by issues relating to sensitive material [see above *R v Torode*] and disclosure.

Fraud/Corruption in Public Office

R v Davis and Hann (2007) - Head and deputy of special needs school convicted of conspiracy to defraud their employers Hampshire County Council. Case concerned abuse of petty cash system, payroll increases and the use of school funds for personal gain / benefit over a four year period.

R v Simon Michael (2007) - Advanced fee fraud. Multiple victims worldwide induced to invest many millions of pounds in non-existent projects or to help others. Complicated banking trail existed with many transfers and withdrawals. Accounts used worldwide. Foreign enquiries particularly in Africa. Lengthy confiscation hearings - hidden assets found to exist.

R v Lelliott - Allegations of corruption - Local Government / awarding of engineering contracts - tendering process / council approvals / committee reports.

R v Robertson - Fraudulent Trading. Large scale £1.5m Fraud perpetrated on Government 'Individual Learning Account' scheme

R v Norton - Fraudulent trading - widespread abuse of company accounts for private gain.

R v Seymour - Fraudulent trading - charity fraud - special schools and celebrity sporting events.

R v Thompson - Inland Revenue prosecution - offences of cheating the public Revenue. Properties purchased in false names and proceeds moved to family bank accounts offshore to avoid tax consequences.

Murder

R v Corder (2007) - Murder of wife by husband using petrol. Detailed expert evidence regarding use of fuel, ignition and fire spread.

R v Carr - Murder of 18 year old in macabre manner by 12 year old female.

R v Nobes - Domestic husband / wife murder following breakdown in relationship - divorce

R v Benguit - Motiveless killing of female Korean Student - conviction after two retrials.

R v Jones - Knife killing of associate/friend and escape.

Murder/Manslaughter

R v Ingram and Sindell - Unlawful act and gross negligence manslaughter. Two men responsible for death of 83 year old following the pushing of an antique bath chair down the stairs of a hotel in August 2005. Initial injuries minor but death caused by pulmonary embolism two months later.

Evasion of Duty - Cigarettes

R v Tiffin and Others - large scale importation distribution of fake cigarettes.

R v Iguanez and Others - Multiple linked trials -abuse by crew members of 'crew bond' concession in relation to cigarettes / tobacco on board fleet of cross channel ferries and on shore distribution network.

EEC Duty Fraud

R v Porter - Large scale abuse of EC milk quota scheme by dairy farmer involving extensive interpretation / application of Community rules / regulations.

Health and Safety

R v Secalt and Others - Fatal accidents on the Severn Bridge - maintenance / repairing gantries. Allegations of design defects causing the entire platform to collapse from the underside of the bridge into the river below

R v ROKBUILD Ltd and Blackmore 2007 - (Health and Safety prosecutions following serious accident at MOD site)

Professional Qualifications and Appointments

- Leader of the Western Circuit (effective Oct 2010)
- Recorder
- Bencher Grays Inn (2011)
- Serious Fraud Office Queen's Counsel list
- Western Circuit Junior 1994-1999
- Western Circuit Wine treasurer 1993-1994
- Associate member of Devon Chambers Plymouth

Professional Bodies

- Criminal Bar Association
- Western Circuit