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CHAMBERS

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# Contents

Regulatory & Disciplinary .....	1
Selected Cases .....	2
Criminal .....	3
Selected Cases .....	4
Courts Martial .....	5
Selected Cases .....	5
Ecclesiastical & Religious Law .....	5
Selected Cases .....	6
Inquests & Inquiries .....	6
Transport Law .....	6
Selected Cases .....	7
Commercial .....	7
Civil Fraud .....	8
Qualifications .....	8
Professional associations .....	8
Outside Interests .....	9



## MARK RUFFELL

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Mark Ruffell is a very experienced leading junior. His expertise covers three main areas: regulatory and disciplinary work; fraud and complex crime; and ecclesiastical law.

Mark Ruffell is head of chambers Regulatory & Disciplinary team. Mark's broad regulatory expertise includes cases of director disqualification, planning enforcement, breaches of environmental legislation, licensing appeals, public inquiries before Traffic Commissioners and cases involving care homes before the Care Standards Tribunal. Mark's broad disciplinary expertise includes appearing before major regulators of professional discipline and conduct. He is a legal adviser to the General Pharmaceutical Council (GPhC), the Association of Chartered Certified Accountants (ACCA), the Nursing & Midwifery Council (NMC), the General Chiropractic Council (GCC) and the Chartered Institute of Legal Executives (CiLEX). He is a Disciplinary Panel member of the Taxation and Disciplinary Board.

He is regularly instructed in heavy weight criminal defence work and is also regularly instructed by the CPS as a grade 4 advocate. He has been instructed as Independent Counsel by the Serious Fraud Office.

Mark is instructed to represent Petitioners and Parties Opponent in Ecclesiastical Law cases. Mark is Deputy Chancellor of the Diocese of Winchester.

Mark is able to accept Direct Access work.

## Regulatory & Disciplinary

Mark is head of chambers Regulatory & Disciplinary team. He has a wide range of experience in regulatory and disciplinary cases.

Mark's broad regulatory expertise includes cases of director disqualification, planning enforcement, enforcement of developer contributions, breaches of environmental legislation, licensing appeals, breaches of the consumer credit act, breaches of trading standards and he has advised companies on the regulatory regime at the World Bank. He was defence counsel originally instructed in *Dorset County Council v Lapland New Forest*.

Mark has represented operators and transport managers in public inquiries held by Traffic Commissioners. He has represented those appealing against the revocation of Private Hire Licences as well as clients charged with Road Traffic Offences. He has represented Driving Instructors appealing decisions affecting their registration. He has a knowledge of Health and Safety procedure.

Mark has special expertise in relation to Care Homes. He has appeared before the Care Standards Tribunal appealing decisions by the Care Quality Commission in relation to Care Homes and Domiciliary Care Providers. He is regularly instructed to advise Care Home Owners and the Providers of Domiciliary Care when they respond to Notices of Proposal, through to drafting grounds of appeal challenging decisions of the CQC. He has been involved in cases involving nurses accused of misconduct before the NMC in relation to residents in care homes and he has been involved in criminal cases involving a care home worker who was accused of ill-treating residents who lacked capacity.

In relation to disciplinary cases, Mark represents registrants / members before their disciplinary bodies. Mark is able to advise and represent Police Officers subject to UPP's and matters relating to their conduct and performance. In addition, Mark is a Legal Adviser to the General Pharmaceutical Council (GPhC), the Association of Chartered Certified Accountants (ACCA), the Nursing & Midwifery Council (NMC), the Chartered Institute of Legal Executives (CiLEX) and the General Chiropractic Council (GCC). Mark is a Disciplinary Panel member of the Taxation and Disciplinary Board (TDB).

Mark has dealt with Parole Board hearings and attended Coroners' Courts on behalf of the deceased's family.

Mark has also been instructed in numerous cases of money laundering, tax evasion and confiscation (including proceedings in the civil jurisdiction and criminal jurisdictions for confiscation). He has also advised companies on bribery and corruption allegations.

## Selected Cases

### S Restaurant v WCC

Represented S Restaurant who faced having their alcohol licence removed for serious contraventions of their licence. Winchester City Council.

### TEL v CQC

Represented TEL who were appealing a condition placed on their registration.

### AU v CQC

Represented a care home provider who appealed the decision of the Care Quality Commission to cancel his registration.

### R v MM

Represented a man accused by trading standards of being a rogue trader.

### Wentworth v Environment Agency

Represented a farmer in an Environment Agency prosecution who had failed to obtain waste permits and pay landfill tax.

### Defence

Advised scrap metal dealer on Scrap Metal Dealers Act 2013.

### Defence

Defended a company accused of planning breach of planning controls on advertising.

### Breach of Consumer Credit Act

Advised the defendant that there was no case to answer and prosecution offered no evidence.

### Dorset County Council v M & Another (2010)

Instructed (prior to trial) to defend Director of Lapland New Forest who was prosecuted by Trading Standards.

Represented a solicitor who had been convicted of sending 102 text messages to a serving prisoner who was a client. She was suspended from practising for 18 months

## Criminal

Mark is regularly instructed to defend and prosecute complex and serious cases often involving organised crime groups. Mark has been instructed in cases of murder, serious assaults, rape and sexual offences, armed robbery,

aggravated burglary, arson with intent, public disorder and death by dangerous driving.

He is also an expert in cases involving the importation and supply of controlled drugs .

He is an expert in proceeds of crime cases. He is regularly instructed the CPS and is a grade 4 panel advocate.

**Serious Fraud:** Mark has been instructed in many cases of fraud that have included boiler room fraud, carousel fraud, courier fraud, betting fraud; international advanced fee fraud; a nationwide home-working fraud; an insolvent tour operator fraud; an international plant machinery fraud; a nationwide credit card (identity theft) fraud, a fraud by claiming to be the beneficiary of a deceased's estate, postal and charity frauds; and numerous frauds by company (including bank) employees. Mark has been instructed as Independent Counsel by the Serious Fraud Office.

**Cybercrime:** Mark was instructed (defence) in one of the rare prosecutions of a member of the illusive group named Anonymouse who were responsible for attacking websites around the world. He gained immeasurable experience in understanding how computer crime is committed, how it is detected and in how to present a defence using such highly technical evidence to a jury.

## Selected Cases

### R v M (Defence)

Defended M who was charged with causing death by careless driving whilst under the influence of drugs.

### R v M & Another (Defence)

Defended M accused with his brother of an acid attack in Southampton.

### R v L & T (Prosecution)

Prosecuted L and T for supplying class A drugs to Hampshire and Surrey towns for over a year.

### R v L (Defence)

Defended a Russian speaking male accused of being a contract hitman who attempted to murder another male by repeatedly shooting at him.

### R v G-A & Others (Prosecution)

Prosecuted a lengthy trial involving 8 defendants, some from two rival London based drugs networks who supplied class A drugs to Hampshire towns over 2 years.

### R v Amani, Hajji & Worthington (Prosecution)

London based organised crime group targeting elderly and vulnerable in a courier fraud.

### R v M (Defence)

Represented M, a successful businessman accused of defrauding his employees by non-payment of tax, N.I. and pension contributions to the value of £138,000.

### R v L (Defence)

L worked for a company for 3 years and was accused of stealing £70,000 through manipulating the pay system.

### R v W (Prosecution)

Prosecuted W who was part of a boiler room fraud that targeted potential wealthy investors with false financial investment products.

### R v W (Defence)

W was accused of being a member of Anonymous, hosting platforms and organising DDOS attacks on the Ministry of Sound, Barclaycard and PayPal.

## Courts Martial

Mark has defended in many Courts Martial in the United Kingdom and in Germany.

## Selected Cases

### R v Soldier F & Others [2008] (Defence)

A complicated fraud involving sensitive evidence that led to a successful media challenge to reveal details of the potential evidence preventing the prosecution from continuing.

## Ecclesiastical & Religious Law

Mark is Deputy Chancellor of the Diocese of Winchester. He has dealt with many applications for faculty permission

relating to church buildings and has determined Faculty Petitions following a hearing in a Consistory Court.

Mark represents Petitioners and Parties Opponents in other dioceses outside of the Diocese of Winchester. He regularly gives advice to Local Authorities on the re-use of cemeteries where there is consecrated ground.

Mark has been a churchwarden for 15 years and has personal experience of reordering a church.

Mark is a member of the Ecclesiastical Judges Association and the Ecclesiastical Law Society.

## Selected Cases

Provided advice to a local authority on their plans to re-use their cemeteries.

## Inquests & Inquiries

Mark has represented families and other interested parties who were concerned over sudden deaths that have occurred whilst serving in the army or in care homes.

Mark has been instructed to give impartial advice to organisations who require an independent external opinion on difficult and sensitive matters with a view to assisting the organisation on where responsibility may lie.

## Transport Law

Mark has represented operators, transport managers and finance companies in hearings held by Traffic Commissioners. He is able to advise hauliers directly who are applying for a licence or are facing a public inquiry arising out of concerns over conduct or road worthiness. Mark is able to bring his extensive experience of dealing with planning applications to assist in contested applications for operating centres.

Mark is able to represent approved driving instructors and trainee instructors when appealing to the General Regulatory Tribunal against decisions made by the Registrar of Approved Driving Instructors.

Mark has represented Hackney Carriage and Private Hire Vehicle drivers in the Magistrates' and Crown Courts.

Mark has represented numerous clients for Road Traffic Offences, from speeding cases through to cases of death by dangerous driving. He is aware of the potentially serious impact that such cases have upon clients and their families.



Mark regularly advises hauliers in relation to incidents where Border Force have become involved at points of entry into the United Kingdom.

## Selected Cases

Defended a motorist charged with causing death by careless driving whilst under the influence of drugs.

Successfully represented a transport manager who had been disqualified indefinitely so she could regain her good repute.

Advised a European Haulage Company concerning problems encountered when Border Force seized a lorry that was carrying controlled drugs that had probably been hidden by a driver who was not an employee.

### R v L (Defence)

Represented L who was accused of causing serious injury by dangerous driving to three cyclists with a potential sentence of 3-5 years. He was acquitted at trial and convicted of driving without care and attention and was sentenced to a fine and a period of disqualification.

Advised a European Haulage Company concerning problems encountered when Border Force seized a lorry that was carrying a clandestine entrant.

Successfully represented a bus company that had to appear before a Traffic Commissioner accused of fronting, an inadequate maintenance regime, lack of financial standing and an invisible transport manager.

Successfully represented a finance company whose vehicle had been impounded after it was being misused by the company that had lease purchased it. Bristol TC.

## Commercial

Mark's involvement with businesses arises out of regulatory and criminal interactions that occur when there is a breach of financial standards or dishonesty.

Mark is often called in to advise businesses when allegations are made by a commercial competitor that there has

been serious fraud or bribery and corruption. He is able to advise businesses on the likely threats to their business from such allegations, including the potential outcomes should matters be pursued by the appropriate authorities.

Mark has experience of advising clients in relation to regulatory proceedings before professional bodies and financial institutions including the World Bank.

Mark has advised international clients who are involved in global supply chain haulage and passenger transport where Border Force or DVSA have become involved.

Mark has represented disqualified directors who are prosecuted by the Insolvency Service.

## Civil Fraud

Mark has been instructed in many cases of fraud that have included boiler room fraud; carousel fraud; courier fraud; betting fraud; international advanced fee fraud; a nationwide home-working fraud; an insolvent tour operator fraud; an international plant machinery fraud; a nationwide credit card (identity theft) fraud, a fraud by claiming to be the beneficiary of a deceased's estate, postal and charity frauds; and numerous frauds by company (including bank) employees. Mark has been instructed as Independent Counsel by the Serious Fraud Office.

In addition, Mark has acted in the civil and criminal jurisdictions in confiscation proceedings. He gives seminars on Unexplained Wealth Orders and Interim Freezing Orders. Mark has also advised companies on the effect of the Bribery Act. Mark sits as a legally qualified chairman of the Taxation Disciplinary Board which regulates the conduct and competence of tax advisors.

## Qualifications

- Diploma in Law, University of Westminster
- Bachelor of Divinity (Hons), King's College, London

## Professional associations

- Association of Regulatory and Disciplinary Lawyers
- Association of Road Transport Lawyers
- Criminal Bar Association

- Ecclesiastical Judges Association
- Ecclesiastical Law Society
- Western Circuit

## Outside Interests

Mark is a former FA level 1 football coach and team manager, as well as being a Churchwarden and Borough Councillor.

Former member of a Licensing Authority's Licensing Committee.

Member of Local authority crime and disorder panel from 2002-5.

Advisor to the Shadow Parliamentary Front Bench on Home Affairs from 1999-2001 (Mode of Trial Bill and Private Security Industry Bill).

Member of Local authority internal employment tribunal chairman from 1993-4.