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RICHARD TUTT

"He is a brilliant junior counsel; charming, persuasive and respected by judges. He has excellent judgement and never wastes a word in court. Everything he does is very precise, very measured."

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Richard Tutt practises in criminal and regulatory law. He is equally at home before a jury, judges or a tribunal. He frequently appears before both the High Court and the Court of Appeal.

Richard has been ranked as a 'Leading Junior' by Legal 500 every year since 2014. Ranked in Chambers & Partners 2023.

Richard sits as a Recorder in criminal cases on the Western Circuit. He also sits as a Legally Qualified Chair for the Medical Practitioners Tribunal Service (MPTS).

Regulatory & Disciplinary

Ranked as a Leading Junior by Legal 500 every year since 2014. "He has a wealth of experience in the health and safety field, and has a formidable track record", "A rising star who heads off issues before they take hold." "Rolls up his sleeves and gets stuck in, leaving no stone unturned." Was Counsel to the Attorney General's Panel of Prosecution Advocates from 2002, prosecuting for HSE, DWP, Customs and what is now BEIS. In 2012 he was appointed to the list of Specialist Regulatory Advocates in Health and Safety and Environmental Law and has been assigned Grade A. Also has a particular interest in professional discipline. Was selected to prosecute for the Bar Standards Board. 'Presents' cases for the Nursing and Midwifery Council. Has appeared before the General Dental Council and the NHS Performers List Decision Panel. Sits as a Legally Qualified Chair at the Medical Practitioners Tribunal Service on cases brought by the General Medical Council. Has appeared before a Service Inquiry in relation to a death during training. Has also acted in cases brought by the Environment Agency, RSPCA, Local Authorities (Planning, Trading Standards, Food Hygiene, Noise Abatement) and the Kennel Club. Has appeared at a public inquiry before the Office of the Traffic Commissioner. Regularly appears at inquests.

Selected Cases

HSE v Saba Infra UK Ltd and Bouwfonds European Real Estate Parking Fund Mayfair SARL

Successful prosecution for the HSE. A gardener fell 11m through a grille to a ventilation shaft for an underground car park on Park Lane, Mayfair, sustaining serious injury. Complicated issue of control. Land was demised by the Crown Estate under a series of leases, licenses and service agreements to an international special purpose vehicle (the landlord) and a limited company (the tenant). Prosecution initiated. Landlord pleaded guilty at the outset. Tenant pleaded guilty at trial following legal argument on control. Successful resistance of a third-party disclosure application in the High Court made in relation to a related PI claim before the prosecution was initiated.

HSE v Dimension Data Advanced Infrastructure Limited

Prosecuted breach of s.3(1) HSWA 1974 at the Royal Veterinary College, University of London. DDAIL was sub-contracted to carry out all gas works during the building of student accommodation on the Hatfield campus for 200 students, which included installing boilers and the associated gas pipework across the site. Thereafter, an independent boiler service uncovered a gas leak and fittings which presented an immediate danger to life and/or property. The majority of fittings were not gas fittings, but cheaper water fittings. The installation work was not carried out by an individual registered on the Gas Safe Register. Fined £466,660.

R v Carlyle

Defended a trader in manila clams, prosecuted by a Borough Council and Trading Standards under the Food Safety and Hygiene Regulations and the Food Safety Act.

HSE v NHS Litigaton Authority

Successful prosecution for the HSE. 82-year-old man riding a mobility scooter fell 12ft to his death when a barrier on an elevated walkway to Fareham Health Centre collapsed.

HSE v Metal Agricola SRL

Defended an Italian company which manufactured log splitting machines. Issues in relation to two-handed control.

HSE v Jacobs

Successful prosecution for the HSE. Employer in breach of the Work at Height Regulations, whose employee fell from a ladder whilst replacing guttering, suffering life threatening injuries.

HSE v Southern Piling Ltd

Defended company which had been operating a piling rig for approximately two weeks without a safety guard around the rotating auger.

R v Barchester Healthcare Homes Ltd

Successful prosecution for the HSE in relation to a death arising from a fall from a window at a dementia unit.

R v Wentworth

Defended a farmer prosecuted by the Environment Agency in relation to allegations that he illegally operated a landfill site which contained 36,000 cubic metres of waste.

HSE v Firesafe Installations Ltd

Successful prosecution for the HSE in relation to the death of a construction worker on a MEWP at Westfield, Stratford.

Criminal

Undertakes all areas of criminal work, both prosecuting (CPS Grade 3 and 'Rape list') and defending. Is instructed in relation to the full range of serious Crown Court offences including murder, sexual offences, offences of violence, firearms, drugs and dishonesty. Regularly instructed in long-running drugs' conspiracies and frauds. Has the capacity to analyse a large amount of material speedily with a strong eye for detail.

Selected Cases

R v Dyson

Successful prosecution of a domestic murder. Guilty plea at the close of the prosecution case following legal argument on 'loss of self-control'.

R v Marucci

Successful defence of allegation of attempted murder.

R v Davies & Davis

Successful prosecution of a mother and her partner of causing or allowing the death of a child.

R v Dean & Others

Successful defence of allegation of conspiracy to defraud after a 6-month trial.

R v Gabbidon & Others

Successful prosecution of a 4-handed drugs conspiracy in Winchester.

R v Pope & Others

Successful prosecution of a 5-handed drugs conspiracy in Portsmouth.

R v Czernik & Others

Successful defence as leading junior in 7-handed trial concerning alleged conspiracy to evade £27 million duty payable on tobacco.

R v Hanif & others

Successful prosecution of a serving police officer in a conspiracy to misconduct in public office.

R v Loveridge & others

Successful prosecution of a conspiracy to commit cash in transit robberies and to commit commercial and domestic burglaries.

R v Mirza & others

Defence of 6-handed drugs' conspiracy in Southampton.

Courts Martial

Regularly appears in Courts Martial cases both in this country and abroad, and has done throughout his practice. Has represented ranks ranging from Private soldier to Colonel. Offences have included serious sexual offences, offences of violence, dishonesty, desertion and AWOL. Has appeared before a Service Inquiry in relation to a death during training. Has a thorough understanding both of the Courts Martial system and of service life. Can be instructed direct through AFCLAA.

Selected Cases

R v Colonel Hutton

Defence of a Colonel in relation to a small arms fire incident in Kenya.

R v Cpl *

Defence of a Corporal charged with affray but himself on the receiving end of s.18 head injuries. Use of the 'Advocate's Gateway' and the need for a ground rules hearing and an intermediary to obviate the need for a prosecution.

R v Cpl *

Defence of a Lance Corporal charged with sexual assault of a junior female soldier.

R v Private *

Defence of a Private soldier charged with attempted rape.

Inquests & Inquiries

Has appeared at inquests nationwide throughout his career. Has represented families of the deceased, the police and service personnel. Has appeared before a Service Inquiry in relation to a death during training. Richard brings to bear a comprehensive and relatively unique skill set given the nature of his practice. He has combined a criminal and regulatory practice together with a personal injury practice since pupillage.

Ranked as a Leading Junior by Legal 500 every year since 2014. "He has a wealth of experience in the health and safety field, and has a formidable track record", "A rising star who heads off issues before they take hold." "Rolls up his sleeves and gets stuck in, leaving no stone unturned." Was Counsel to the Attorney General's Panel of Prosecution Advocates from 2002, prosecuting for HSE, DWP, Customs and what is now BEIS. Is now on the 'Regulatory List' (Grade A). Was selected to prosecute for the Bar Standards Board. 'Presents' cases for the Nursing and Midwifery Council. Has appeared before the General Dental Council and the NHS Performers List Decision Panel. Sits as a Legally Qualified Chair at the Medical Practitioners Tribunal Service on cases brought by the GMC. Has appeared at a public inquiry before the Office of the Traffic Commissioner. Has also acted in cases brought by the Environment Agency, RSPCA and Local Authorities.

Happy to advise in person, over the telephone and/or in writing with a speedy turnaround. Richard is very user

friendly and client orientated. He is an extremely experienced and accomplished advocate.

Selected Cases

Inquest touching the death of Corporal Joshua Hoole

Represented two interested persons (both service personnel) at an inquest in Birmingham into the death of a Corporal during an Annual Fitness Test in the Brecon Beacons on the hottest day of the year.

Inquest touching the death of Jason Payne

Represented the family. Death of a prisoner at HMP Winchester shortly after he was remanded into custody. Had to deal with requirement for a jury, engagement of Article 2 ECHR, scope of issues to be considered, disclosure, witnesses to be called and experts to be instructed.

Inquest touching the death of Daniel Mills

Represented the family at an inquest in Hatfield into the death of young man with autism, epilepsy and profound deafness who died from 'delayed drowning' as a result of an epileptic episode whilst swimming in a council run swimming pool.

Inquest touching the death of A

Represented the family at inquest into the death of a young man in a road traffic accident.

Inquest touching the death of W

Represented a police officer as an interested person at an inquest in Leeds concerning the death of a member of the public during a police pursuit.

Transport Law

An experienced transport law practitioner. In a regulatory context has experience of licensing of Hackney Carriages and Private Hire Vehicles. He is also familiar with the work of the Traffic Commissioners. In a criminal context he has regularly appeared both in the Crown Court and in Magistrates' Courts in relation to matters brought under both the Road Traffic Act and Road Traffic Offenders Act 1988. At the most serious, he has acted in cases of death by dangerous and death by careless driving. He has been instructed to attend numerous inquests relating to deaths on the road, including an inquest in Leeds concerning a civilian death during a police pursuit. Richard is regularly

instructed in relation to drink-drive matters and has a thorough understanding of back-calculations and special reasons arguments. He is often instructed in 'totting up' disqualifications, particularly in cases of speeding, where he has often successfully argued 'exceptional hardship'.

Civil Fraud

Has combined a criminal and regulatory practice together with a personal injury practice since pupillage. This places Richard in the relatively unique position of prosecuting and defending allegations of fraud in the Crown Court (up to £27.6 million so far), as well as defending against fraudulent claims, exaggerated injury/'slam-ons', on the multi-track. Richard was appointed to the Attorney-General's Panel of Prosecution Advocates in 2002 and subsequently the Regulatory List. Richard is a keen draftsman of both pleadings and schedules. Happy to advise in person, over the telephone and/or in writing with a speedy turnaround. Richard is very user friendly and client orientated. He is an extremely experienced and accomplished advocate. Richard is a regular speaker at seminars and publishes articles, including for Brief Update Law Journal.

Personal Injury

A personal injury specialist, having maintained a significant personal injury practice since pupillage. Appears on behalf of both Claimants and Defendants. Is a keen draftsman of pleadings and schedules. Happy to advise in writing, in person or over the telephone with a speedy turnaround. Very user friendly and client orientated. Regularly appears in multi-track and fast-track trials. Is an extremely experienced and accomplished advocate. Is frequently instructed in alleged fraudulent claims. Speaks regularly at PI seminars and publishes articles, including for the Brief Update Law Journal.

Healthcare

Richard has a wealth of experience as a specialist in health and safety law and is on the Regulatory List of prosecutors.

Richard represents healthcare professionals before their regulator.

Richard sits as a legally qualified chair at MPTS hearing cases brought by the GMC.

Qualifications

- Recorder, sitting in Crime, Western Circuit
- Legally Qualified Chair, Medical Practitioners Tribunal
- Diplock Scholar, Middle Temple
- LLB, Birmingham University (1999)

Professional associations

- Association of Regulatory and Disciplinary Lawyers
- Criminal Bar Association
- Health & Safety Lawyers' Association
- Personal Injury Bar Association
- Western Circuit

Professional activities

Is a regular speaker at Chambers' CPD accredited seminars both in London and on the Western Circuit.

Lectures for Central Law Training in London.

Has lectured to the HSE at its explosives laboratory in Buxton and survived.

Publications

- Personal Injury Brief Update Law Journal Feb 2012 – 'Tripping through a straitened 2011'