



Miriam Smith

Barrister

Call: 2016

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Miriam is developing a diverse practice with an increasing emphasis on extradition, quasi-criminal public law and public inquiries.

Specialist areas

Fraud, Business and Financial Crime

Inquests & Inquiries

Consumer Law

Professional Regulation

VAT number: 267 0638 87

Bar council number: 67884

With this experience, Miriam has appeared in criminal courts, the High Court and various specialist tribunals. She is vetted to SC level.

Extradition

Miriam acts for requested persons and judicial authorities in extradition proceedings, both at first instance and on appeal.

She has acted in a range of cases involving arguments relating to the competence of a prosecutor or court to issue European Arrest Warrants, prison conditions and the sufficiency of prison assurances, conviction in absence and lack of retrial rights, the validity of European Arrest Warrants, physical and mental ill-health, human

trafficking. Miriam is well-versed at arguing cases involving delay and the disproportionate effect of extradition on a requested person's right to a family and private life (Article 8) and has acted in complex cases involving, for example, the relevance of youth sentencing and the illnesses of other family members including children.

Public inquiries and inquests

Since 2018, Miriam has been instructed by the Commissioner for the Metropolitan Police Service in the Undercover Policing Inquiry chaired by Sir John Mitting. Miriam is also currently instructed as a junior to the Brook House Inquiry.

Miriam has appeared in coronial proceedings, representing families of the deceased and institutional interested persons. She has been involved in cases involving medical and psychiatric treatment and deaths in state custody, and has experience of making successful submissions on the engagement of Article 2.

Prison law

Miriam provides advice and representation in Parole Board hearings and associated judicial review claims. She has acted successfully in factually complex parole cases and for prisoners many years over tariff.

Before her career at the Bar, Miriam volunteered at Prisoners' Advice Service for two years. She advised prisoners on a wide range of prison law matters, including the merits of potential civil claims and judicial review claims, and assisted with legal advice clinics in prisons in London. Accordingly, Miriam is very familiar with the wide-ranging issues faced by prisoners during their time in custody and has experience of matters such as adjudications, categorisation reviews and the imposition of licence conditions and their respective means of challenge.

Public law

Miriam has been instructed by a range of government departments and agencies, including the DVLA, the Home Office, the Ministry of Justice and Ofqual. As a member of GLD's junior scheme, she drafted summary grounds of defence in a range of immigration challenges in the Upper Tribunal and was involved in a disclosure exercise relating to the high-profile case of Harry Dunn and diplomatic immunity at RAF Croughton.

Miriam also advises and appears for claimants in judicial reviews and appeals in quasi-criminal matters. She has advised on challenges relating to the disclosure of criminal convictions and has appeared before the Upper Tribunal in an appeal against inclusion in the children's barred list. Miriam has acted successfully for the victims of crime and their family members in a number of criminal injuries compensation cases, both on appeal to the First-tier Tribunal and in judicial review proceedings before the Upper Tribunal. As sole counsel, Miriam successfully secured permission to appeal from the Upper Tribunal in a complex case concerning the scope and interpretation of the test for applying to re-open an award of compensation despite not acting below.

As a member of the Centre for Women's Justice Legal Reference Panel, Miriam also provides advice and assistance on a pro bono basis to female victims of physical and sexual violence seeking to challenge decisions not to prosecute by the police or the CPS under the Victim's Right to Review Scheme. She successfully challenged one such decision prior to the issue of judicial review proceedings.

Confiscation

Miriam has been appointed to the CPS Specialist Proceeds of Crime Panel at Level 2. She acts in confiscation proceedings, both when having dealt with the underlying criminal allegations and after trial. Miriam is well versed with the complexities of the legislation and practical requirements to ensure the best possible result for her clients.

Miriam also has experience of cases raising third party interests. She acted for an interested party under section 10A of POCA in contested confiscation proceedings where the alleged benefit was over £1 million and there were parallel property determinations and divorce proceedings in the Family Court. She has successfully applied to increase the available amount for confiscation where third party interests were raised for the first time in renewed proceedings.

Miriam also acts and advises in related matters such as applications for production orders, cash seizure and forfeiture, restraint, account freezing orders, section 22 and 23 applications and enforcement.

Appeals

Miriam has acted in a number of appeals against conviction and sentence in the Crown Court. She has also acted successfully in an appeal referred by the CCRC on

the basis of a change in the understanding of the law relating to the refugee defence under section 31 of the Asylum and Immigration Act 1991, resulting in a 15-year-old conviction for an identity offence being quashed.

Miriam is particularly interested in the intersection between public and criminal law and advises on challenging decisions of criminal courts and public bodies in the criminal justice system by way of judicial review. Miriam appeared as sole counsel before a Divisional Court in *Mishra v Colchester Magistrates' Court; Colquhoun v Stratford Magistrates' Court* [2017] EWHC 2869 (Admin), which clarified the law surrounding the 21-day time limit for applying to the magistrates' court to state a case.

Miriam has been appointed to the Centre for Women's Justice Legal Reference Panel. She provides advice and assistance on a pro bono basis to female victims of physical and sexual violence seeking to challenge decisions not to prosecute by the police or the CPS under the Victim's Right to Review Scheme.

Regulatory and consumer protection

Miriam has been instructed by local authorities to prosecute a variety of criminal and regulatory matters including consumer frauds, environmental offences, school attendance offences, breaches of food safety and hygiene regulations, taxi licensing and breaches of consumer regulations.

Miriam has also been instructed in prosecutions by Royal Mail, the Architects Registration Board, the Federation Against Copyright Theft, the Office of the Immigration Services Commissioner and the National Probation Service.

Recent cases include:

R v CM & M Ltd (Aylesbury Crown Court) – prosecuting, on behalf of a local authority, a defendant and his company for 10 offences contrary to the Consumer Protection from Trading Regulations 2008.

R v AE (Westminster Magistrates' Court) – representing a doctor, prosecuted by a local authority, for misuse of a blue badge.

ARB v AG & AA Ltd (Southend Magistrates' Court) – prosecuting, on behalf of the Architects Registration Board, an individual and a company for use of the title 'architect' on the company's website and in online advertising of its services when not registered to do so.

Appointments / Professional

Professional Appointments

- CPS Advocates Panel Grade 2
- CPS Specialist Extradition Panel Grade 2
- CPS Specialist Proceeds of Crime Panel Grade 2

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