



## James Marsland

Barrister

Call: 2008

Email: [jjm@5pb.co.uk](mailto:jjm@5pb.co.uk)

James practices in the fields of serious crime, professional discipline and regulation. With a Masters in Public Law James is a natural choice for Local Councils or public bodies. James also accepts instructions on a Direct Access basis.

“James is exceptional at pin-pointing the key issues and identifying strategy....His advocacy is second to none”

## Specialist areas

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Crime

Fraud, Business and Financial Crime

Professional Regulation

Inquests & Inquiries

VAT number: 971858864

Bar council number: 54181

### Areas of expertise

- Business Crime & Financial Services
- General Crime
- Professional Discipline
- Regulatory
- Inquests

### *General Crime, Business Crime & Financial Services*

James is appointed to the Crown Prosecution Service Advocate Panel at the highest level (Grade 4) and is also appointed to the Specialist Fraud Panel. He has prosecuted and defended in serious, complex and high profile cases (see some examples in 'notable cases'). James is regularly instructed to prosecute on behalf of government bodies/agencies, including the CPS, NHS Protect, HMRC, the HSE, the CQC, the DVSA, numerous Local Councils and the Insolvency Service.

### *Professional Discipline*

James regularly appears on behalf of professionals brought before professional discipline tribunals, particularly Police Officers and healthcare professionals. For several years he has been listed as a 'leading junior' in the Legal 500 directory in the field of 'Professional Disciplinary and Regulatory Law'

### *Inquests*

James regularly appears on behalf of Interested Parties at Inquests (both individuals and government bodies/agencies), often in the context of healthcare failures.

### *Regulation*

James is appointed to the List of Specialist Regulatory Advocates and is regularly instructed by sector regulators, such as the Care Quality Commission and Health and Safety Executive. In relation to the CQC, James is frequently instructed in cases of the utmost gravity and sensitivity, concerning deaths attributable to care failures at care homes and hospitals.

### *Local Councils*

James' work for Local Councils includes advice and representation in relation to planning enforcement, health and safety, confiscation, social housing fraud, bribery and corruption and large-scale fraud investigations. In particular, James was instructed by a local authority to provide pre charge advice in relation to prosecution of a multi-million pound company; and was subsequently leading counsel in the resulting 5 week fraud trial.

## Notable Cases

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### London Borough of Thurrock v Mead & Others

Instructed as leading prosecution counsel (leading Carolina Bracken) in relation to a four handed conspiracy to commit fraud by false representation. The Defendants were the Managing Director and senior sales staff at a multi-million pound company. The conspiracy related to the London Low Emissions Zone. Customers of the company were told that they were buying emissions abatement devices which were compatible with the London Low Emissions Zone. In fact, the devices were nothing of the sort. All four Defendants were convicted after a 5 week trial.

### London Borough of Tower Hamlets v Apsana Begum

Instructed to prosecute then sitting Labour MP Apsana Begum in a trial which received widespread media attention and included evidence from high profile figures such as former Shadow Chancellor John McDonnell.

### CQC v Amicura Limited

Instructed by the CQC to prosecute a care home provider in a complicated case concerning care failures against the background of the pandemic. The prosecution was successful and the company was ordered to pay a fine and costs in the sum of £200,000. The case received national news coverage.

### R v N and another

Instructed to represent an electrician accused of gross negligence manslaughter in respect of the death of a 7 year old boy. The case related to the installation and maintenance of an electrical lighting circuit at a public house. N was acquitted of gross negligence. During the case, James cross examined the central prosecution expert over the course of several hours; a piece of advocacy that was described as 'masterful' by the Judge.

### R v Arshid

Instructed by the CPS in the successful prosecution of Mr Arshid in relation to an offence of false imprisonment; which had involved Mr Arshid keeping his victim

confined in the boot of a vehicle for three days.

## Education/Professional

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- LLB University of Manchester
- LLM University College London
- Young Fraud Lawyers Association
- Association of Regulatory and Disciplinary Lawyers

## Languages

- Italian