



# Tom Wainwright

YEAR OF CALL: 2003



Tom has a formidable reputation as a passionate defender and a strong advocate.

He has appeared in some of the most high-profile cases of recent years including the Hatton Garden burglary, the 'Stansted 15' protestors and representing the father of Jack Letts in his trial for funding terrorism. Tom has a particular interest and experience in Serious Fraud and Confiscation, Terrorism, Protest Cases and Criminal Appeals.

He is regularly instructed as Leading Junior Counsel in high-profile cases of significant complexity and legal importance. Tom is qualified under the 'Direct Access' scheme and is able to take instructions directly from the public in appropriate cases.

"A very able and knowledgeable barrister who shows great judgement in everything he does."

CHAMBERS UK, 2021 (CRIME)

"Very experienced. He's like a terrier - he doesn't give up."

CHAMBERS UK, 2021 (PROTEST LAW, BAND 1)

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"He combines great technical knowledge with a relentless desire to fight his client's corner."

LEGAL 500, 2021 (CRIME)

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"He has a meticulous and forensic eye for detail, particularly in cases involving an extensive amount of material. He is always willing to provide detailed and rigorous advice at every stage of a case and quickly assesses the issues present."

LEGAL 500, 2021 (FRAUD)

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"He's dynamite – he goes above and beyond what any barrister would be expected to do. He always gets phenomenal results and is a tenacious and keen jury advocate who gets on well with clients."

CHAMBERS & PARTNERS, 2020

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If you would like to get in touch with Tom please contact the clerking team:

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## CRIMINAL DEFENCE

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Tom has always been a dedicated criminal defence barrister, devoted to providing full and fearless representation. He is ranked for Crime in the Chambers and Partners Directory 2020.

### NOTABLE CASES

#### Serious crime

#### *R v Margelis*, Kingston Crown Court (2021)

Defendant charged with possessing explosive substances as part of an intricate fraud using the postal network.

Read the article in the Times [here](#), the Evening Standard [here](#) and the Mirror [here](#).

***R v EG, Chester Crown Court (2020)***

Representing trans female defendant charged with rape. Unanimously acquitted following a difficult and delicate trial.

***R v \*\*\*\*\* , Woolwich Crown Court (2020)***

Allegations of Perverting the Course of Justice and Money Laundering. Highly unusual trial, conducted almost entirely *in-camera*, involving extremely sensitive evidence and novel legal issues. Defendant discharged following lengthy legal argument.

***R v LB, Kingston Crown Court (2020)***

Causing Death by Dangerous Driving. Case involved complex expert evidence on the issue of causation and the effect of medical negligence leading to death, as well as large amount of technical accident reconstruction evidence. Defendant acquitted.

***R v Letts, Central Criminal Court (2019)***

The Defendants were the parents of Jack Letts, a British Muslim revert who travelled to Syria in 2014 and the Crown alleged had joined ISIS. The Defendants were acquitted of two counts of funding terrorism on the grounds of duress after their son asked them for money in order to leave the group he was with, but were convicted on the remaining count. Prior to trial this extraordinary case went to the Supreme Court in order to determine the requisite *mens rea* for the offence and later to the Court of Appeal to consider the compatibility of the defence of duress with s.17 of the Terrorism Act 2000. Read reports of the case on the BBC [here](#) and the Daily Mail [here](#).

***R v Osman, Central Criminal Court (2019)***

Defendant acquitted of attempted murder and GBH after the front seat passenger in his vehicle was caught on CCTV shooting a man at point blank range in a busy North London street.

***R v Brown, Inner London CC (2017)***

Nurse accused of stealing drugs from children's hospital, Prosecution relying on evidence from 'Omnicell' electronic drugs cabinets. Acquitted following successful submission of no case to answer. Reported in the Evening Standard [here](#).

***R v Newland, Manchester CC (2017)***

Led junior in the appeal and re-trial of what was described as '*one of the most extraordinary and controversial criminal cases of recent times*' in which the Defendant was alleged to have adopted a male

persona in order to have a relationship with their female best friend. High-profile case which was reported in the Guardian [here](#), the Mail [here](#) and the Telegraph [here](#).

***R v Thomas, Harrow CC (2016-2017) 'Operation Kadu'***

Defendant acquitted of involvement in a large-scale conspiracy to manufacture and transfer firearms revolving around an illegal gun factory in North London which supplied converted weapons to criminal gangs.

***R v Sofroniou, Chelmsford CC (2015) 'Operation Usurp'***

Leading Junior acting for Defendant charged with conspiracy to supply Class A drugs across the Home Counties.

***R v SS, Wood Green CC (2015)***

Mother acquitted of causing or allowing serious harm to her toddler. Sensitive case involving expert paediatric and neurological evidence.

***R v Amin, Southwark CC (2013)***

Leading Junior in trial of Defendant alleged to have assisted in disposing of the body of a young woman murdered by members of her family in a so-called 'honour-killing'. Reported in the Telegraph [here](#), the Daily Mail [here](#), the Evening Standard [here](#) and ITV News [here](#)

***R v Williams, Blackfriars CC (2010)***

Defendant acquitted of serious assault on the basis that the smoking cessation drug Varenicline may have combined with alcohol to produce a state of automatism. Reported in the Mail [here](#) and the Metro [here](#).

## **FINANCIAL CRIME AND CONFISCATION**

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Tom has brought his analytical and advocacy skills to bear on large-scale complex frauds brought by the Serious Fraud Office, Trading Standards and the Department for Business, Innovation and Skills amongst others. He is particularly well-known for his expertise in confiscation proceedings and has co-authored '*The Confiscation Manual*' - a practical guide to the proceeds of crime.

### **NOTABLE CASES**

***R v Padda, Central Criminal Court (2019 – 2021)***

Leading counsel in confiscation proceedings arising out of large scale excise fraud and money laundering in which it had been estimated that the turnover of the operation was in excess of £60m. Final confiscation order

made in the sum of just over £500,000.

***R v Gohil, Southwark CC (2019 – 2020)***

Representing solicitor convicted for laundering the proceeds of corruption by James Ibori - the former governor of Delta State, Nigeria – in his confiscation proceedings. Large number of extremely complicated issues relating to trust and business structures in the UK and abroad. Total benefit figure sought in excess of £40m.

***R v Gold, Southwark CC (2018 - 2019 ) ‘Operation Amazon’***

Complex multi-million pound confiscation proceedings arising from what was said to be the most complex tax fraud ever investigated by HMRC. [Read the report in the Mail here.](#)

***R v Hameed, Southwark CC (2019)***

Lengthy and complicated Proceeds of Crime Act proceedings in which the Crown were initially seeking in excess of £100m. Reported in The Times [here](#) and the Mail [here](#).

***R v Bond, Southwark CC (2018) 'Operation Twilight'***

Led junior in large-scale Conspiracy to Cheat the Revenue relating to a fraudulent scheme to obtain sideways tax relief from bogus film development companies.

***R v Ahmed, Southwark CC (2017 - 2018)***

Leading junior for Defendant charged with a conspiracy to launder the proceeds of a series of brothels in central London, totalling millions of pounds over a period of years.

***R v Reader, Woolwich CC (2018)***

Led junior representing one of the Hatton Garden safety deposit box burglars in their confiscation proceedings. The burglary was said to be the largest ever in British legal history and attracted international publicity. Read reports from The Guardian [here](#), The Independent [here](#), The Telegraph [here](#) and The Mirror [here](#).

***R v Xu, Southwark CC (2016 - 2017) & Corbiere v Xu [2018] EWHC 1650 (Ch); [2018] 4 WLR 125***

Led junior defending in a private prosecution brought by a large hedge fund against a former employee in relation to the loss of millions of pounds worth of confidential intellectual property. Prosecution represented by two Queen's Counsel, one junior Counsel, one corporate solicitors' firm and one specialist prosecution firm. Case required detailed understanding of quantitative analysis, computer coding and the use of Optical Character Recognition software.

Further representing the same defendant in contempt of court proceedings brought by the same complainant in the Chancery Division and the Court of Appeal (Civil Division).

***R v Byrne, Southwark CC (2016)***

Led junior and junior alone for the main Defendant in two prosecutions for large-scale 'boiler room' and land-banking frauds. Total alleged loss said to be in the region of £9m.

***R v Maclean, Truro CC (2014)***

Leading junior in multi-handed fraud representing architect alleged to have secured fraudulent investments for multi-million pound building developments throughout Cornwall.

***R v Advani, Croydon CC (2009-2011)***

Large-scale fraud dating back to 1984 arising out of the collapse of the Johnson-Matthey Bank. The size and scope of the original investigation was a significant impetus in the establishment of the Serious Fraud Office.

## PROTEST RIGHTS

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As lead author on *The Protest Handbook*, Tom specialises in upholding protestors' rights under Articles 8, 10 and 11 of the European Convention on Human Rights and challenging the excessive or unlawful use of force by police officers. Tom's practice in this area includes high-profile cases such as the 'Rotherham 12', the 'Occupy Parliament' demonstrations, *R v Caroline Lucas MP* and *R v Zac King and Alfie Meadows*.

## NOTABLE CASES

***R v Atkinson (2020)***

Representing XR demonstrator charged with Trespass on a Protected Site after climbing the Elizabeth Tower at the Houses of Parliament to protest against the government's inaction on climate change.

***Stansted 15 (2018-2019)***

Acting on behalf of two of the fifteen Defendants charged under the Aviation and Maritime Security Act 1990 with Endangering Safety at an Aerodrome after entering into Stansted Airport and chaining themselves around the base of a Boeing 767 in order to prevent it being used to deport individuals to countries where their lives were in danger.

The case has attracted widespread international attention. Read reports from *the Guardian*: ['Stansted 15: no jail for activists convicted of terror-related offences'](#) and [Stansted protesters believed deportees were at risk of death, court told.](#)

### ***R v Saleem, R v Sultan, Sheffield CC (2016 and 2018)***

Representing two of the 'Rotherham 12', all of whom were acquitted of violent disorder on the grounds that they were defending themselves and their community after a peaceful demonstration was directed into the path of far-right football hooligans. Ten defendants were unanimously found Not Guilty by a jury and the remaining two were later acquitted after the Prosecution offered no evidence against them, following revelations about the credibility of the Silver Commander in charge of policing the protest.

Read the reports from the Independent [here](#), the Guardian [here](#), Channel Four News [here](#), The Mail [here](#) and Socialist Worker [here](#)

### ***R v GP, Lewes CC (2016)***

Defendant acquitted of violent disorder after confrontation with members of the EDL. Cut-throat defence against the other six defendants, all of whom were participants in the far-right 'March For England'.

### ***R v YI, Southwark CC (2015)***

Defendant acquitted after a trial for violent disorder following her participation in the 'Million Mask March' in London on 5th November 2014.

### ***'Occupy Democracy' City of Westminster MC (2015)***

Together with [Owen Greenhall](#), between them, representing thirty protestors over a series of ten trials arising out of the 'Occupy Democracy' demonstrations in Parliament Square in Autumn 2014. A variety of charges involved leading to complex legal argument on a wide range of issues including Articles Ten and Eleven of the European Convention, challenges to the validity of the Parliament Square Byelaws and the definition of 'sleeping equipment' in the Police Reform and Social Responsibility Act 2011. Not a single demonstrator was convicted.

Read the press coverage [here](#).

### ***R v Lucas and others, Brighton MC (2014) 'Operation Mansell'***

Representing Caroline Lucas MP and others charged with offences arising out of a peaceful sit-down demonstration, protesting against a fracking operation being set up outside the small village of Balcombe. Following a six-day trial, not only were the Defendants acquitted of all charges, but the District Judge went on to rule that the conditions imposed on the protest by the police were unclear, without proper foundation and unlawful.

Read the reports from The Guardian [here](#) and [here](#), The Independent [here](#), the Times [here](#) and the BBC [here](#) and [here](#).

### ***R v Zac King, Woolwich CC (2013)***

On 9th December 2010, Alfie Meadows and Zac King were both struck on the head by police batons whilst peacefully protesting in Parliament Square against the exorbitant rise in tuition fees being introduced by the coalition government. Alfie was nearly killed by the blow. Both young men then found themselves charged with Violent Disorder and facing a Crown Court trial. Tom's cross-examination of the Silver Commander challenged the Metropolitan Police's decision to 'kettle' hundreds of schoolchildren until late at night in the middle of winter. After a four-week trial, the jury returned within a short time to unanimously acquit both Defendants.

Read extracts from Tom's cross-examination and closing speech [here](#) and [here](#).

Read the New Statesman's observations on the trial [here](#) and [here](#).

Read the reports from The Independent [here](#), The Guardian [here](#) and the BBC [here](#).

### ***R v Jahnke, Cambridge MC (2009)***

Protestor who threw a shoe at Chinese Prime Minister, Wen Jiabao, acquitted.

Read reports in The Guardian (1 June 2009) [here](#), The Guardian (2 June 2009) [here](#), and Time magazine [here](#).

## **CRIMINAL APPEALS**

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Tom has a strong track record in having convictions quashed and sentences reduced where previous Counsel had advised there was no merit and where the Single Judge has refused leave.

Tom acted in *R v Bassett*, the leading case on the offence of voyeurism and *R v Court*, the leading case on the definition of 'keeping a disorderly house'. He also appeared as Leading Counsel in *R v McNally* which dealt with the question as to whether alleged deception as to gender could nullify consent in sexual offences.

He is more than happy to take instructions pro bono in relation to the merits of making renewed applications.

Tom is the Treasurer for the Criminal Appeal Lawyers Association.

### **NOTABLE CASES**

#### ***R v Taylor [2021]***

Extended sentence quashed and replaced with hospital order, following fresh psychiatric evidence.

#### ***DPP v Neale [2021] EWHC 658 (Admin)***

Conviction for obstructing a police officer quashed on appeal by way of case stated. The defendant was not



under any duty to provide his name and address to a police officer so that a fixed penalty notice could be issued under the Coronavirus Regulations.

***R v Coltman* [2018] EWCA Crim 2059**

Interlocutory appeal arguing that a public interest defence should be read into the Computer Misuse Act 1990, so as to render it compatible with Articles 2, 3, 8 and 10 of the European Convention on Human Rights.

***R v Stockli* [2018] 2 Cr. App. R. 29; Archbold §31-33**

Whether it amounted to an abuse of process for the Crown to charge a defendant with the offence of public nuisance, contrary to public law when alternative statutory offences were available.

***R v Gohil and Preko* [2018] 1 Cr. App. R. 30; Archbold §7-222b**

Acting on behalf of the second applicant seeking leave to re-open a previous appeal on the basis of material non-disclosure by the Crown.

***R v VSJ and others* [2017] 1 Cr. App. R. 33; Archbold §19-464**

Representing three out of the six appellants, all of whom were victims of human trafficking, in a specially convened conjoined appeal considering the relationship between the pre-existing law and the Modern Slavery Act 2015, the law on duress and the role of the Competent Authority.

***R v McNally* [2013] 2 Cr. App. R. 28; [2014] Crim LR 3, 207-223; [2014] Crim LR 7, 492-510; Archbold§20-29**

Leading Junior in this key authority on what can and cannot vitiate consent for the purposes of the Sexual Offences Act 2003. The young female appellant was alleged to have deceived another female into believing she was male prior to having sexual relations. Following an expedited hearing, the sentence of imprisonment was quashed and replaced with a suspended sentence leading to the appellant's immediate release from custody. Read articles in New Statesman [here](#), the Mirror [here](#) and the Daily Record [here](#).

***R v Court and Gu* [2012] 1 WLR 2260; [2012] 1 Cr. App. R. 36; Archbold§20-277**

One prostitute, working by herself from an address and simply carrying out straight-forward sexual services was not sufficient to amount to the ancient common law offence of 'keeping a disorderly house'.

***R v Pimm* [2009] All ER (D) 141; [2009] EWCA Crim 2019; Banks on Sentence 305.16**

Partially severing the victim's tongue was not 'particularly grave' harm for the purposes of the Sentencing Guidelines. Sentence reduced leading to appellant's immediate release. Initially advising *pro bono*.

***R v Bassett* (2008) Crim LR 998; (2009) 1 Cr App R 7; (2009) 1 WLR 1032; Archbold§20-243**

Leading case on the offence of voyeurism under section 67 and 68 of the Sexual Offences Act 2003. Conviction quashed by Court of Appeal who agreed that the reference to 'breasts' in s.68 does not include a man's breasts. Defendant initially represented *pro bono* after leave to appeal refused by Single Judge.

Read reports in The Sun [here](#), The Telegraph [here](#) and The Daily Mail [here](#).

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## PROFESSIONAL REGULATION

### ***HSE v Mooney, Southwark CC (2015)***

Multiple Health and Safety breaches alleged in criminal proceedings brought by the Health and Safety Executive, arising out of numerous shortcomings on a construction site.

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## YOUTH JUSTICE & CHILD RIGHTS

Tom has extensive experience representing children caught up in the criminal justice system. He has acted for young people charged with some of the most serious offences, including terrorism, drugs importation and violence. Tom has developed the skill, knowledge and understanding necessary to appear on behalf of children, particularly those who have been identified as being on the autistic spectrum. He is experienced in the use of intermediaries and other adjustments which need to be made to the criminal court process so as to allow young people to fully engage and participate.

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## PUBLICATIONS

### ***The Protest Handbook (2nd Edition) - Wainwright, Morris, Greenhall and Parker***

(Bloomsbury – December 2020)

Co-author on the popular guide to all aspects of protest law from police powers to criminal proceedings, from occupations to civil actions.

### ***Criminal Disclosure Referencer (2nd edition) - Wainwright, Fenn and Begum***

(Bloomsbury - December 2017)

Lead author on this detailed and important guide to the duty of disclosure in criminal proceedings.

### ***The Confiscation Manual - Vaughan QC, Wainwright, O'Hara and McGuinness***

(Sweet and Maxwell - published September 2015)

Co-Author of this practical guide to confiscation proceedings, providing a comprehensive yet accessible explanation of the law relating to the proceeds of crime.

## **TRAINING AND SEMINARS**

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### **Protest, Pandemic and Proportionality**

(Garden Court Webinar)

Focussing on the right to protest during the coronavirus pandemic and the compatibility of the 'lockdown' regulations with the ECHR.

### **Hot Topics in Confiscation**

(LCCSA International conference, Valencia)

### **Disclosure: Something Changed**

(Garden Court Seminar)

Recent cases, current problems and potential future changes to the disclosure regime.

### **TransJustice Conference**

(Garden Court in association with City University and Birkbeck, May 2016)

Co-ordinator and speaker at conference on challenges faced by trans and gender non-conforming people in the criminal justice system.

### **'Fracking: The Protests and the Court Cases'**

(Haldane Society Human Rights Lectures 2014 - available [here](#))

### **'Policing the Neoliberal University'**

(Defend the Right To Protest Public Event 2014)

## **EDUCATION**

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- MA (Oxon) Jurisprudence

## **PROFESSIONAL MEMBERSHIP**

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- **Proceeds of Crime Lawyers Association**
- **Criminal Appeal Lawyers Association (Treasurer)**
- **Criminal Bar Association**
- **Fraud Lawyers Association**
- **Haldane Society of Socialist Lawyers**
- **Network For Police Monitoring Lawyers Group**
- **Bar Pro Bono Unit**
- **Liberty**

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