

## Ian Whitehurst

Call 1994



### Clerks' Details

 Kate Masher  
 0151 242 8841

 Suzanne Dutch  
 0151 242 8873

 Denise Sheen  
 0151 242 8874

 Graeme Hipkiss  
 0151 242 8868

### Education

PgCert (merit) in international arbitration law – Aberdeen University (2023)

Diploma in International Arbitration – University of Aberdeen

University of Hull, LLB (Hons) (1993)

### Criminal CV

#### Overview

Ian is a highly regarded and sought after Leading Junior in Crime and has been recognised as such for several years in Chambers and Partners and The Legal 500.

He advises clients at all stages of criminal proceedings, from pre charge to the appellate stage, has an extensive advisory practice and is a skilled advocate before juries, tribunals and the appellate courts.

He defends as well as prosecutes in a wide range of serious criminal matters including gang related homicide, serious sexual offences, large scale drugs and firearms conspiracies, corruption cases and armed robberies.

He has extensive knowledge of disclosure, covert surveillance, jurisdictional issues and a detailed understanding of the principles surrounding the court's discretionary powers to exclude evidence and stay proceedings.

Ian has developed a specialist practice in appellate work and concentrates on appeals in the Court of Appeal (Criminal Division), the Administrative Court and the Upper Tribunals focusing upon in particular organised crime, confiscation law and regulatory matters.

## Cases

### Serious and Organised Crime

#### Current Cases:

- Instructed as Led Junior for the Defence in leading EncroChat case involving allegations of conspiracy to murder and conspiracy to supply Class A drugs
- Instructed as Led Junior for the main defendant in multi handed murder
- Instructed as Leading Junior Counsel in £8 million confiscation case
- Instructed to defend as sole junior counsel in attempted murder of a vulnerable individual
- Instructed to defend as sole junior counsel in attempted murder arising from a road rage incident
- Instructed to prosecute an attempted murder where the the defendant has stabbed her for former partner on several occasions
- Instructed as sole junior counsel to defend in fatal due care prosecution
- Instructed as sole junior counsel to defend in £1/3 million trade mark case
- Acting for the Defence in a large scale importation of firearms from the Netherlands into the UK
- Acting for the Defence in a “county lines” drugs conspiracy relating to the supply of Class A drugs from the North West to East Anglia
- Acting for the Defence in a conspiracy to supply Class A drugs from Merseyside to Cumbria

#### Recent Cases:

- Represented successfully a security agent of an Eastern European country in investigation into allegations of misfeasance in public office.
- Represented a defendant in a large scale drugs conspiracy asserting the defence of modern slavery and successfully obtained a suspended sentence of imprisonment for the defendant.
- Defending in an attempted murder trial arising from a domestic dispute.
- Prosecuting an attempted murder arising from a family dispute.
- Representing a juvenile with severe mental health and educational needs in the Youth Court who is accused of raping his younger sibling.
- Defending in a serious case of conspiracy to commit a s18 wounding.
- Defending in a multi handed drugs conspiracy involving abuse of process application to be advanced on the defendant’s behalf.
- Representing a defendant in historical sexual abuse case against family members.
- Representing a defendant in large scale tobacco smuggling case.
- Representing a defendant in a SIA regulatory prosecution for providing allegedly unlicensed security services to the hospitality industry.
- Prosecuting multi handed drugs conspiracy based in Cheshire
- Acting for a solicitor accused of serious criminal and professional misconduct

- Prosecuting an OCG involved in the kidnap and torture of an individual
- Acting as Led Junior for the Defence in a murder involving complicated medical issues concerning the cause of death
- Acting for the defendant in an attempted murder against a serving police officer (Crown Court and Court of Appeal)
- Acting as Led Junior for the Defence in a murder involving issues surrounding joint enterprise
- Acting for the Defendant in a historical sexual abuse case involving three complainants
- Acting for the same Defendant in three large scale drugs conspiracies

### Cases of Note:

- *R v RS* – Acting as Led Junior for the Defence in the murder of a policeman
- *R v LH* – instructed as Leading Counsel for the main defendant in a £9 million conspiracy to supply Class A drugs throughout the North of England and Scotland.
- *R v DS* – instructed as Leading Counsel to prosecute a multi handed fraud case involving substantial breaches of trust by former employees and the managing director of the company. Sus involved in excess of £1 million.
- *R v CS* – instructed to prosecute a defendant accused of possessing a substantial quantity of Improvised Explosive Devices (IEDs) connected to criminal gang activity.
- *R v G* – Acting for the Defence in a major investigation by National Crime Agency (NCA) into organised crime group (OCG) based in Merseyside involved in nationwide supply of Class A drugs. The case involves extensive covert intrusive surveillance against the OCG.
- *R v LT* – instructed as prosecuting leading junior to prosecute large scale drug dealing activity in South Liverpool
- *R v JA* – represented a defendant charged with money laundering offences arising from a trading standards prosecution into the sale of live streaming kodi boxes over the internet. The prosecution was predicated upon the commission of trade mark offences being committed via the sale of the boxes to customers which then allowed the prosecution to allege that the proceeds of the sales was criminal property. The defendant received a suspended sentence of imprisonment.
- *R v TG* – successfully represented a former employee accused of hacking into the email accounts of his former employer and stealing copyright protected material. The defendant was formally acquitted of all charges under the Computer Misuse Act.
- *R v GM* – represented a defendant accused of selling malware over the internet commercially to bring down websites based here in the U.K. and the United States. The defendant was prosecuted by the National Crime Agency and received a suspended sentence of imprisonment.

### Criminal and Regulatory Appeals

- *R v C* – instructed as sole junior counsel [not trial counsel] to advise on the prospects of an appeal against a historical murder conviction.
- *R v T* – instructed as Led Junior Counsel to advise on the prospects of an appeal

against conviction in relation to a murder involving issues surrounding the role of a “secondary party” and the appropriate legal directions to be given to the jury.

- *R v M* – instructed to challenge via case stated to the Administrative Court a decision by the Magistrates Court to convict a defendant in his absence of violence offences.
- *R v X* – instructed as sole junior counsel to conduct an appeal against conviction in relation to an offence of wounding based on the inadequacies of the former advocate at trial.
- *R v Z* – instructed to challenge via judicial review the conditions a prisoner was held in whilst serving his sentence.
- *R v M* – instructed as sole junior counsel (not trial counsel) to seek to challenge a conviction for attempted rape on the basis of a “lurking doubt” in the evidence. Conviction quashed and re-trial ordered.
- *R v D* – instructed to represent a defendant in relation to a judicial review and subsequently case stated proceedings arising from a firearms certificate appeal.
- *R v S* – instructed as sole junior counsel to conduct an appeal against the imposition of a revised confiscation order which involved issues surrounding Public Interest Immunity (PII) due to the importance of the case it is a reported decision and can be found at *R v S* [2019] EWCA Crim 569, [2019] All ER (D) 44 (Apr).

## Recommendations

### Legal Directories

“Ilan is conscientious and thorough. He is a safe pair of hands.”

**Chambers and Partners 2023**

“Accessible, clear in his advice, and very experience. He is someone who is not afraid to think laterally.”

**Chambers and Partners 2023**

“Ilan is a very strong barrister.”

**Chambers and Partners 2023**

“A highly knowledgeable, robust and razor-sharp barrister.”

**Chambers and Partners 2022**

“Very pragmatic and personable, he gets on well with people. He makes no bad points and is a skilful and balanced advocate.”

**Chambers and Partners 2022**

“Pragmatic and accessible, he displays a lot of grit and common sense.” “He’s an imaginative, talented and experienced defender.”

**Chambers and Partners 2021**

“Always well prepared and really knows what he is doing.”

### **Chambers and Partners 2021**

“He has lots of common sense, is very pragmatic and is a good guy to work with.”

#### **Chambers and Partners 2021**

‘Ian is tactically astute and his advice, advocacy and written work are excellent. He has a very co-operative style of working with solicitors which is reassuring to both the solicitor and the client in terms of knowing that matters are always clear and dealt with. There is never a concern that he will miss something – he misses nothing.’

#### **The Legal 500 2023**

‘Ian is affable, hard-working, intellectually-forceful and an effective advocate.’

#### **The Legal 500 2023**

‘Ian is a very assured barrister. His down-to-earth manner puts clients at ease. He is an excellent tactician and his written work and advocacy are second to none.’

#### **The Legal 500 2022**

“Tactically astute, applies vast experience to offer pragmatic solutions and excellent with clients.”

#### **The Legal 500 2021**

“He is at the very top of his profession and his knowledge is a valuable part of the team and is a tactical and astute thinker, always thinking a couple of steps ahead whilst never taking his eye of the big picture. He is excellent with clients who are won over by his down to earth manner. He always finds an angle that the prosecution has missed.”

#### **The Legal 500 2021**

“Approachable, pragmatic and good with clients.”

#### **The Legal 500 2021**

“A real fighter who makes really incisive legal points.”

#### **Chambers and Partners 2020**

“A pragmatic advocate who is very good with clients. He is able to steer a case in a tactically astute way in order to achieve a good outcome for his clients.”

#### **Chambers and Partners 2020**

“Approachable, pragmatic and good with clients.”

#### **The Legal 500 2020**

“A proactive barrister who gives clear advice.”

#### **The Legal 500 2020**

“He thinks outside the box, is tenacious in court, very experienced and has a good breadth of knowledge of serious white-collar crime.”

#### **Chambers and Partners 2019**

“A pleasure to work with, he gets results.”

**Chambers and Partners 2019**

“A very shrewd barrister.”

**The Legal 500 2018/19**

“Ian is a real fighter, but smart with it too.”

**Chambers and Partners 2018**

“An approachable and practical criminal counsel.”

**Chambers and Partners 2018**

“A brave and streetwise advocate.”

**The Legal 500 2017**

“A very good performer. He is fearless and defendants love him. He will get stuck in but knows when not to lock horns with witnesses. A very good tactician.”

**Chambers and Partners 2017**

“Highly experienced in serious organised crime cases.”

**The Legal 500 2016**

“Has a long history of prosecuting and defending serious criminal offences before the court. His remit covers gang-related homicides, drug conspiracies and armed robberies, among other matters.”

**Chambers and Partners 2016**

“Combines extensive skill in serious organised crime with knowledge of a wide range of business crime offences. He represents both individuals and corporates and is well versed in tax fraud, money laundering, and accounting and banking fraud.”

**Chambers and Partners 2016**

## Memberships

- Criminal Bar Association
- Private Prosecutors Association
- Revenue Bar Association
- New York City Bar Association
- International Technology Law Association
- The Bar of Northern Ireland
- Rights of Audience - AIFC [Kazakhstan]

- Chartered Institute of Arbitration

## Appointments

- List of Counsel at the International Criminal Court
- List of Counsel (Defence/Victims) at the Kosovo Special Chambers
- Level 4 Specialist Serious Crime Group Panel (CPS)
- Level 4 Prosecutor General Crime Panel (CPS)
- Level 4 Specialist Proceeds of Crime Panel (CPS)
- Level 3 Specialist Fraud Panel (CPS)
- Specialist Regulatory Panel (Level B)
- Disclosure Counsel for Serious Fraud Office (SFO)
- Licensed Advocate Isle of Man (2012)
- Visiting lecturer at the University of Lancaster
- Associate Lecturer at John Moore's University
- Advocate (the Pro Bono unit of the bar)
- Called to the Bar of Northern Ireland

Arbitrator Appointments:

Listed on the arbitration panels of the following arbitral institutions:

- Arbitration Ireland
- The Arbitration Institute of The Stockholm Chamber of Commerce
- The Madrid International Arbitration Centre
- London Arbitration Centre
- Vienna International Arbitral Centre
- Danish Institute of Arbitration
- EBA Mediation and Arbitration Centre – Georgia
- Ljubljana Arbitration Centre, Slovenia
- Maldives International Arbitration Centre [secondary list]
- Hong Kong Maritime Arbitration Group [supporting member] | a

Academic Appointments:

- Honorary Lecturer in International Criminal Law at Aberdeen University 2023
- Honorary Assistant Professor - Nottingham University 2022
- Associate Lecturer - John Moores University 2020-2022
- Guest lecturer - Northumbria, Galway and Aberdeen Universities and Brooklyn Law School 2021 - present
- External member of the University of Northumbria's Centre for Evidence & Criminal Justice Studies

## Publications

Ian has written several articles on the issues of financial crime, the criminal justice system and more:

***Better days will return | COUNSEL | The Magazine of the Bar of England and Wales***

<https://www.counselmagazine.co.uk/articles/better-days-will-return>

***Gambling an 'easy target' for UK Government after coronavirus pandemic, say barristers***

<https://www.counselmagazine.co.uk/articles/better-days-will-return>

***Part 6 Proceeds of Crime Act 2002 - the forgotten provision***

<https://www.policeprofessional.com/?s=ian+whitehurst>

***Unexplained Wealth Orders - A lost opportunity or a time to reboot?***

<https://www.policeprofessional.com/?s=ian+whitehurst>

***HMRC's use of criminal prosecution for fraud or illegal activity***

<https://www.taxation.co.uk/articles/hmrc-s-use-of-criminal-prosecution-for-fraud-or-illegal-activity>

***Taking care of business: Private Prosecutions in a digital age***

<https://www.legal500.com/fivehundred-magazine/the-bar/taking-care-of-business/>

***Investigatory Powers Act and the new oversight regime***

<http://www.6pumpcourt.co.uk/news/investigatory-powers-act-and-the-new-oversight-regime/>

***Pension Liberation Fraud: New Kid on the Block***

<http://www.6pumpcourt.co.uk/wp-content/uploads/2014/07/Pension-Liberation-Fraud.docx>

***A Practical Guide to POCA & Unused Material: a defence perspective***

<http://www.6pumpcourt.co.uk/wp-content/uploads/2014/07/POCA-Unused-defence-perspective.docx>

***Is a cheque book better than a defence statement***

<http://www.6pumpcourt.co.uk/wp-content/uploads/2014/07/Is-a-cheque-book-better-than-a-defence-statement.docx>

***Law & Democracy***

<http://www.6pumpcourt.co.uk/wp-content/uploads/2014/07/Law-Democracy.docx>

***A Taxing Time Ahead The Reality Behind The Rhetoric***

<http://www.6pumpcourt.co.uk/wp-content/uploads/2014/07/A-Taxing-Time-Ahead-The-Reality-Behind-The-Rhetoric.docx>