

Jonathan Lally

2005 Inner Temple

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Education

St Bedes' College, Manchester.

Magdalene College, Cambridge
University

Manchester Metropolitan
University - BVC

Professional Associations

Criminal Bar Association

Member of the Northern Circuit

PIBA

Appointments

Crown Counsel to the Falkland
Islands

CPS Advocates Panel - Cat 3 (R)

Areas of Specialism

General Crime

Personal Injury

Professional Discipline

Regulatory

Motoring Offences

Health and Safety

Civil and Insurance Fraud

Prison Law

Trading Standards

Licensing, Betting, Gaming and Sports Law

Profile

Jonathan has a mixed practice, undertaking all forms of criminal, personal injury and regulatory work. He has developed a specialism in road traffic law. He is regularly instructed by insurance clients to represent drivers charged with road traffic offences, from the minor to the most severe cases involving death and catastrophic injury. This specialism enables work to be done on the same case in the criminal and civil courts, including inquests.

His general crime work covers a wide range of offences including, drug offences, offences of violence and public order, dishonesty offences, fraud and money laundering offences (including POCA proceedings), and sexual offences. He acts for both the Defence and the CPS and is a grade 3 prosecutor. His criminal work also extends to prison law where he has represented offenders at parole hearings and adjudications.

Jonathan regularly undertakes personal injury work, with particular experience in civil fraud work. With experience in both criminal and personal injury advocacy he is ideally positioned to robustly challenge complex evidence in fraudulent claims. He acts for both claimants and defendants in road traffic accident claims, occupiers liability claims, Highways Act claims, employers liability claims and claims resulting from breaches of health and safety legislation.

He is instructed by the medical profession to represent doctors in proceedings at the GMC, and has conducted a variety of cases including Fitness to Practise Hearings, IOP hearings and Registration Appeals. Such cases have involved issues of dishonesty, competence and the personal health of the doctors themselves, and as such require a sensitive approach to these issues combined with a vigorous defence of the doctor.

Jonathan also represents Local Authorities in a variety of regulatory cases including food standards prosecutions and animal welfare cases. He also undertakes all types of Licensing work for both private clients as well as prosecution agencies.

He receives instructions in Health and Safety cases, both in respect of prosecutions and inquests representing individuals as well as corporate entities.

He has been instructed on a number of occasions in the Falkland Islands on both criminal and personal injury matters.

Notable Cases

Personal Injury, Road Traffic, Fraud, Phantom Occupants.

Khan & Khan v Bi

The Claimants claimed to be occupants of a stationary motor vehicle parked outside their home address when the Defendant's vehicle collided at low speed with the rear corner the stationary vehicle. They both claimed damages for personal injury. The Defendant disputed that there were any occupants of the vehicle at the time of the collision. The Defendant's case was that the First Claimant (Mr Khan) was stood on the pavement next to the vehicle and that the Second Claimant (Mrs Khan) was not in the vehicle. Following a trial before HHJ Rawlings at Stoke on Trent County Court, the claims were both dismissed and findings of fundamental dishonesty were made in respect of both Claimants. The Judge found that neither were in the vehicle and there were consequently no injuries sustained as a result of the collision. Having found both claims to be fundamentally dishonest, he ordered both Claimants to pay the Defendant's costs assessed in the sum of £14,500 and granted the Defendant permission to enforce the costs under CPR 44.16.

Professional Discipline

Represented a Chartered Accountant before the Institute of Chartered Accountants and successfully maintained his membership by avoiding exclusion. He had been brought before the Institute following the collapse of a stockbroking firm he had been Financial Director for. During his tenure the firm had relied upon a guarantee in the sum of £2million which it transpired did not exist causing loss to clients. He had been grossly misled by his Managing Director and an investor in the firm. He had already been prosecuted by the Financial Conduct Authority who stripped him of his authorisation to undertake regulated activities and the Insolvency Service who had disqualified him as a company director. He appeared before the Institute facing exclusion from the register of Chartered Accountants. As a result of the action taken by the FCA and the Insolvency Service the only real employment he could obtain was that teaching at a college and this would have been jeopardised by any exclusion. Despite the starting point in his case being exclusion, the Institute drew back from this sanction and instead imposed a Severe Reprimand. The accountant had exhausted all his savings and finances on the legal costs and fines from the FCA and Insolvency Service prosecutions and consequently could not afford representation at the Institute. I acted pro-bono due to his limited financial means.

Money Laundering

R v Noon

Defending in four month long drugs and money laundering conspiracy trial in Preston Crown Court.

Sexual Offences (Court of Appeal)

R v Knowles

Represented the appellant at the Court of Appeal in an appeal against sentence following his breach of a Sexual Offences Prevention Order (SOPO). Involved the considerations that apply in sentencing for what may be a minor breach but in circumstances where the offending that led to the imposition of the order was serious.

Drug Importation

R v Neville

Junior led by Stuart Denney QC in representing defendant charged with importing £14m of Cocaine from mainland Europe. The case involved the interrogation of large amounts of telephone cell sitting evidence covering the UK, Holland and Germany, as well as intercept recordings obtained by the Dutch police.

Crown Court Costs

R v Blacow

Appeal to the High Court by way of Case Stated against the decision of the Crown Court not to award a Defence Costs Order under the Prosecution of Offences Act 1985. Crown Court order overturned.

<http://www.bailii.org/ew/cases/EWHC/Admin/2012/3469.html>

Crime

R v Helm

Represented defendant on charge of perverting the course of justice (by setting fire to the car) in relation to a case of causing death by dangerous driving. Extensive use of expert evidence in the following fields: road traffic accident investigation, CCTV reconstruction, fire damage and causation.

People Trafficking

R v Orsos

Led junior in a case involving people trafficking, prostitution and rape.

Personal Injury

GC v MOD

Advised Falkland Island resident on claim for serious personal injuries sustained as a result of being hit by a MOD vehicle. Significant procedural issues advised upon as well as complex multi-disciplinary medical evidence, future losses and alleged contributory negligence. Case settled without the need for a trial.

Road Traffic

R v Close

Successfully defended road sweeper driver charged with causing death by careless driving having reversed over his foreman. Submission of no case to answer upheld on the issues of causation and absence of evidence of carelessness. Extensive use of expert pathological, cardio pathological and histopathological evidence to establish that the deceased may have been dead prior to being struck. Use also of expert accident reconstruction evidence to establish that the deceased was likely to have been prone on the ground and out of the driver's sight as he reversed in dark conditions.

Road Traffic

R v Slattery

Successfully defended driver of horsebox on charge of careless driving involving the death of a tractor driver (initially charged as causing death by dangerous driving and would now have been death by careless driving). Use of expert evidence regarding visibility, light failure and speed.

Road Traffic

R v Gardner

Successfully appealed the conviction of a coach driver for careless driving following his coach overturning on the M6 whilst transporting schoolchildren. Expert evidence used to establish mechanical fault with tyres as cause of accident.

Road Traffic

R v Farran

Successful defence of driver for careless driving (Involving death of his girlfriend). Expert evidence used to establish defect in road as cause of accident.

Road Traffic

R v Taylor and Duggan

Successful defence of two drivers charged with dangerous driving (including allegations of racing). Extensive use of expert evidence and evidence obtained from onboard computer in one defendant's car. Rebuttal of allegations from off-duty police officer as a result of the technical data recovered from car.

Road Traffic

R v V

Footballer - road traffic matters

Road Traffic

R v T

Footballer - road traffic matters

Road Traffic

R v T

Snooker player - road traffic matters

Road Traffic

R v S

Jockey - road traffic matters

Road Traffic

R v M

Footballer - road traffic matters

Health and Safety/ Regulatory

R v Humes

Successful local authority prosecution at Bradford Crown Court of two defendants for animal cruelty after the discovery of over 100 dogs in their terraced house, a number of whom had to be destroyed. It was a large scale operation involving a number of agencies.

Licensing

GMP v Barracuda

Represented GMP at local authority review of premises licence following one of the first Closure Orders issued under the Licensing Act 2003.

Health and Safety/Regulatory

Cumbria County Council v Campbell and Sons Ltd

Represented defendant haulage firm in one of the first prosecutions under the Animal By-Product Regulations 2005 (cross-contamination involving meat and bone meal).

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