



# Nick Barraclough

Call 1990

Nick Barraclough is recommended by the Legal 500 as a leader in his field.

He has expertise in a wide range of cases and tribunals; recent cases include defending in an 8-month fraud trial, a major drugs conspiracy, a human trafficking and child grooming case involving 23 defendants, the largest ever importation into the UK of firearms, and the trial of Ian Paterson (the surgeon who operated unnecessarily on patients). Nick is also known for his work involving modern slavery allegations and cases involving serious sexual allegations.

Nick is qualified to accept instructions directly from clients through the Bar Council's [Direct Access Scheme](#), and is instructed in a wide range of private work, from hearings in the Magistrates' Court ([see example](#)) to advising on appeals to the Court of Appeal.

## Practice Areas

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### Fraud

Nick is used to managing complex and voluminous cases which require a strategic overview and tactical awareness.

### Notable fraud cases

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#### R v K

8-month fraud trial involving complex allegations of immigration and tax fraud (Cheating the Revenue) in which it was alleged 79 sham companies were set up to provide false earnings for Tier 1 Visa applicants. Thereafter, PAYE was falsely reclaimed from HMRC. The case arose from the largest ever investigation carried out by the Immigration Enforcement's Criminal and Financial Investigation department.

#### R v K

Serious Fraud Office prosecution of a man accused of conspiring to obtain investment from the US for a non-existent factory.

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**R v P**

A £20 million conspiracy to defraud and money laundering; the defendants assumed the identities of senior employees of McDonalds and Greggs to fool others into providing goods on credit which were never paid for.

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**R v E**

A “Crash for Cash” fraud involving 84 defendants and said to be the largest case ever prosecuted in England and Wales.

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**R v M**

£50 million alcohol diversion fraud. The judge stopped the case when it was shown that HMRC failed to reveal its links with the operators of bonded warehouses, that HMRC lied to the court, that there was likely to be missing evidence that could undermine the reliability of witnesses, and that evidence was compromised because it may have been given from witnesses indemnified from prosecution.

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**R v S**

Fraudulent trading: represented a man alleged to have used “phoenix” companies and misappropriated company funds in order to avoid creditors.

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**R v B**

Mortgage fraud involving professional advisers. Nick’s disclosure requests and arguments caused the prosecution to offer no evidence.

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**R v C**

Trading standards case arising out of a BBC Scambusters programme.

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**R v B**

Lady who faked her death in Pakistan to obtain £2.2 million life assurance.

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**R v H**

Defended a man accused of being a professional money launderer, who advertised his services on the internet.

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**R v N**

An accounts payable clerk set up false customer accounts to which she transferred more than £500,000. Following Nick's submissions, the prosecution changed the charges. Nick then successfully argued the prosecution had no case on the new charges.

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#### R v M

Massive cigarette smuggling and money laundering case. Nick secured a very lenient sentence for the client who had pleaded guilty.

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#### R v R

£1million "long-firm fraud" involving sham companies and falsified accounts used to falsely obtain credit accounts and then £1million of goods on credit.

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#### R v T

The client admitted a series of frauds having duped a recruitment agency into believing he worked closely with Bill Gates on behalf of whom he was taking over a UK business in which the agency had placed him, and that he required a PA. The agency provided interview facilities and female interviewees for this 21year old. It was also alleged he used the Financial Times taxi account to fund his personal travel, including a round trip to Aberdeen (at £3,600). Nick Barraclough secured the defendant a Suspended Sentence.

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## Crime

Most of the cases Nick is instructed in involve allegations of serious crime, often prosecuted by the National Crime Agency or other specialist agencies. Typically, these cases involve large drugs and/or firearms conspiracies, and serious violence.

### Notable crime cases

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#### R v KS

Nick represented KS who was acquitted of conspiring to supply cocaine in multi-kilo quantities. All other defendants were convicted and sentenced to a total of 116 years' imprisonment. The case concerned the shipment of drugs from the South East to South Wales on an almost daily basis, with the prosecution relying on cell-site and telephone evidence to track the defendants across the country.

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#### R v Paterson

Although Nick is mostly instructed to defend, he advised pre-charge in the case of the top breast surgeon Ian Paterson who operated unnecessarily on patients. Nick advised on charges, evidence and procedure and was junior counsel at the trial when Mr Paterson was convicted and sentenced to 20 years' imprisonment.

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## R v H

5 defendants were charged with importing £5.5million of cannabis and ecstasy ('Class A' drugs) from Holland. Following a Serious Organised Crime Agency ('SOCA') surveillance operation, officers raided a warehouse in Barking, Essex, where they discovered a crane counter-weight used to conceal the drugs. All 5 defendants were arrested and the prosecution described them as 'big players in a major league drugs organisation'. Nick Barraclough's client was acquitted. All other defendants were convicted.

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## R v M

Eight defendants were accused of importing £14 million of cocaine in a ten-week trial that saw complex legal arguments about cell-site and telephone evidence, Dutch telephone intercept evidence, and undercover surveillance evidence. Nick's client was acquitted. All other defendants were imprisoned for up to 26 years. Six jailed for importing cocaine from Germany.

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## R v B & Others

Twelve defendants were accused of importing £62 million of cannabis into the UK as the result of a massive police operation. There were also linked money laundering allegations. Nick represented B who was originally charged with conspiracy to supply cannabis. After negotiations with the prosecution the defendant admitted money laundering and was not imprisoned.

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## R v S

A Serious Organised Crime Agency (SOCA) prosecution in which Nick was leading junior counsel representing a man allegedly involved in a conspiracy to import and 'flood the United Kingdom' with £7 million of cannabis. Nick persuaded the judge that the case against his client should be withdrawn from the jury.

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## R v P

Represented a defendant alleged to be 'one of the largest drugs dealers in south London' in a 2-month trial involving 60 kilos of cocaine, 'millions' of ecstasy tablets, and undercover police. It was said that the defendant ran a drugs syndicate and supplied small amounts of drugs by way of samples, but it was successfully argued that no conviction could be founded on the evidence of supplying samples unless the jury were sure the defendant was involved in a larger scale drugs conspiracy. The defendant was acquitted.

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## R v F

4-month trial involving a drugs 'super-grass', an international drugs and crime syndicate, and allegations of conspiracy to supply multi-million pounds worth of heroin. This drugs syndicate was ruthless, chopping the fingers off a man who lost £1million of its heroin. The defendant was acquitted.

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## R v P & Others

14 defendants in a series of cases arising from a large-scale undercover police operation aimed at the Oxfordshire drugs trade involving probe and observation evidence.

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### **R v W**

The defendants were allegedly involved in the large scale supply of drugs from Essex to Norfolk, using a fishing bait factory for cover. This substantial police operation involved surveillance, probe evidence, and a police raid at the point of handover. The trial lasted seven weeks and raised issues as to the lawfulness of the police operation and the admissibility of probe evidence.

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## **Murder & Manslaughter**

Nick has defended in numerous murder trials.

### **Notable murder & manslaughter cases**

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#### **R v McCarthy**

Nick was instructed to defend a member of the travelling community accused of using his van to run over and kill a man. He was acquitted of murder and convicted of manslaughter.

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#### **R v Irene Smith**

A conspiracy to murder case which attracted national press attention when it was suggested that Irene Smith planned with her bigamist husband to kill his other wife in order to protect a family property development. Although Irene Smith provided a false alibi and concealed clothes worn by the murderer, she was found not guilty of conspiracy to murder. Nick argued to secure the minimum sentence for her when she was convicted on less serious offences.

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#### **R v Scudder**

Acquittal in a 'missing body murder': the victim had been assaulted by the defendant, and was then last seen walking to meet the defendant. It was alleged the defendant and another man murdered the victim, and rolled him in chicken wire and carpet before dumping his body in the Thames Estuary. On the night of the alleged murder the defendant hired a fishing boat. When he returned it, the anchor and chain were missing. Body parts belonging to the victim were dredged up in the Thames Estuary. The defendant was acquitted.

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#### **R v Palmer & Others**

A 5-month trial involving the abduction, torture and execution of two Jamaican Yardie gang members. An Operation Trident case, the victims were tied to chairs and tortured. The 'trigger man' used a 9mm semi-automatic pistol to kill the victims with shots to the head. The case was a "Whodunnit" in which the defendant was implicated by a latex glove found beside one of the deceased. The interior of the glove

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contained the defendant's DNA and firearms residue was deposited on its exterior. The jury deliberated for 18 days, thought to be an Old Bailey record.

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### **R v Costain**

Defended Shealagh Costain who was a business woman who hired a hit-man to kill a business associate of the defendant over a £50,000 debt. The police were tipped off and the 'hit-man' was actually an undercover police officer. The defence argued 'entrapment'. Though the defendant was convicted, the defence successfully argued that she need not be imprisoned. The Attorney-General referred the sentence to the Court of Appeal as being 'unduly lenient'.

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### **R v Frost**

This murder case was the largest murder and rape investigation carried out in the West Country at the time, when an 18-year-old girl went missing on Christmas Day 1995. The investigation led to 3,500 males providing DNA samples to the police. Ultimately, the defendant admitted his guilt. It was as a result of this case – and the campaigning of the victim's family – that the National DNA database was established.

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## **Serious Sexual Offences**

Nick has been instructed in many rape and serious sexual assault cases. He was one of the first barristers to be selected as a Rape Specialist prosecutor. He has also conducted cases involving people trafficking and management of brothels.

He has appeared as an expert on BBC4's current affairs programme "More Or Less" for his expert views.

### **Notable serious sexual offences cases**

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#### **R v C**

Nick was instructed to represent a young man who was one of 22 defendants said to be involved in more than 80 offences involving trafficking and the most serious sexual abuse. Nick successfully applied for the case to be stopped as an abuse of process. The prosecution appealed to the Court of Appeal where Nick was again successful. His client was then acquitted. The case involved 247 witnesses and 28,000 pages of evidence.

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#### **R v PM**

Nick defended in this child abuse case and pushed for disclosure of school and social service records of the complainant. It took 6 months and numerous court hearings and applications, but Nick persisted and eventually secured the information sought, whereupon the prosecution dropped all charges in the light of what was revealed.

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#### **R v MM**

The defendant arranged a date via the Plenty of Fish dating website. His date then accused him of raping her on the way home. The defendant was acquitted.

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### **R v Ahmed**

Nick was instructed to prosecute a case involving the abuse and attempted rape of a toddler girl. The defendant was sentenced to a total of 17 years and 4 months imprisonment.

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### **R v Moseley**

Nick was asked to prosecute this serial rapist, and secured convictions and a sentence of 23 years' imprisonment in this rape and GBH case.

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### **R v JJ**

The charge of being concerned in the management of a brothel was dismissed when the Crown Court Judge accepted Nick's arguments that at best the prosecution could prove that the defendant was employed as a security guard at a brothel, in which case he could not be said to be involved in the management of the premises.

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### **R v O**

Nick represented a member of the grime crew 'Ruff Squad' who was accused of raping a 15-year-old schoolgirl having just performed a gig at the Prince's Trust Urban Music Festival at Earls Court. PO was acquitted; the co-defendant was convicted.

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### **R v CP**

At the Old Bailey, Nick represented a man charged with repeated rapes. The defendant was acquitted. The defendant chose to be represented by Nick Barraclough when subsequently charged with murder.

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### **R v F**

Control of prostitutes in a string of London 'saunas'. The defendant admitted part of the allegations after Nick negotiated a basis of plea that kept the defendant out of prison. Nick Barraclough subsequently represented the defendant in a 4-month drugs trial.

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### **R v Mullings**

Nick Barraclough prosecuted a defendant who, when armed with an imitation fire-arm, a bottle of whisky and a Staffordshire Bull-terrier, burst into the victim's flat at 3 a.m. and violently raped her. Earlier that evening he had slashed the face of the victim's boyfriend with a knife. The defendant was convicted after trial.

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## R v R

Nick prosecuted this defendant who raped and beat his wife, whom he'd met on Shad-di.com, the Asian marriage website. The marriage turned abusive on the honeymoon, but his wife felt trapped by the defendant, and unable to leave the marriage due to religious sensitivities and the shame it would bring upon her and her family. The case was essentially the complainant's word against that of the family of the defendant with whom she had lived, but the defence case faltered during Nick's cross examination of the defendant.

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## R v B

A month long trial of a drug-dealer alleged to have held his victims prisoner in a flat on the Charing Cross Road from which he dispensed drugs. It was alleged he drugged, beat and raped his victims over the course of many hours, in one case filming himself having sex. Two of his victims admitted previously providing sexual favours to the defendant in return for cocaine.

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## R v King

A case involving the abduction and knife-point rape of an 18 year old homeless male.

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## R v M

Instructed in the trial of a man who systematically abused numerous boys in his care at a Barnardo's home, and did so again when warden of a hostel. The case dated back to the 1970s and involved issues of fitness to plead and abuse of process due to delay.

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## Modern Slavery

Nick has extensive experience of defending in slavery and forced labour cases.

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## Notable modern slavery cases

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### R v C

Thought to be the first ever case involving allegations of slavery. Nick represented the head of a family said to be employing numerous vulnerable men and forcing them to work in his paving business.

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### R v C

A case involving a family forcing vulnerable men to work for them. Nick's client was acquitted whilst other defendants were convicted.

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### R v D



A vulnerable man was said to have been held and made to work by the defendants for 13 years whilst his family searched for him.

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## Qualifications

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- Direct Access Qualified

## Directory Quotes

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- “Hardworking, bright and an accomplished advocate.” **Legal 500 2020**
- “An advocate who never misses a point.” **Legal 500 2019**
- “He achieves brilliant results through his ability to spot points others have missed.” **Legal 500 2018**