



Briony Molyneux.

Year of call

Barrister • 2009

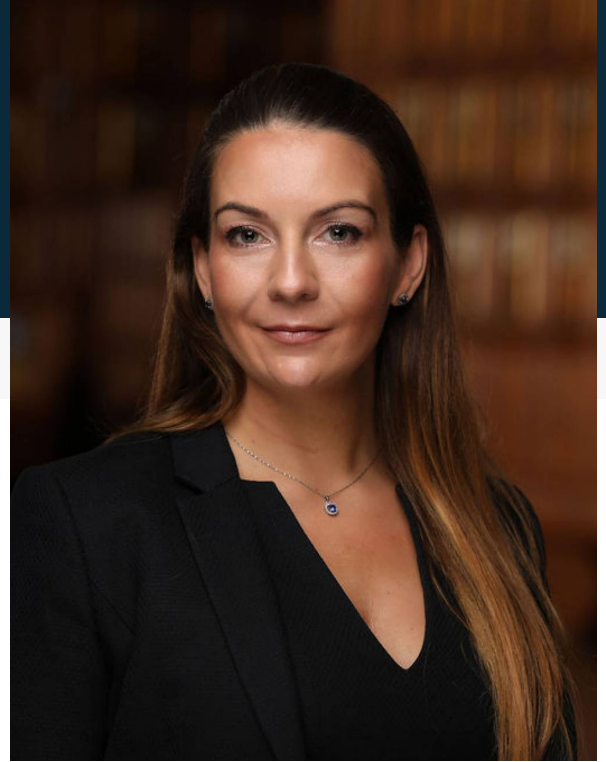
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Practice profile:

Well-known for being approachable and a personable character, she is able to establish a strong rapport with a wide range of lay clients. Her 9 years of criminal court advocacy have gained her experience in cases involving, violence, drugs, conspiracy and fraud.

Her practice includes 4 years working for periods for the Serious Fraud Office as disclosure counsel, a 6 month secondment to the Bank of England dealing with financial disclosure issues, and 5 years' experience of professional discipline proceedings. Furthermore, she has experience in front of several Regulatory bodies including appeals against TFL, SIA and other licensing bodies and is instructed by the HSE and CQC dealing with serious cases.

Briony is qualified to accept instructions from clients through the [Direct Access scheme](#).



Qualifications:

- LL.B, Sussex University
- BVC, College of Law
- Sir Thomas Moore Bursary, Lincoln's Inn (2009)
- 2nd Prize in Young Advocate of the Year, Criminal Bar Association (2012)

Professional memberships:

- Criminal Bar Association
- Cybercrime Practitioners Association Amicus
- Women in Criminal Law
- Association of Regulatory and Disciplinary Lawyers
- Health and Safety Lawyers Association

Serious crime:

Criminal

Predominantly Defence but also on the CPS list Level 1 as well as the SFO Disclosure Panel.

She is experienced in all types of cases ranging from violence and drugs to complex conspiracies and frauds. Able and versatile practitioner either alone or being led. She often described as a tenacious and effective advocate in the courtroom

Notable serious crime cases:

R v. Rogers & Others

Bristol Crown Court – Junior for the first Defendant in a complex 10 handed conspiracy to manufacture crystal meth in a trial that lasted 8 weeks. The case involved analysing nearly 400 hours of raw recordings data taken from covert devices that had been placed in the vehicles of some of the defendants.

R v Taylor

Chelmsford Crown Court. Junior led by QC representing one of two Defendants charged in this very violent murder and 3 accompanying s18 GBH charges. The issue was one of self-defence, the matters that complicated the case were a series of events between the parties that led up to the incident and the fact that the Defendant had taken weapons, including an axe, to the scene.

Defendant was unanimously acquitted of all charges.

R v Rahman & Others

Kingston Crown Court. Junior for 1st Defendant in 17 handed complicated immigration and documentation fraud. Involved huge volumes of material from computer and phone downloads, with Home Office investigation spanning several years and covering everything from alleged sham marriages, creating fraudulent documentation to falsely obtain entry Visas to Non-EU Nationals and the creation of fake colleges to provide a cover for Non-EU Nationals to come to the UK apparently under the guise of studying. Defendant found guilty of several charges and Prosecution appealed the sentence for being unduly lenient.

Financial crime:

Fraud

She undertook a secondment in-house at the Serious Fraud Office for 24 months as disclosure counsel working on two complex and ongoing investigations. Also experienced LPP Counsel.

She has acquired good working knowledge of all aspects of fraud work, including confiscation and money laundering and completed a secondment at the Bank of England.

Her experience also extends to dealing with freezing and forfeiture orders made by authorities such as the SFO and NCA.

Professional discipline and regulatory law:

She is instructed on a regular basis to deal with Registrant's regulatory proceedings at all levels including restoration applications, interim orders, substantive order reviews and substantive hearings.

She has appeared regularly in front of panels of the NMC, HCPC, GPhC, and ACCA.

She is confident and knowledgeable about the processes and current case law applicable often securing great results for her clients.

Following her successful application to join the list of 'Specialist Regulatory Advocates' early in 2019 she also now has experience prosecuting for the CQC and Health and Safety Executive in a variety of cases.

She has also developed a specialism in dealing with taxi licensing appeals in front of TFL or local Councils, and undertakes other licensing authority matters such as appeals against the SIA.

Notable professional discipline and regulatory law cases:

NMC v Worsley

Early review of a 12 month suspension order following a conviction for fraud at the Crown Court. Persuaded panel to that in the current Covid 19 crisis, the Public interest has now adjusted. As a result they overruled the long standing authority of Fleischmann and allow her back into practice well before the lapse of her criminal suspended sentence substituting the suspension for a caution.

NMC v Walker

This was a case against a health visitor who was facing over 50 charges relating to historic failures to keep proper records, conduct visits properly, and escalate concerns over vulnerable infants. On the first day of the hearing it was successfully argued that the failure to particularise the majority of the charges adequately meant that the case fell foul of her Article 6 right to 'having a fair trial' and that to continue would amount to an abuse. As a result, over 36 of the charges were stayed and the remaining charges went on to not amount to any current impairment.

NMC v. Awe & Others

Represented the registrant in a complex 8 handed case against agency nurses concerning serious charges of contributing to the death of a patient. This case involved analysis and consideration of detailed and specialist expert evidence. Culminated in establishing the Pathologist had given an incorrect cause of death therefore wrongly

implicating the Registrant. All charges found not proved.

HCPC v McMeechan

Case involving a highly specialised Physiotherapist, accused of a very large number of failings over the period of a few years. Charges involved failing to provide appointments that had been contracted, not obtaining correct equipment, failing to meet requirements for measuring and monitoring Service Users. Registrant was able to demonstrate failures were due to severe budget cuts and to the service and chronic underfunding, and panel found no impairment owing to the services being so impacted by the reduced funding.

CQC v Farrington Care Homes

Case involving attempts to close a nursing home that had a long and chequered history of non-compliance. Huge range of concerns involving safety to Residents, governance issues, staffing problems, and poor paperwork.

CQC v Baig

Case involving an Application under s.30 of the HSCA 2008 to urgently cancel the Registration of 3 GPs, who together, were the providers and Managers of a Medical Practice. Following whistleblowing reports, an investigation by CQC and NHS England found multiple unacceptable areas of practice, most seriously, including evidence that the GPs would regularly delegate telephone consultations to Reception staff, who were all untrained. The staff were allowed to diagnose and recommend treatment options, and ask the GPs to write the prescriptions they saw fit without the GPs ever speaking to the patients. The Application was successful and the Registration cancelled with immediate effect, thereby safeguarding the approximately 4,000 patients who used the Practice.

