



# Briony Molyneux.

Year of call Call:

Barrister • 2009

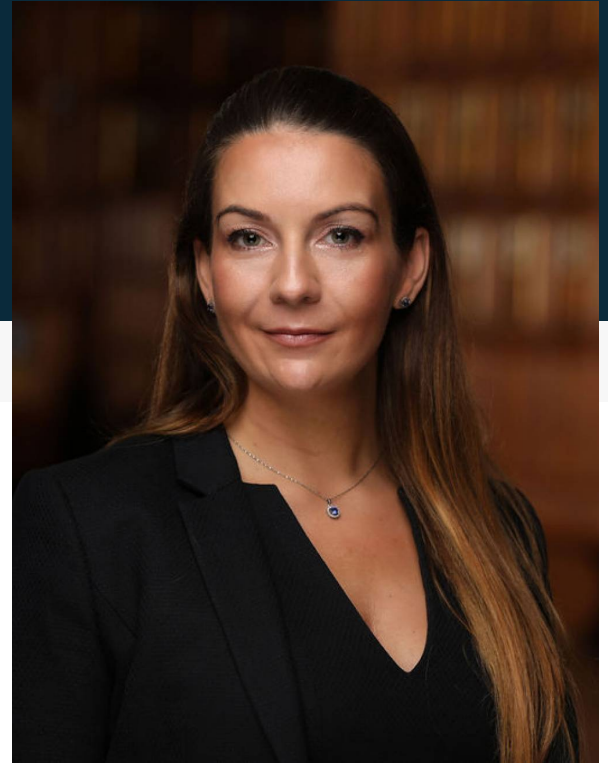
[clerks@crucible.law](mailto:clerks@crucible.law)

## 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 many years of criminal court advocacy have gained her experience in a multitude of cases involving sexual assaults, violence, drugs, conspiracy and fraud, as well as cases of human trafficking and historic abuse.

Her practice includes 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 7 years' experience of professional discipline, within which she has been instructed in proceedings before almost all of the Professional Discipline counsels, including the GMC, NMC, ACCA and HCPC to name a few. 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](#).



## Present and recent instructions:

- **R v S** – Case involving charges of false imprisonment, ABH, administering a noxious substance with intent, and kidnap following allegations made by 2 minor Complainants after an incident occurred at the Defendant's flat
- **R v S** - Conspiracy to commit s18 GBH, possession offensive weapons and dangerous driving – 4 handed case involving significant analysis of CCTV and forensic evidence following 2 stabbings that took place at an unofficial wake being held for another individual, victims said to have been those in attendance
- **R v C** -Historic sexual abuse between Step-Grandfather and Granddaughter concerning allegations over a number of

- years along with possession of indecent images and causing a child to be exposed to sexual activity
- **R v M** - Possession with intent to supply Class A drugs – Defence of Modern day slavery – significant expert evidence from array of Specialists such as Slavery, Psychiatry and Psychological experts
- **R v A** – Conspiracy to commit GBH s18 – 7 handed case involving a violent assault outside a mosque said to have been committed by several respected members of the religious community
- **R v W** – Alleged to have committed s18 GBH with intent, representing a Father (one son was Co-defendant) who had gone outside to defend his children and property from a machete wielding gang
- **R v CK** – Allegations of intermarital rape, controlling and co-ercive behaviour and ABH made by the ex-wife of Defendant following their marriage ending
- **R v U** – Case involving alleged trafficking offences concerning allegations the Defendant would encourage and bring young girls to be abused at pre-arranged parties by a number of males in attendance along with counts of sexual assault and rape

## Regulatory:

- **NMC v C** – allegations of serious inappropriate restraint and conduct towards highly vulnerable mentally ill Patient
- **SWE v T** – Allegations of accessing indecent material of illegal pornographic nature concerning underage victims
- **GPhC v P** – allegations of inappropriately and without permission or cause accessing the records of his ex-partner, their child and his ex-partner’s new boyfriend
- **NMC v E** – Allegations of acting outside of scope, dishonesty and poor practice in a wide ranging series of alleged mistakes involving multiple patients over significant period of time

# CQC:

- **CQC v B**– representing the CQC in an appeal lodged by the Appellant Home Owner and Registered Manager following the Regulator’s decision to close a residential nursing home. The decision was taken after extensive and wide-ranging breaches of standards following inspections were uncovered, with a failure to correct or mitigate such findings within a reasonable timeframe, and of such severity that residents were put at a highly significant risk of harm or injury

## 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

Briony almost exclusively Defends in serious criminal matters but is also approved Counsel on the SFO’s Disclosure

Panel.

Her vast experience at the Criminal bar has given her experience within the whole spectrum of criminal cases, ranging from Murder, Rape, and serious sexual assaults, to violence, drugs, and complex conspiracies and fraud cases.

She is frequently entrusted to deal with the most serious and sensitive matters, including those which have the potential to result in sentences up to and including life imprisonment being imposed.

She also has notable experience in Modern Day slavery cases and human trafficking exploitation – both of which are fast expanding areas of law, as well as experience in defending Clients in Encro-chat drug cases and historic abuse cases.

Furthermore, she is often instructed in serious multi-handed and long running cases and has extensive experience both working with, and successfully cross-examining experts in a wide variety of fields such as cell site, forensic, medical, and psychology.

Briony is a tenacious and effective advocate in the court room and prides herself on her rapport with both professional and lay clients and has strong working relationships with several leading criminal solicitor firms who regularly instruct her.

She has earned a reputation of striving fearlessly to Defend her clients even in the most difficult of circumstances and will always go the extra lengths needed to achieve the best possible outcome - be it spending time meticulously going through the case materials, consulting with Clients in conferences, or presenting legal arguments to the court where necessary.

## 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:

Briony 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 and has over 7 yrs. experience in this area of practice.

She has appeared regularly in front of panels of the NMC, HCPC, GPhC, and ACCA, SWE, GDC, and the GMC amongst others, so is both an able and flexible practitioner within any of the Regulatory arenas – crucially she possesses an understanding of the differences in procedure and practice that operate between the various bodies.

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

Briony is often instructed on complex and serious cases including numerous multi-handed cases where charges range from dealing with Health-related conditions such as Registrants suffering from addiction to other grave matters such as contributing to the death of patients in clinical settings. She is also able to draw upon her criminal practice considerably as there is often crossover between the two areas and an in-depth knowledge of both is a significant asset when advising and presenting cases for her Clients.

Following her successful application to join the list of 'Specialist Regulatory Advocates' Briony has garnered significant experience prosecuting for the CQC and Health and Safety Executive in a variety of cases. She has advised on CQC cases from the beginning of proceedings, often achieving settlement, but on contested appeals, has experience of representing Regulators in full appeal hearings, appearing before panels at the Administration Court on a number of occasions.

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.

