

## Ben Rich

"He works with impeccable attention to detail and engages in rigorous case preparation - well-prepared, dependable and responsive"  
Legal 500 UK 2021



Year of Call: 2010

020 7353 5324

Ben Rich is ranked in Legal 500 and Chambers and Partners as a leading junior in the field of Professional Discipline. He is described in Legal 500 as working with *"impeccable attention to detail"* and in Chambers and Partners as *"an advocate who is up for a fight, will not be intimidated by more senior counsel and delivers brilliant results"*.

In addition to Professional Discipline he practices in Inquests, Crime and Health and Safety. He appears in the Court of Appeal, High Court, Crown Court and a wide variety of tribunals including the MPTS, GDC, GOC and RICS.

Before being called to the Bar, Ben had a substantial career as a radio and television journalist at the BBC. He worked for six years as an editor on BBC2's Newsnight, and ended up as Deputy Editor of the Six and Ten O'clock News on BBC1.

Ben accepts **Direct Access** instructions.

## What Others Say:

"He works with impeccable attention to detail and engages in rigorous case preparation – well-prepared, dependable and responsive" – Legal 500 UK 2021

"The most organised barrister we work with: he makes life much easier for his instructing solicitors. He is an advocate who is up for a fight, will not be intimidated by more senior counsel and delivers brilliant results." – Chambers UK 2020

### Location

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“Operates in a very skilled manner and demonstrates a great deal of ability.” – Chambers UK 2018

“Professional and pragmatic, with thorough questioning of witnesses.” – Chambers UK 2018

## Business Crime & Financial Services

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Ben has experience of high-value, complex fraud and other white collar work. He recently represented a company director accused of 14 counts of fraud and unfair trading. He represented another sole trader and negotiated the basis of plea in a £1m motor vehicle fraud. He previously undertook 10 months' work on a major land-banking fraud being prosecuted by the Financial Conduct Authority.

### Notable Cases:

#### **R v Home & Motor Club Ltd & David Mellen**

Defendant director was acquitted of 14 charges of fraud and unfair trading after a submission of no case to answer.

#### **R v Paul Moyse [2015] EWCA Crim 231**

Negotiated a favourable basis of plea in this £1m car sales fraud. Then successfully appealed the sentence of ten years down to seven years in the Court of Appeal.

## Criminal Defence

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Ben is regularly instructed in cases including rape, s18 GBH with intent, robbery, blackmail, sexual assault, perverting the course of justice, violence, dishonesty, drugs and traffic violations. He has been junior counsel in two murders at the old Bailey. He represents people facing confiscation proceedings and restrictive orders (including Sexual Offences Prevention Orders and Football Banning Orders).

He undertakes judicial review of the decisions of Magistrates' Courts. He successfully represented a defendant whose case had been adjourned at the request of the prosecution (see below) and one who had been refused an adjournment to get expert evidence in a drink driving case [R (Hughes) v Macclesfield Magistrates' Court [2013] EWHC 3993 (Admin)].

### Notable Cases:

#### **R v DCL [2020]**

Defendant was accused of significant role in a 'county lines' drug operation running Class A drugs into Northampton. After challenges were mounted to the accuracy of the prosecution telephone evidence, the case was resolved with a plea to PWITS A for six wraps of heroin. The defendant received a suspended sentence.

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## **R v SO [2019]**

Represented a man in a six-handed shotgun murder in East London. As junior counsel conducted the successful legal arguments against admitting gang-related evidence, and cross-examined the telephone expert.

## **R v TE [2018]**

Junior counsel representing a 16-year-old involved in a group stabbing. Three co-defendants were convicted of murder; the Defendant was acquitted of murder and convicted of manslaughter. Conducted the bad character argument in court.

## **Isle of Wight Council v Platt [2017]**

Conducted the resumed prosecution, as ordered by the Supreme Court, of a father who had been acquitted of a school attendance offence after he took his daughter to Disneyland in term time. He was convicted.

## **R (Jenkins) v Hammersmith Magistrates' Court [2015] EWHC 3961 (Admin)**

A rare interlocutory Judicial Review which quashed the decision of the magistrates to grant the prosecution an adjournment, and directed the acquittal of the defendant on a charge of drink driving.

# Criminal Regulatory

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Ben is developing his practice in health and safety. In 2016-2017 Ben spent over a year instructed in a complex health and safety case involving two sets of charges for separate incidents. After obtaining a number of expert reports on fire and gas safety and making sustained representations one case was dropped entirely. The second was the subject of a guilty plea on a detailed basis after which the company, with a turnover of nearly £200 million, was fined in the tens of thousands.

He is currently instructed to represent a building development company who knowingly ripped out high risk asbestos from a building. He has also represented defendants in other regulatory matters like breaches of fair trading regulations and school attendance.

# Inquests & Public Inquiries

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Ben has a substantial inquest practice, mainly representing medical professionals. He has represented clients in jury inquests, and in Article 2 inquests.

## Notable Cases:

### **Inquest touching on the death of TC [2019]**

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TC was murdered in an immigration detention centre. An Article 2 jury inquest was held. Ben represented a nurse who had attended on TC, who was accused of having failed competently to undertake emergency medical treatment. After detailed cross-examination of the witness who accused this nurse, the Coroner, with the support of the family, decided that no question relating to the nurse would be left to the jury.

### **Inquest touching on the death of SK [2019]**

Ben represented an East of England Clinical Commissioning Group who were responsible for a package of care given to the deceased. Unknown to all the agencies dealing with her, she had stopped receiving any care and eventually died of sepsis. The inquest involved arguments particularly on the issue of causation, and whether there was sufficient link between the failure to ensure the care package was delivered, and the death.

### **Inquest touching on the death of HH [2020]**

HH had been prescribed a high dose of opiate medication by Dr N, a trainee GP, supervised by Dr W. HH had a flag on his medical records stating that he had a record of substance abuse. He died of opioid toxicity. Ben represented both doctors and neither was subject to significant criticism.

### **Inquest touching on the death of EP [2020]**

Ben represented a large Care Home provider who ran the Home where EP was living. She had multiple falls leading finally to a fracture which proved fatal. After the death, EP's records were altered record that more action had been taken on the falls than in fact had been, and photographs were manipulated to suggest that injuries had been properly recorded. The manager had been sacked. The conclusions of the inquest did not criticize the company for the way it supervised the running of the Home, nor for not knowing that the neglect and falsification had occurred.

## Professional Discipline

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Ben Rich is ranked as a leading junior in the field by both Legal 500 and Chambers and Partners.

He defends doctors at the MPTS, and other healthcare professionals before their regulators. Recent cases include securing a 9-month suspension for a doctor found to have had a sexually-motivated communication with a 13-year-old. Ben successfully defended this outcome in the High Court against a GMC appeal [[GMC v Awan](#) [2020] EWHC 1553 (Admin)].

Other cases have included charges of clinical incompetence (one amounting to 48 allegations), sexual assault of a patient, dishonesty and falsifying medical records. He has appeared in the General Dental Council both for and against registrants, and the Nursing and Midwifery Council. He presents cases for the General Optical Council, the Royal Institution of Chartered Surveyors and acts for the Association of Certified and Chartered Accountants.

Ben has advised on judicial review for healthcare professionals, and has conducted a number of (non-medical) judicial reviews in the High Court.

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## Notable Cases:

### **GMC v Dr Awan [MPTS and GMC v Awan [2020] EWHC 1553 (Admin)]**

This case involved a doctor who, against his denials, was found to have had sexually-motivated conversations with someone he believed to be 13 years old (in fact a police officer). The GMC appealed a 9-month suspension but it was upheld. The case is important for stating that a registrant should not face increased sanction simply for putting up a defence to the facts, however lacking in credibility that defence may be.

### **GMC v Dr K**

Represented a doctor who assaulted his wife on two occasions. She did not make a witness statement to the MPTS, but he had already admitted the assaults.

### **GOC v KD**

Presented the case involving around 50 allegations of clinical incompetence and poor practice. It included failures to understand and undertake properly basic clinical procedures and failures of record keeping.

### **NMC v DW**

Ben represented the nurse accused of falsifying the temperature of a colleague who was later hospitalised with the Ebola virus. She received a two-month suspension.

## Public Prosecution

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Ben is developing his criminal prosecuting practice. He represented the Crown in a trial of violent disorder and theft after the 2011 riots. He is currently instructed by the CPS in a number of Crown Court trials.

## Accreditations

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## Appointments & Memberships

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- Association of Regulatory & Disciplinary Lawyers
- Criminal Bar Association
- Health and Safety Lawyers Association

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