

Lewis MacDonald

"Easy to work with, well-prepared and a good advocate, he is a very talented and hardworking junior barrister."
Legal 500 UK 2021



Year of Call: 2014

020 7353 5324

Lewis is ranked as a 'Rising Star' and Tier 1 in Professional Discipline in Legal 500 UK 2021. He specialises in criminal, regulatory, professional discipline, inquests and inquiries, and tax. He has quickly developed a reputation as a very bright junior with a calm court room manner. He is frequently instructed in document heavy cases raising complex issues of fact and law.

In the criminal sphere, Lewis acts for the prosecution and defence across the spectrum of serious criminal offences, from violence and terrorism to large scale fraud. He has conduct of a number of cases before the appellate courts. Lewis is known as a go-to junior for private prosecutions, and has been instructed in a number of significant fraud cases.

In regulatory cases, Lewis has extensive experience appearing before a number of regulators, often in complex or high profile cases. He most commonly acts for solicitors, sports, and medical professionals. He has acted in complex Article 6 inquests and both statutory and non-statutory Inquiries.

Lewis acts in a number of MTIC fraud appeals before the tax tribunal, where he has further honed his ability to marshal detailed evidence and sometimes opaque case law to his client's advantage.

Lewis accepts **Direct Access** instructions.

What Others Say:

RISING STAR Legal 500 UK 2021

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Location

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Business Crime & Financial Services

Lewis has been involved in a number of cases involving large scale financial investigations representing individuals or companies. He is currently instructed as junior prosecution counsel for an international corporation in a private prosecution for a multi-million-pound counterfeiting fraud across a number of jurisdictions. He was instructed as one of a number of disclosure juniors in *R v Scourfield, Mills and others*, the high-profile HBOS fraud. He has acted as disclosure counsel in a private prosecution for fraud committed across multiple jurisdictions in the UK and Middle East, and a private prosecution regarding a casino ‘loan to own’ scheme.

Lewis has particular experience and interest in advising legal and other professionals on their money laundering due diligence obligations arising under the Proceeds of Crime Act 2002 and the Money Laundering Regulations 2007. He is able to advise individuals and businesses on their obligations in relation to money laundering, bribery, and customer due diligence. He has advised and acted for individuals and companies facing both criminal and regulatory proceedings.

In the civil sphere, Lewis has expertise in cases where sanctions have been imposed by the UK government. He assisted for a number of years as part of the team for HM Treasury in *Bank Mellat v HM Treasury*, an extremely high value claim arising out of the Iran nuclear sanctions regime which has been in the higher courts a number of times, including the Supreme Court.

Lewis has also regularly advised in civil proceedings arising out of criminal and regulatory cases. He gave long running and extensive advice in a civil fraud raising a number of issues with regard to use of material obtained in criminal proceedings, which eventually resulted in the client successfully extricating themselves from the civil case. He has often advised commercial clients faced with witness summons for the disclosure of sensitive information, especially in criminal proceedings.

Criminal Defence

Lewis is experienced defending in the Crown Court in cases of serious violence, sexual offences, fraud and property offences, and supplying prohibited drugs. His recent cases acting alone include a double knife-point robbery, a six-figure fraud by abuse of position, and a large-scale drug conspiracy. He is often instructed as junior counsel in frauds requiring a keen analysis of the law and evidence. He successfully defended in what is thought to be the first prosecution under the Psychoactive Substances Act 2016, at the Central Criminal Court. He also has extensive experience acting privately in the Magistrates’ Courts.

Lewis is also experienced advising on and conducting appeals to the Crown Court, Divisional Court, and Court of Appeal.

Lewis has also acted in extradition cases and is familiar with the Extradition Act 2003 and the associated case law.

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Notable Cases:

R v A

19-year-old with no previous convictions accused of knife-point robberies on successive nights. CCTV evidence, evidence from both complainants, and defendant arrested at scene in possession of a knife. Acquitted of all charges after a full trial.

R v B

Represented client accused of possession of kilogram quantities of cannabis, in case with over 10,000 pages of evidence. Lewis' cross-examination of officers involved in the police search exposed irregularities which resulted in key evidence against Lewis' client being excluded.

R v C

Teenager accused of joint enterprise stabbing acquitted of principle offence after full trial, received non-custodial sentence for lesser offence.

R v D

Successful application to dismiss in case involving child sex offences against 2-year-old arising out of client's own admissions to police and social services. Successful application led to prosecution offering no evidence on remaining charges.

R v E

Defended client at the Central Criminal Court who pleaded guilty to multiple counts of fraud against very elderly victims, a case that was reported in the mainstream London media. Representations resulted in sentence on lower category in the guidelines than that suggested by the prosecution.

R v F

Led junior representing client who was alleged to have defrauded the Metropolitan Police of 6-figure-sum whilst employed by them.

R v G

Represented defendant accused of fraud by abuse of position by taking money as executor of his sister's will, whilst carer for her children.

R v H

Acted privately in Proceeds of Crime Act proceedings where the prosecution originally assessed benefit and available amount as over £1 million. Negotiated outcome for under £200,000.

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Criminal Regulatory

Lewis has acted on his own and assisted a number of members of chambers in criminal regulatory matters. He has experience of cases involving corporate manslaughter, and breaches of the Health and Safety at Work Act 1974 and associated regulations. He has acted multiple times for a national supermarket chain in food safety proceedings.

Lewis also has experience in quasi-criminal and public law matters, having represented the Secretary of State for Transport in a number of appeals against new powers exercised under the Immigration Act 2014. He obtained a full written judgment in the clients' favour on a novel point of law concerning the application of an exceptional hardship argument to the revocation of an overstayers' driving licence.

Inquests & Public Inquiries

Lewis is regularly instructed to act for Interested Parties in Inquests, particularly in medical cases. He is experienced in the Regulatory sphere of advising on evidence arising out of Inquests, and has successfully conducted cases involving complex medical evidence and multiple expert witnesses.

He was instructed for a medical professional in an Inquest where a mentally ill patient murdered a member of the public. The case attracted widespread national media coverage involving criticism of the police and NHS.

He was recently privately instructed to represent a nurse who's conduct had been found to amount to neglect causing death by a Coroner. In the regulatory proceedings, Lewis was able to expose the flaws in the expert evidence accepted by the Coroner, resulting in the panel finding there was no case to answer against his client.

Lewis has been involved in statutory and non-statutory Inquiries, and has been instructed both for the Inquiry and for interested parties.

He was appointed Assistant to the Inquiry into child safeguarding in St Helena. He worked with Sasha Wass QC and team of safeguarding experts, visiting the British Overseas Territory of St Helena and investigating allegations of widespread sexual abuse of children and safeguarding failings. He assisted in all aspects of the process including interviewing and contact with witnesses, legal research, reviewing documents, and drafting of the Inquiry's report to the Foreign Secretary. As a result he gained valuable experience in dealing with vulnerable witnesses, the law relating to Maxwellisation, Data Protection and British Overseas Territories.

Lewis was also instructed as part of the Home Office team of counsel for the Grenfell Tower Inquiry.

Public Prosecution

Lewis is a Grade 3 Prosecutor. He has acted in a variety of serious cases both alone and as a led junior. He was recently led in the prosecution of 6 defendants for a six-figure fraud against a large number of vulnerable victims, and in a terrorism trial at the Central Criminal Court. He has acted alone in cases of aggravated burglary, serious

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violence, and fraud.

Lewis has acted for the prosecutor in a number of complex private prosecutions. He has acted for a number of prosecutors other than the CPS, including HMRC, the Office for Immigration Services Commissioner, the Secretary of State for Transport, and Royal Mail.

Professional Discipline

Lewis appears before a number of regulatory bodies, most often in the legal, medical and sports law context. He appears before the Solicitors Regulation Authority, Medical Practitioners Tribunal Service (GMC), General Dental Council, Nursing & Midwifery Council, and the British Horseracing Authority, most often acting for the regulated professional, although he also has experience acting for the regulator. He has acted in a number of cases involving complex expert medical evidence regarding the causation of patient deaths, and in cases involving allegations of dishonesty and sexual misconduct against patients.

Lewis also represents medical professionals charged with criminal offences. He recently secured the acquittal of a foreign national carer accused of theft, where counter allegations of sexual misconduct were made by his client. He has advised and acted for medical professionals pre-charge, including making representations on pre-charge bail.

Notable Cases:

Lewis is currently instructed as junior counsel for one of the Respondents in the SRA proceedings against Baker McKenzie for sexual harassment by their Managing Partner in 2012, and the Firm's Response to it. The hearing lasted 5 weeks, the resumption of which was undertaken by video-link during the Covid-19 pandemic. All Respondents deny professional misconduct. Lewis is acting in a number of current SRA cases, and has experience advising both before and after charges have been brought.

Lewis acted for a nurse who's conduct had been found at the Inquest to have amounted to neglect and caused death. In the regulatory proceedings, Lewis' cross-examination of expert witnesses revealed flaws in the evidence accepted by the Coroner, resulting in the panel finding no case to answer against his client.

Lewis acted for the NMC in NMC v Carrie-Anne Nash, a case involving two expert witnesses arising out of the death of a 10-year old child. Ms Nash had previously been prosecuted and acquitted for manslaughter, but was struck off the register in the NMC proceedings. Both the criminal and regulatory proceedings received widespread coverage in the mainstream national media.

Private Prosecution

Lewis has conducted private prosecutions for companies and individuals, both acting alone and in a larger team of counsel, and is a highly-regarded junior in this area. He has acted in cases from start to finish, both in the

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Magistrates' and Crown Court, and is well placed to advise on prospects, the investigatory process, the drafting and issuing of summons, disclosure, and costs. He has acted in a number of cases involving evidence from multiple jurisdictions.

He is currently instructed as junior counsel for a well-known fashion company in a private prosecution for a multi-million-pound counterfeiting fraud across a number of jurisdictions, prosecuting foreign national defendants.

He was instructed as disclosure counsel in the private prosecution of a large-scale fraud across multiple jurisdictions including the UK and Middle East, and in a prosecution involving a casino 'loan-to-own' fraud.

Lewis has successfully resisted abuse of process arguments and applications to dismiss, and has experience drafting representations to the Director of Public Prosecutions on whether to take over a private prosecution.

Lewis regularly acts in private prosecutions for quangos and quasi-public bodies. He is often instructed by Royal Mail in prosecutions which attract press interest. He has also acted for the Office of Immigration Services Commissioner.

Tax

Lewis acts for HMRC both as a led junior and alone in civil proceedings under the Proceeds of Crime Act 2002 and in tax appeals in the First-Tier Tax Tribunal. He is currently instructed in a number of cases involving large scale Missing Trader Intra-Community (MTIC) frauds.

Lewis has acted for individuals accused of tax irregularities before their regulator, and before the criminal courts. He has particular experience and knowledge of the issues arising from parallel HMRC and criminal or regulatory investigations.

Licensing

Lewis is increasingly instructed in licensing cases, chiefly across the vehicles, gaming and food industries. He has acted for the appellant driver in TFL licensing appeals, has repeatedly been instructed for a national supermarket chain in food safety proceedings, and has expertise in the Gambling Act 2005 and regulatory action by the Gambling Commission. Lewis assisted the legal team for the corporate defendant in the first civil case brought under modern slavery legislation in the High Court.

Accreditations

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Appointments & Memberships

- 2020: Appointed to SFO Panel B
- CPS Advocate Panel Level 3
- Criminal Bar Association
- Young Fraud Lawyers Association
- Association of Regulatory & Disciplinary Lawyers
- Health & Safety Lawyers Association
- Private Prosecutor's Association

Education & Qualifications

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- BA Hons in Law, Queens College, Cambridge
 - Droop & Levitt Scholarships, Lincolns' Inn
 - BPTC (Outstanding), Nottingham Law School
 - Taylor Prize for Best Overall Student, Nottingham Law School

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