



New Park Court

Adam Birkby

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Adam Birkby

Year of call 2006

For enquiries please call +44 (0)113 243 3277 or email

Adam Birkby is a highly respected specialist in criminal, regulatory and disciplinary law. Whether being led by the pre-eminent silks on circuit, acting alone or latterly, as a leading junior, Adam is regularly instructed in some of the most serious and complex cases in the criminal calendar. Adam is a CPS Level 4 prosecutor and is approved to prosecute rapes and other serious sexual offences. Having been appointed to the list of Specialist Regulatory Advocates, Adam regularly prosecutes and defends in cases involving health and safety, environmental and trading standards law. Adam has built on this success to forge his disciplinary practice, representing police officers in misconduct proceedings and inquests and representing the General Medical Council in fitness to practise proceedings.

Adam is qualified to accept instructions directly from members of the public under the [Bar Council Public Access](#) scheme. He is particularly interested in direct access work relating to crime, public inquiries, professional discipline and inquests.

Crime

Adam has significant experience in prosecuting and defending:

- Homicide.
- Serious violence.
- Serious sexual offences including rape, historic child abuse, and possession of indecent images.
- Drugs offences including conspiracy to import and supply Class A.

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- Firearms offences.
- Offences involving large-scale public disorder.
- Dishonesty offences including aggravated burglary and conspiracy to commit armed robbery.
- Fraud including mortgage fraud, benefit fraud, money laundering, infringement of trademarks and the evasion of duty.
- Offences against public justice.
- Confiscation proceedings.
- Motoring law including death by dangerous driving.

In addition, he advises local authorities, prosecuting agencies and limited companies on a wide range of criminal law issues including the Regulation of Investigatory Powers Act 2000, public interest immunity, hearsay and bad character.

Adam regularly appears before the Court of Appeal.

He also delivers training to fellow practitioners on recent changes in case law and legislation, bad character and hearsay.

Regulatory

In addition to general crime, Adam prosecutes and defends in regulatory cases involving health and safety enforcement, environmental health, food standards, gangmasters legislation, and trading standards. He is appointed to the List of Specialist Regulatory Advocates.

- Prosecutes and defends in cases brought by DEFRA, the Food Standards Agency, the Gangmasters Licensing Authority, the Health and Safety Executive, the Environment Agency, Trading Standards and several local authorities.
- Advises and represents defendants and local authorities in relation to anti-social behaviour orders/injunctions, non-molestation orders and committals to prison.
- Advises and represents limited companies and company directors in public inquiries before the Traffic Commissioner in respect of breaches of the Goods Vehicles (Licensing of Operators) Act 1995.

Coronial & Public Law

Represents police officers, companies, health authorities, insurers, local authorities and families of the deceased in inquests concerning deaths in custody and through the use of force by police officers, road traffic accidents, drownings and corporate manslaughter.

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Experience of drafting grounds for judicial review and has appeared in the High Court to challenge coronial decisions.

Thorough knowledge of inquest procedure and coronial law and of the Administrative Court procedure and public law relating to inquests.

Relevant Experience

- Represented a custody sergeant in relation to the death of a vulnerable woman in custody. Required a thorough knowledge of the policies and procedures applicable to the custody suite.
- Represented a police constable in relation to the death of a suspect that he had arrested and used physical force in order to detain.
- Represented a builder who permitted a sub-contractor to carry out tasks at height without any training or safety equipment. Required a through knowledge of the Corporate Manslaughter and Corporate Homicide Act 2007.

Public Law

Advises and represents claimants in judicial review proceedings arising from inquests, actions against the police and prison law.

Represents claimants in actions against the police for assault, false imprisonment and wrongful arrest.

Prison Law

Advises and represents prisoners in adjudication hearings, parole board hearings (including "lifer" hearings and recalls on licence), claims for false imprisonment and personal injury.

Advises and represents Probation Services and prison authorities in claims for false imprisonment and negligence.

Professional Discipline

Adam appears on behalf of the General Medical Council in fitness to practise, review and restoration hearings before the Medical Practitioner's Tribunal Service.

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He regularly appears before the Medical Practitioners' Tribunal Service on behalf of the General Medical Council for review hearings, fitness to practise hearings and restoration hearings.

Representative Cases

- *GMC v Dr A*
Fitness to Practise review where charges were based upon Doctor's misconduct.
- *GMC v Dr L*
Fitness to Practise review resulting in the Doctor's erasure from the register.
- *GMC v Dr R*
Fitness to Practise proceedings relating to Doctor's inappropriate relationship with vulnerable patient.
- *GMC v Dr I*
Fitness to Practise proceedings regarding probity concerns surrounding Doctor's conduct.

Police Discipline

Adam is regularly instructed to represent police officers facing disciplinary allegations before misconduct hearings.

He has extensive experience in representing police officers in Misconduct Hearings, Police Appeals Tribunal Hearings, Criminal Proceedings, Inquests and applications for Judicial Review.

Adam also represents police officers facing disciplinary allegations of sexual assaults, corruption, dishonesty, including theft and providing false statements, improper use of force, harassment, neglect of duty, including in the context of related deaths in custody, and misuse of PNC and other confidential information held on police systems.

Representative Cases

- *PC G & T*
Represented PC G and T in relation to gross misconduct allegations of duties and responsibilities, authority, respect and courtesy, and discreditable conduct. Officers alleged to have failed to obtain information about a detainee's health and medication and then ridiculed him as he lay unconscious in a cell. The detainee later died in custody.
- *PC B*
Represented PC B in relation to gross misconduct allegations of honesty and integrity, confidentiality,

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duties and responsibilities and discreditable conduct. Officer alleged to have tricked a colleague into obtaining information about an ongoing criminal investigation.

- *PC G*

Represented PC G in relation to gross misconduct allegations of honesty and integrity and challenging and reporting improper conduct. Officer alleged to have assisted in covering up for a colleague who assaulted a member of the public.

- *PC S*

Represented PC S in relation to gross misconduct allegations of honesty and integrity, duties and responsibilities and discreditable conduct. Officer alleged to have used his position to form sexual relationships with two women, one of whom lied in a witness statement upon his instruction.

- *Inspector W*

Represented Inspector W in relation to gross misconduct allegations of honesty and integrity and duties and responsibilities. Officer alleged to have taken unauthorised leave and then manipulated the global rostering system in order to conceal the absences.

What the directories say

"He has very good judgement."

Chambers and Partners 2021 (Crime)

'An outstanding advocate with a softly spoken, calming manner when managing clients', (Crime) 'Specialises in health and safety and professional disciplinary work'.(Business Crime and Regulatory).

Legal 500 2021

"He is well respected by the judges and has a good manner in court." "He is very dogged and determined."

Chambers & Partners 2020 (Crime)

"Recommended for cases involving young defendants."

Legal 500 2019 (Crime)

"Specialises in health and safety and professional disciplinary work."

Legal 500 2019 (Regulatory, Health & Safety and Licensing)

'His practice encompasses the full range of serious criminal matters. He is regularly instructed in heavyweight

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crime such as homicide, drugs and sexual offences. He also boasts significant experience in dealing with young clients and defendants with mental health issues.' 'He is a very good advocate and is really impressive.'
Chambers & Partners 2019 (Crime)

'He has expertise in representing defendants with mental health issues.'
Legal 500 2018 (Crime)

"His approach is spot on. He's very quick to isolate the point that needs to be argued and he is very persuasive. I've been bowled over by his mature attitude to his work."
Chambers & Partners 2018

"Recent cases include multi-handed drugs conspiracies, homicide and sexual offences."
Legal 500 2017

"Handles clients very well; he has a deft touch with both difficult and vulnerable individuals and an exceptional ability to put them at ease."
Chambers & Partners 2017

"He is intellectually astute and has an excellent forensic approach to cases."
Legal 500 2016

Appointments & Memberships

CPS Level 4 Prosecutor

CPS Panel for Rape and Serious Sexual Offences

Specialist Regulatory Advocate in Health & Safety and Environmental Law (List B)

Winner of the Campbell Foster Prize (2006)

Queen Mother's Scholar of the Middle Temple (2005)

BVC, Nottingham Law School

CPE, City University

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MSt, University of Cambridge

BA (Hons), King's College, University of London

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