



New Park Court

Danielle Gilmour

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Year of call 2017

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

Joined New Park Court in 2018 after successfully completing pupillage under the supervision of Chloe Fairley. Danielle accepts instructions in a range of crime and civil work, and is developing a strong regulatory practice.

Prior to coming to the Bar, Danielle was the Clerk to a Judge in the Queen's Bench Division dealing with cases involving complex clinical negligence, personal injury, breach of contract, administrative law, regulatory appeals (involving the SRA, GMC and NMC) and serious crime around the country.

Crime

Danielle is approved as a Grade 2 Advocate for the Crown Prosecution Service and regularly prosecutes trials and sentences in the Crown Court dealing with cases involving offences against the person, weapons, dishonesty, public order and controlling and coercive behaviour.

Danielle also appears for defendants in both the magistrates and Crown Courts; dealing with cases at the beginning during first appearances, trials and being instructed for sentencing hearings. She has experience in handling vulnerable witnesses and defendants, including acting successfully for the defence of a vulnerable adult in a theft case involving issues of capacity, expert psychology evidence and a ground rules hearing.

Danielle has experience of handling vulnerable witnesses and sensitive issues in domestic violence cases and those involving coercive control.

She acts for both sides in road traffic offences, including dangerous driving matters, and regularly and

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successfully appears in cases involving exceptional hardship and special reasons arguments.

Danielle is regularly instructed to prosecute on behalf of the Home Office and the Probation Service.

Representative Cases

- *R v Hill*

Prosecution of a defendant for the burglary of a farmhouse in which several firearms were stolen. The case involved a second, unknown offender; issues of identification, and expert evidence including DNA and fingerprints.

- *R v Murphy and Karacan*

Prosecution of two defendants for public order offences during which a man was attacked with a bottle.

- *R v Shaw*

Instructed to prosecute a defendant for a string of HANOI burglaries in the Sheffield area. The case involved over £225,000.00 worth of stolen property as well as vehicle theft and violent confrontations with occupiers. The Defendant elected to plead guilty before the start of trial to counts negotiated on his behalf.

- *R v Bagoutie*

Successfully defended a man charged with battery in a domestic context where the complainant had alleged that he beat her, split her lip and strangled her and then breached bail conditions by contacting her. The Defendant argued that he was acting in self-defence throughout after the complainant attacked him. Following careful analysis of telephone, social media and unused material evidence, successfully broke the Complainant's account in cross-examination and the Defendant was acquitted.

- *R v Kearsley*

Prosecuted sentence of Defendant guilty of controlling and coercive behaviour and actual bodily harm against previous girlfriends where they had suffered burns and several injuries were sustained after being attacked with a drill.

- *R v Wade*

Prosecuted sentence of Defendant guilty of causing grievous bodily harm and controlling and coercive behaviour, breaching a restraining order and an offence under the malicious communications act. Following an assault which lasted several hours and ended with the Complainant being pushed into the canal at night, the Defendant was found dangerous and sentenced to 6 years' custody, and a 2 year extended sentence period.

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Coronial/Regulatory

Danielle spent time observing Chloe Fairley representing the GMC in fitness to practise hearings and assisted in the preparation of regulatory advice.

Danielle is developing her coronial and regulatory experience and practice: she has been instructed to act on behalf of the interested party at inquest; and she has undertaken a secondment with the Care Quality Commission to advise on criminal and civil enforcement matters.

Danielle is regularly asked to advise on a range of issues for the CQC in cases which often involve complex factual and legal issues prior to enforcement action being taken, and in relation to complex company/provider structures ahead of sentencing matters.

She is currently instructed in a matter involving limitation arguments and interpretation of s90 Health and Social Care Act 2008 (not yet considered by the Divisional Court) and has been instructed multiple times to assist with advice on enforcement action against online and web-based medical services and regulated activities both within the UK and in international jurisdictions.

Danielle has also been instructed as led junior in a prosecution brought by the CQC.

Representative Cases

- *CQC v Hillgreen*

Danielle was led by Paul Greaney QC in the successful prosecution of a care home for failure to provide safe care and treatment and failure to protect a service user from serious sexual abuse. Working closely with PGQC, she was extensively involved and responsible for disclosure and case management aspects before trial and present throughout trial.

- *CQC v Parkside Residential Home*

Appeared on behalf of the CQC at the sentencing of a residential home following guilty pleas to regulatory offences after the death of a service user.

- *CQC v Thames Allergy*

Instructed by regulatory solicitors on behalf of the CQC in a successful application under section 30 Health and Social Care Act 2008, urgent procedure for cancellation of a provider's registration. The application involved live evidence from expert witnesses and inspectors. The decision was then the subject of an appeal heard over 5 days but was ultimately upheld.

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Civil

Danielle acts on behalf of claimant and defendant in small claims trials in personal injury, road traffic issues and employer's liability cases. She appears in Fast Track Trials, Small Claims and regularly conducts Stage 3 hearings.

Danielle has also acted in breach of contract matters and successful preliminary applications for strike out, summary and default judgment.

Regularly instructed to advise on quantum for Part 8 proceedings for infants and protected parties.

Public Law

Building on her experience in administrative law; Danielle accepts instructions in judicial review and advising on the merits of appeals, and has also been instructed to advise on matters involving statutory interpretation in international jurisdictions.

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