

## David Whittaker QC

"He is incredibly well respected. His strengths are that you have complete confidence in his ability to handle a case. His knowledge of the law, analytical skills, client care and advocacy skills are yet to be rivalled by any other barrister I have worked with."

Legal 500 UK 2021



Year of Call: 1986    QC: 2019

020 7353 5324

David Whittaker QC has for many years been acknowledged as a leading advocate in the fields of crime, fraud and regulatory matters and he is consistently ranked in the legal directories.

He is a practitioner of experience and distinction who regularly appears in demanding, complex and high-profile cases. His practice is wide-ranging. He is equally as comfortable advising companies being investigated for serious crime or regulatory matters and professionals or other hard-working individuals accused of crime that will tarnish their reputations or ruin their lives. No matter who he represents, he prepares his cases meticulously, formulates a strategy from the outset and, above all, has excellent client-care skills.

He has been described as “conscientious and hard-working”, “personable” and “charming with clients.”

David’s current instructions include individuals charged with fraud and other serious criminal matters; companies charged under Health & Safety legislation; two private prosecutions; and, he is representing the project designer for the cladding sub-contractor in the Grenfell Tower Inquiry.

David delivers training in relation to criminal and regulatory matters and has recently written the UK fraud chapter for a City solicitor’s firm.

David accepts **Direct Access** instructions.

David was shortlisted for the Crime Junior of the Year in the Chambers UK Bar Awards 2018.

## What others say:

### Location

2 Hare Court  
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“A great trial advocate. He’s unflappable and always gets good results.” and “He is very analytical, gets straight to the point, is a tough advocate and is very client-friendly.” – Chambers UK 2021

“He is incredibly well respected. His strengths are that you have complete confidence in his ability to handle a case. His knowledge of the law, analytical skills, client care and advocacy skills are yet to be rivalled by any other barrister I have worked with.” – Legal 500 2021

“David is a superb advocate whose case preparation and tactical acumen is first rate. He is equally comfortable undertaking serious fraud as he is other serious crime. Greatly admired by the Bar, Solicitors and clients” – Legal 500 2021

“His strengths are his incredible knowledge of law, analytical skills, client care and presentational skills in court. His all round performance is outstanding.” and “He’s utterly charming, has a delightful manner with the jury and is forensically very strong.” – Chambers UK 2020

“Much admired by judges and his peers, he is an excellent jury advocate.” – Legal 500 2020

“Highly experienced in financial crime cases.” – Legal 500 2020

“Top notch; he’s on the ball and he gets the case home.” – Chambers UK 2020

“Simply the most capable advocate around.” – Legal 500 219

“At the top of his game and really well prepared.” – Chambers UK 2018

“A brilliant and assured junior who deals with a number of complex general criminal matters.” – Chambers UK 2018

“His solid personality gives clients a real confidence in his advice.” – Legal 500 2017

“He is extremely competent in every way.” – Chambers UK 2017

“One of the Bar’s outstanding criminal juniors. He is extremely hard-working, meticulous, and someone who has both good judgement and great presence in court.” – Chambers UK 2017

“An advocate for all seasons who is equally happy handling Court of Appeal cases as jury trials. He is extremely competent in every way.” – Chambers UK 2016

“He is sensible and has a very nice style in court – a very experienced advocate who is like a silk.” – Chambers UK 2016

“He has been consistently excellent over a number of years.” – Chambers UK 2015

## Business Crime & Financial Services

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Significant and complex fraud cases have always formed a substantial part of David’s practice. He has extensive

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experience of most forms of white-collar work and is often instructed to defend in SFO and FCA prosecutions.

He also has experience of ancillary proceedings, including asset forfeiture, restraint and confiscation and he regularly represents professional people and companies being investigated and accused of financial crime.

## Cases

### **PD v NB & HB**

Instructed as the private prosecutor in the prosecution of two defendants for fraud of £16.5 million. Obtained a restraint order ex parte against one of the defendants who lives overseas and successfully resisted an inter partes application to discharge that order.

### **R v Nickson**

Represented a leading clinical negligence solicitor with fraud on two of his clients who had suffered life-changing injuries following treatment by the NHS.

### **Operation Dorothy**

Represented a Swedish businessman charged with fraud of \$4 million.

### **Operation Tabernula**

Leading junior representing a well-known London trader on a charge of insider dealing, having allegedly conspired with an employee of Deutsche Bank.

### **Operation Cotton**

Leading junior representing defendant on a charge of conspiracy to defraud in respect of the largest land banking scheme brought by the FSA.

### **R v West & Others**

Leading junior representing a company director charged by the SFO with fraud by misrepresentation, fraudulent trading, furnishing false information and 3 counts of bribery.

### **R v NG & Others**

Leading junior representing the chief engineer in a telecommunications company charged with conspiracy to defraud.

### **Operation Kyrenia**

Represented a clinical perfusionist charged with conspiracy to defraud the Basildon and Thurrock University NHS Foundation Trust by failing to deliver his contracted hours in order that he could maximise his income from private practice.

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## **R v Murray & Others**

Leading junior representing a company director charged with conspiracy to defraud in respect of a multi-million pound MTIC fraud.

## **R v Yorkshire**

Leading junior in a high yield investment fraud where three losers were seduced into parting with, respectively, \$1 million, 10 million Euro and £11.9 million.

# Criminal Defence

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David continues to be instructed in cases of serious crime. He is often instructed privately by high-profile individuals and professionals in a variety of cases, including sexual assaults, coercive and controlling behaviour, death by dangerous driving and other motoring cases.

## Recent Cases

### **R v A**

Successfully represented a 16 year-old youth charged with attempted murder and robbery.

### **R v Green**

Secured acquittals over 3 trials for G, who was charged with money laundering through bureaux de change, and G's wife who was charged with mortgage fraud and money laundering.

### **R v E**

On an indictment charging attempted rape and sexual assault the jury convicted this Cambridge student of the sexual assault on another Cambridge student.

### **R v PV**

Successfully represented PV who was charged with death by dangerous driving even though he had no recollection of the collision. Expert defence witnesses were instructed from the UK and USA to give their opinion on the phenomenon of "looming".

### **R v Harris**

Successfully represented partner of TOWIE star charged with large-scale drug dealing, both cocaine and heroin. Harris was alleged to be the ringleader of a large-scale drug operation that was making weekly profits in the hundreds of thousands of pounds.

### **R v M**

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Successfully represented hedge-fund manager charged with coercive and controlling behaviour.

#### **R v T**

Successfully represented businessman charged with coercive and controlling behaviour.

#### **R v Rosen**

Represented defendant charged with running a money laundering business in which £30 million was laundered over a two-year period.

#### **R v DF**

Successfully represented a City employee charged with an offence of Assault by penetration under section 2 of the Sexual Offences Act 2003

#### **R v DW**

Successfully represented a property developer of assisting in the running of a brothel.

#### **R v Smith**

Represented defendant in a conspiracy to supply cocaine following an investigation that identified multi-kilo importations on 9-11 occasions over a 9- month period.

#### **R v AB**

Represented AB for sentence and in Court of Appeal following his convictions for sexual activity with 9 complainants between 1982 and 1989 whilst he had been working as a teacher at two schools.

#### **R v BC**

Successfully represented a 20-year old charged with unlawful sexual activity with a 14 year-old.

## Criminal Regulatory

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David is an influential member of the 2 Hare Court Criminal Regulatory Team and regularly represents corporate bodies, their officers and other individuals before the criminal courts in relation to the full range of criminal offences arising out of fatal and non-fatal accidents. He is instructed to represent interested persons in relation to inquests associated with these cases. He has also appeared before the EAT in relation to appeals against improvement and prohibition notices.

In addition, he represents companies and individuals in cases involving food safety and prosecutions brought by the CQC.

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David delivers training in relation to criminal regulatory matters to solicitors and other members of the profession. He has for many years been acknowledged as a leading advocate and is consistently ranked in the legal directories. He has been described as “extremely hard-working, meticulous, and someone who has both good judgment and great presence in court”.

## Recent Cases:

### Health & Safety

#### **HSE v RW Hill Ltd**

Defence of RWH charged in connection with fatality during concrete works at Felixstowe docks.

#### **Total Contractors v Inspector of H&S**

Represented appellant company in an application before the EAT for an extension of time to serve an appeal against prohibition notices served by the HSE following a death at work.

#### **HSE v Builder’s Beams Ltd**

Represented defendant company following a work at height accident causing serious injury to the victim

#### **HSE v Jones Building Contractors**

Represented a building company cleared of charges under Health & Safety Legislation following a “Work at Height” death of a sub-contractor roofer at Eastwell Manor Hotel in Kent.

#### **HSE v S&K Groundwork Solutions Ltd**

Defence of S&K charged in connection with the serious injury of an employee who was crushed by a dumper truck.

#### **HSE v Encirc Ltd**

Defence of E charged in connection with a serious injury caused to an employee when hit by a forklift truck at its bottle-producing plant.

#### **HSE v Matthew Lea**

Defence of ML charged with injury to passer-by whilst clearing shrubbery on a building site using a flailing device.

#### **HSE v WE Roberts Ltd**

Represented defendant company charged with various H&S offences (electrical and PUWER) following HSE inspection of its cardboard manufacturing plant.

#### **HSE v Delivered (UK)**

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Representing defendant (delivery) company charged with offences under sections 2 and 3 HSWA following an injury to one of its contract workers.

### **HSE v DHL Express (UK) Ltd**

Represented defendant company after an employee suffered life-changing injuries when coupling his tractor unit to a trailer on uneven ground close-by to one of the company depots.

### **HSE v John Doyle Construction**

Represented JD, a subcontractor working on the construction of a seven-storey hotel in London, after a primary beam was dropped which struck an operative, causing him extensive injuries.

## Food Safety

### **Thurrock Council v Williams Butchers Ltd**

Representing defendant company, and director, charged in relation to food safety.

### **LB Tower Hamlets v Taylor St Baristas Ltd**

Represented defendant company and directors charged in relation to safety at its food production site.

### **Westminster Council v BHFS**

Successful submissions made to Council resulting in defendant company receiving a caution for mice infestation at one of its London nurseries.

## CQC

### **CQC v Coverage Care Services Ltd**

Defence of company following fatality in one of its care homes. Only the second prosecution brought by the CQC.

## Inquests & Public Inquiries

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David has experience of a wide range of inquests.

He is frequently instructed to represent companies at inquests who are facing possible HSE prosecution and care homes who may be prosecuted by the CQC. He also represents private individuals who have been given “interested party” status.

David is presently instructed for a core participant in the Grenfell Tower Inquiry (the project designer for the cladding sub-contractor engaged on the refurbishment of the Tower)

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# Cases

## The Grenfell Tower Inquiry

### **Inquest touching upon the death of AA** [North Yorkshire CC]

Represented driver involved in a fatal road traffic accident

### **Inquest touching upon the death of BT** [South Wales Central CC]

Represented care manager following death of resident in her care home

### **Inquest touching upon the death of JH** [Central and South-East Kent CC]

Represented care home following the death of a resident in one of its care homes

### **Inquest touching upon the death of KB** [Warwickshire CC]

Represented this garage equipment services company following the death of one of its mechanics.

### **Inquest touching upon the death of HB** [Gloucestershire CC]

Represented a Doctor who had been involved in caring for the deceased.

### **Inquest touching upon the death of DY** [West Sussex CC]

Represented the site-manager of a national construction company following the death of the company employees who was installing drainage pipes at a school.

### **Inquest touching upon the death of RT** [Derbyshire CC]

Represented two Doctors who had been involved in caring for the deceased.

### **Inquest touching upon the death of RT** [Central & South East Kent CC]

Represented the construction company at the inquest into the death of one of its sub-contractor employees.

### **Inquest touching upon the death of Marine AH** [North Wales Coroners Court]

Represented the family of a Marine who died on a training exercise in Snowdonia.

## Accreditations

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## Appointments & Memberships

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- Association of Regulatory & Disciplinary Lawyers
- Criminal Bar Association
- Fraud Lawyers Association
- Health & Safety Lawyers Association
- 2002-present: Recorder

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