

# Richard Heller

Call: 1998

"Richard Heller is very bright and capable. He has detailed knowledge of the law and a good client manner."

Chambers UK 2025



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Richard Heller is a specialist practitioner with substantial experience across the full range of regulatory crime – trading standards, food safety, health and safety and environmental, in addition to fraud, planning enforcement and all aspects of restraint and confiscation – acting for regulators and the regulated.

Richard is one of only a handful of practitioners to be listed in both Chambers & Partners and the Legal 500 as a leading barrister in Consumer Law (trading standards, food safety etc.).

He has appeared in many of the most high profile criminal consumer cases, including Operation Augusta (the world's largest eBay fraud), SAS Fire and Security (nationwide cold-calling scam), Mitchells & Butlers (fatal food-poisoning outbreak caused by turkey served on Christmas Day) and London Parking Gatwick (meet and greet parking scam at Gatwick airport).

Richard is appointed to List A on the Unified List of Specialist Regulatory Advocates in Health and Safety and Environmental Law, and has appeared in numerous cases on behalf of the HSE, local authorities and for the defence.

Richard also has extensive experience as a planning enforcement barrister, appearing in more than 50 such cases on behalf of both the prosecution and defence.

He has appeared in leading authorities across his areas of practice:

- **R v Wiseman [2023] EWCA Crim 1363** – trading standards, dishonesty and religion
- **R v STC Limited [2021] EWCA Crim 1237** – trading standards, the only appeal concerning the Knives Act 1997
- **R v Kamyab (No. 1) [2021] 1 W.L.R 4860; (No. 2) [2021] 7 WLUK 417** – leading authority on prosecution appeals under POCA, and first fully contested confiscation proceedings in the CACD
- **R v Gross [2021] EWHC Crim 845** – sentencing individuals for health and safety offences
- **R v London Parking Gatwick & Malik [2020] EWCA Crim 957** – time limits in consumer protection prosecutions and availability of due diligence defence to directors
- **R v Syed & Others [2019] EWCA Crim 1263** – [in absentia – drafted all submissions but unable to attend appeal] guideline authority on sentencing offences of fraudulent trading
- **R v AB [2017] 2 Cr. App. R. 25** – local authority powers; private prosecutions
- **R v Owadally and Khan [2017] EWHC 1092 (Admin)** – criminal procedure and taking of pleas
- **R v M [2017] EWCA Crim 266** – restraint and confiscation, meaning of 'grounds to suspect' in considering application for restraint pre-charge

- **R v Kohali [2016] 1 Cr. App. R. (S.) 30** – leading authority on planning enforcement sentencing and relationship to confiscation under POCA
- **R v Piers Rance [2013] Crim. L.R. 74** – listed buildings and conservation areas, leading authority on heritage crime sentencing
- **R v Brayford [2011] 1 Cr. App. R. (S.) 107** – then guideline case on sentencing of trade mark offences
- **Hillingdon v Focus (DIY) [2008] All ER (D) 117** – product safety, last known appeal under the Trade Descriptions Act 1968

Richard maintains a keen interest in the academic and practical application of the law and has spoken at annual conferences for both Trading Standards and Food Law practitioners.

He is also a member of the Consulting Editorial Board to Lexis PSL Corporate Crime.

## Expertise

### Consumer & Trading Standards

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Richard is one of the country's foremost Trading Standards barristers, with substantial experience across all aspects of this area of law, from large scale prosecutions concerning allegations of fraudulent conduct (particularly in relation to building project fraud) to intricate product safety matters.

He has appeared in some of the most high-profile cases of the last decade and more, including Operation Augusta ("the world's largest eBay fraud"), SAS Fire and Security, London Gatwick Parking, Operation Bluechocmuffin, Operation Olympic and Operation Comet.

Richard has dealt with numerous cases involving allegations contrary to most of the primary and secondary legislation enforced by Trading Standards, including the Consumer Protection from Unfair Trading Regulations (CPUT), the Consumer Protection Act and associated safety regulations, the Fraud Act, the Trade Marks Act and the Companies Act.

Richard has been instructed to advise National Trading Standards on the implementation and enforcement of new legislation, in addition to being instructed by HMRC to advise as to the scope and application of CPUT.

He has spoken at numerous annual conferences of the Chartered Trading Standards Institute (including delivering 'Masterclasses' in 2019 and 2021) and has assisted in the provision of talks and training to Trading Standards Officers and regulatory lawyers.

### Notable Cases:

#### **R v MH & Others**

Operation Emperor, a five-year investigation by Tower Hamlets and National Trading Standards into extensive allegations of fraud and malpractice at a succession of six letting agencies in London. Following a trial held over six months, the jury returned 15 guilty verdicts.

#### **R v Wiseman**

Widely publicised fraud and consumer protection prosecution of self-styled 'Bishop' who claimed to have created a cure for covid which he sold at a significant cost, including to undercover BBC reporters.

#### **R v L & L**

Prosecution of removal company and its directors for misleading and aggressive commercial practices involving consumers being pressured into paying vastly inflated sums from those first quoted, whilst their possessions were withheld by the company. Both directors sentenced to maximum terms of imprisonment under CPUT.

**R v STC**

First known prosecution and appeal under the Knives Act 1997 for unlawfully marketing knives for sale as suitable in combat. Appeal has far reaching consequences for how military-style weapons may lawfully be sold.

**R v SAS Fire & Security**

Largest multi-authority prosecution of its kind of notorious company and its directors for a nationwide cold-calling scam involving the mis-selling of security systems to the elderly.

**R v Brayford**

The 'Persil Plot' – an attempt by 8 defendants and others to flood the market with 25,000 kilos of counterfeit washing powder smuggled into the UK from Shenzhen in China. Then guideline case on sentencing Trade Marks Act offences.

**R v LPG**

Leading counsel in widely-reported meet and greet parking scam at Gatwick Airport.

**LBC v Various**

Acted for London Borough of Croydon Trading Standards Service in all contested cases arising out of Home Office and National Trading Standards funded investigation into the sale of knives online to children.

**R v M**

Acting for director of company alleged to have defrauded customers of the business by procuring stage payments for building projects on the understanding they would be held in trust, before business went into administration.

**Operation Treacle**

Acted for principal defendant in National Trading Standards investigation into the secondary ticketing market.

**Operation Augusta**

Prosecution of 12 defendants over the course of two trials for global counterfeiting conspiracy widely reported as the 'world's largest eBay fraud' (junior counsel in first trial; leading counsel in second) and one of the most substantial cases brought by Trading Standards. Involved first extradition proceedings for a Trading Standards Service, and extensive restraint and confiscation proceedings.

**R v P**

Importer of goods from China alleged to have sold children's toys with excess/dangerous levels of heavy metals in the paint.

**LBHF v Primark Stores**

Sale of unsafe Christmas decorations contrary to the General Product Safety Regulations.

**LBW v D**

Acted for multi-national business in connection with allegations of selling knives to children.

**R v Hussain, Hussain & Hussain**

The largest car-clocking enterprise uncovered in the North-East of England.

**Operation Mulberry**

Multi-defendant conspiracy to distribute counterfeit handbags and other accessories on 'Facebook'. In excess of 90,000 pages of material.

**R v Khan's Bargains Ltd**

Sale of a highly toxic banned pesticide which was fatally consumed by a young female. Subsequent attempt to pervert the course of justice by the company's director led to his imprisonment.

**LBH v GH Ltd**

Counterfeiting of rival pharmaceutical company's products. Complex case involving historical licence agreements, the relationship of civil and criminal law and the jurisdictional reach of the Trade Marks Act.

**R v A Ltd**

Advised company investigated for alleged failures by their domestic cabinet heaters against the General Product Safety Regulations. Complaints generated by corporate competitor in various local authority jurisdictions.

## Fraud

**R v H & Others**

Leading counsel in prosecution of multiple individuals and businesses for allegations of fraudulent trading concerning the running of group of letting agencies.

**R v Bay & Others**

Fraud and false accounting spanning a twenty-year period relating to claims for 'Direct Payments' by man and his associates on the premise he was a tetraplegic in need of round the clock care. Ancillary offending included buy to let fraud enabling principal defendant to build property portfolio. Following multi-week trial, case described by judge as involving 'the most serious and persistent dishonesty' he had encountered in 40 years in practice and on the bench.

**R v L**

Fraudulent trading by company director who failed to perform high value building contract in Kensington while spending monies intended for the project in West End casinos.

**Operation Overstrand**

Prosecution of director of several companies for fraudulent trading with intent to defraud creditors by securing a number of building contracts on false premises and diverting funds for use in purposes unconnected to the individual contracts.

**West Berks v M**

Conspiracy to defraud involving attempt to acquire the freehold title to an elderly man's home under an unauthorised reversion scheme, which would have resulted in the complainant transferring the entirety of his equitable interest in the property at a fraction of its true value.

**Mashuk, Ali & Syed**

Leading counsel in prosecution of directors of group of letting agencies for fraudulent trading.

**R v S**

Fraud by abuse of position by council's principal civil engineer who was alleged to have received substantial kickbacks from road resurfacing contractor in return for continuance of contracts on favourable terms.

**Operation Agusta**

Leading counsel in prosecution for fraudulent trading and blackmail relating to an illegal car-clamping business. First defendant's autobiography, 'Top Drawer Villain', formed the substance of an extensive bad character application.

**R v Fleming**

Advance fee fraud by director of travel agency who took numerous payments for bookings onto a 'Bible Lands Cruise' which he used to fund the purchase of a hotel in Turkey.

## Food Safety

Richard has considerable experience as a food law barrister, advising and acting for Environmental Health Services, businesses and individuals in matters concerning fatal food poisoning outbreaks (appearing in three of the last four cases), HACCP compliance, unlicensed or unapproved businesses, food information and labelling obligations and general hygiene matters. Richard is also instructed by the Food Standards Agency.

Richard has written or peer-reviewed all food safety content on Lexis PSL Corporate Crime, and spoken twice, upon invitation at the annual Food law Conference.

## Notable Cases:

**LA v S**

Advising Environmental Health Service in relation to an incident involving the death of a teenager who consumed a drink containing a protein they were highly allergic to.

**FSA v U**

Acted for Food Standards Agency in prosecution concerning contaminated carcasses in slaughterhouse. Case involved complex questions of law concerning delegation of FSA powers.

**R v E & K**

Acting on behalf of business and director in relation to allegations of severely unhygienic shop premises which have twice been closed by emergency order.

**R v KP**

Acted on behalf of owners of golf club where the provision of food at a wedding reception caused anaphylaxis in a 3 year-old girl whose allergies were said to have been declared to the food business.

**Mitchells & Butlers Plc**

Fatal food poisoning outbreak caused by turkey served as part of Christmas Day lunch at pub hotel. Longest food safety trial on record and largest penalty for a food business operator.

**DBC v C**

Acted on behalf of nationwide restaurant chain to defend an application for a Hygiene Emergency Prohibition Order.

**R v Lake Inns**

Fatal food poisoning outbreak caused by inadequately re-heated lamb served as part of a Pensioner's lunch at a country pub.

**R v M & M**

Fatal food poisoning outbreak caused by curry served at a community lunch.

**R v JD Wetherspoon**

Prosecution of well-known pub chain concerning unhygienic kitchen conditions.

**R v SFF Ltd**

Food business operating an establishment handling fishery products without approval.

**R v CGO**

Food poisoning outbreak at charity event at golf club run by the UK's largest operator of golf courses. Complex sentencing process in which the corporate veil was pierced to look at the finances of the majority shareholder.

**R v M Ltd**

Prosecution of largest importer of Polish food products into the UK. Complex questions of how obligations fall on distributors within the supply chain.

**R v S**

Unauthorised slaughterhouse with virtually no hygiene measures in place.

**Various v National Supermarket**

Instructed in three matters concerning allegations relating to the sale of out of date food at separate branches of high-street supermarket chain.

**Inquest touching upon the death of RB**

Appeared on behalf of the Royal Borough of Greenwich at the inquest into the death of a teenager who had consumed popcorn contaminated with undeclared allergens at an Odeon cinema.

## Planning Enforcement

Richard has extensive experience in planning enforcement matters. He has appeared in over 50 such cases, acting for both the prosecution and defence. Richard is also highly experienced in dealing with the elements of restraint and confiscation that so often accompany the prosecution of these matters.

He is also highly experienced in matters concerning the Planning (Listed Buildings and Conservation Areas) Act 1990 and in matters relating to tree preservation orders.

## Notable Cases:

### **R v Rance**

Developer demolished house in conservation area despite having been warned that he would not gain conservation area consent to develop it in the manner he wished.

### **R v X & X**

Acted on behalf of substantial property development company in securing a conditional discharge and limited confiscation order for breach of a planning enforcement notice.

### **R v Lumba**

Listed building prosecution concerning irreparable alterations to the interior of one of the last four remaining cinemas by the important cinema architect, Robert Cromie.

### **R v Kohali**

Acted for appellant in leading authority on the relationship between confiscation and sentence when imposing a financial penalty.

### **R v Owadally & Khan**

Demolition and extensive works of refurbishment at Grade II listed Georgian building in central London.

### **R v T**

Substantial unauthorised works of development in building at London Bridge. Confiscation order made against developer and company in excess of £1million.

### **R v C**

Acted for property owner in dismissing case against him and wife on grounds of procedural defects by planning authority.

### **R v Shelfside Holdings & Alfie Best**

Prosecution of 'the Gypsy Millionaire' and his company for long-standing planning breaches in the yard of one of his residential caravan parks.

## Environmental

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In 2019, Richard was appointed to Band A on the List of Specialist Regulatory Advocates in Health and Safety and Environmental Law, having previously been appointed to Band B in 2012.

He has acted for numerous Environmental Health Services and against the Environment Agency and private prosecutors in a range of matters concerning environmental law.

Richard has considerable experience in matters concerning offences contrary to the Environmental Protection Act and associated regulations.

## Notable Cases:

### **YWSL v SPL**

Acting for company in private prosecution by sewage undertaker concerning the discharge of trade effluent containing heavy metals into the public sewer in breach of a Water Industry Act consent.

### **R v K Ltd**

Acting for company alleged to have caused extensive damage to dormouse habitat as site of proposed development.

### **R v MB Ltd**

Allegations concerned a failure to comply with the terms of an Environmental Permit at a concrete crushing plant in Thames Wharf.

### **LBH v JD Sports Plc**

Prosecution of company for repeatedly failing to take measures to prevent the escape of commercial waste.

### **R v Kwik-Fit (UK) Ltd**

Failing to grease the wheel bearings in a replacement wheel resulting in the supply of an unsafe motor vehicle which caused a multi-car accident on the M40 motorway.

## Health & Safety

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In 2019, Richard was appointed to Band A on the List of Specialist Regulatory Advocates in Health and Safety and Environmental Law, having previously been appointed to Band B in 2012.

He has acted for the HSE, Environmental Health Services throughout England and for the defence in a broad range of health and safety matters, many involving fatalities, across several sectors.

He has also advised and appeared on behalf of Fire Services including what was the London Fire and Emergency Planning Authority, and is fully conversant with the Regulatory Reform (Fire Safety) Order.

Richard also has inquest experience, particularly in those concerning anaphylaxis caused by the consumption of allergens. Most recently, Richard appeared in the inquest arising from the tragic death of a teenage girl who had consumed milk in a Costa Coffee

outlet.

## Notable Cases:

### **LDC v TP**

Ongoing proceedings involving national chain of builders' merchants relating to a fatal incident involving the driver of a car being impaled by unsecured timber falling from a flatbed truck.

### **WCC v CHML**

Ongoing proceedings relating to an incident in which a gas engineer was paralysed having fallen into an unlit stairwell on the roof of a well-known hotel in Central London.

### **WBDC v F & Another**

Ongoing proceedings concerning an explosion at a fireworks storage facility causing the closure of the M4 motorway

### **WCC v PAM**

PAM fined £800,000 for health and safety offence, relating to an incident when a member of staff became locked in a small walk-in freezer.

### **R v T**

Prosecution of company director for numerous breaches of the Fire Safety Order at commercial premises following a non-fatal fire.

### **R v McDonalds Restaurants Plc**

On three separate occasions, employees at Thurrock Lakeside suffered injuries when driven into whilst directing traffic in the drive-thru area of the restaurant.

### **R v BPML Ltd**

Allegations of mismanagement of water system in office block in St Katherine's Dock leading to outbreak of legionnaires' disease. Case involved highly technical expert evidence from several experts in and from epidemiologists from Public Health England.

### **R v Gross**

Guideline case on interpretation of sentencing guideline when sentencing individuals.

### **R v BH Plc**

Fatal accident involving the death of a lift engineer who was crushed by lift in office building whilst carrying out maintenance work.

### **R v PDH Ltd**

Storing explosives without a licence and failing to discharge duty of care to non-employees resulting in permanent disfigurement to a female in whose hand a grenade exploded at a militaria fare.