

Richard Heller

"An excellent regulatory law barrister who understands the intricacies of criminal law and evidence as well as the regulatory side of things."
Chambers UK 2022



Year of Call: 1998

020 7353 5324

Richard 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.

As testament to his expertise, Richard has appeared in leading authorities across his areas of practice:

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

Location

2 Hare Court
Temple
London
EC4Y 7BH

Contact Us

T: +44 (0)20 7353 5324
F: +44 (0)20 7353 0667
E: clerks@2harecourt.com
DX: LDE 444 Chancery Lane

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.

What others say:

Ranked as a leading barrister in Consumer Law for the last decade, in both the Legal 500 (Tier 1) and Chambers & Partners (Tier 2).

“His analytical skills are impressive and he makes the most complicated cases appear simpler than they are.” and “Richard ensures cases receive his prompt and undivided attention. He is an excellent practitioner.” – Chambers UK 2023

“He is eminently familiar with all aspects of consumer and trading law.” – Legal 500 UK 2023

“An excellent regulatory law barrister who understands the intricacies of criminal law and evidence.” – Chambers UK 2022

“Able, highly experienced and very strong on trading standards cases.” – Chambers UK 2022

“Go to advocate for regulatory and consumer crime matters.”

“Extremely good and very thorough” and “Vast technical knowledge.”

“Frequently used on complicated and large-scale matters.”

“A fantastic advocate. He provides excellent advice.”

“Impeccable presentation, impressive delivery.”

Location

2 Hare Court
Temple
London
EC4Y 7BH

Contact Us

T: +44 (0)20 7353 5324
F: +44 (0)20 7353 0667
E: clerks@2harecourt.com
DX: LDE 444 Chancery Lane

Criminal Regulatory

Trading Standards

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 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 all the primary and secondary legislation enforced by Trading Standards, including the Consumer Protection from Unfair Trading Regulations, the Consumer Protection Act and associated safety regulations, the Trade Marks Act and the Companies Act. He also appeared in *LBH v Focus (DIY) Limited*, the last known appeal under the Trade Descriptions Act 1968 relating to the provision of ladders that failed to comply with British Standards.

Richard has been instructed to advise National Trading Standards on the implementation and enforcement of new legislation.

He has spoken at all but one of the last ten 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 numerous Trading Standards Officers.

Notable Cases:

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 and 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 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.

R v LPG

Location

2 Hare Court
Temple
London
EC4Y 7BH

Contact Us

T: +44 (0)20 7353 5324
F: +44 (0)20 7353 0667
E: clerks@2harecourt.com
DX: LDE 444 Chancery Lane

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.

Mashuk, Ali and Syed

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

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). 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.

R v Hussain, Hussain and 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.

Operation Augusta

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

Location

2 Hare Court
Temple
London
EC4Y 7BH

Contact Us

T: +44 (0)20 7353 5324
F: +44 (0)20 7353 0667
E: clerks@2harecourt.com
DX: LDE 444 Chancery Lane

application.

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.

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:

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

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

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

Location

2 Hare Court
Temple
London
EC4Y 7BH

Contact Us

T: +44 (0)20 7353 5324
F: +44 (0)20 7353 0667
E: clerks@2harecourt.com
DX: LDE 444 Chancery Lane

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.

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.

Health and Safety and Environmental

Richard is appointed to Band A on the List of Specialist Regulatory Advocates in Health and Safety and Environmental Law.

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

Richard also has inquest experience.

Notable Cases:

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

Location

2 Hare Court
Temple
London
EC4Y 7BH

Contact Us

T: +44 (0)20 7353 5324
F: +44 (0)20 7353 0667
E: clerks@2harecourt.com
DX: LDE 444 Chancery Lane

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 VPA Ltd & Others

Fatal accident at a converted warehouse used for church services when volunteer member of the congregation fell through a fragile roof whilst attempting to carry out remedial works.

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.

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.

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.

Location

2 Hare Court
Temple
London
EC4Y 7BH

Contact Us

T: +44 (0)20 7353 5324
F: +44 (0)20 7353 0667
E: clerks@2harecourt.com
DX: LDE 444 Chancery Lane

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 and 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 and 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.

Accreditations

Location

2 Hare Court
Temple
London
EC4Y 7BH

Contact Us

T: +44 (0)20 7353 5324
F: +44 (0)20 7353 0667
E: clerks@2harecourt.com
DX: LDE 444 Chancery Lane



Location

2 Hare Court
Temple
London
EC4Y 7BH

Contact Us

T: +44 (0)20 7353 5324
F: +44 (0)20 7353 0667
E: clerks@2harecourt.com
DX: LDE 444 Chancery Lane

Appointments & Memberships

- Member of the Consulting Editorial Board to Lexis PSL Corporate Crime
- Band A, List of Specialist Regulator Advocates in Health and Safety and Environmental Law
- Criminal Bar Association
- Health and Safety Lawyers Association
- Private Prosecutors Association

Education & Qualifications

- BA (Hons)
- PGDL

Location

2 Hare Court
Temple
London
EC4Y 7BH

Contact Us

T: +44 (0)20 7353 5324
F: +44 (0)20 7353 0667
E: clerks@2harecourt.com
DX: LDE 444 Chancery Lane