



Nicholas Doherty – Barrister

Called 1983

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## Practice Profile

### Crime

Nick's practice includes the entire range of Criminal work. He defends at all the Crown Courts in the South East and most of the country. Nick has appeared in several murders as a junior, including 'gangland' shootings; that of a baby boy and a case of murder and attempted murder which attracted widespread publicity in which two students were thrown off Hungerford Bridge, all at the Old Bailey. Nick appeared in a 'neighbour dispute' murder in Birmingham. He has appeared in many rape cases both alone and being led. He has defended in every type of fraud case, including complex matters lasting up to four months, both as junior counsel alone and being led by silks and leading juniors. In the late 1980's he appeared in two of the biggest 'football hooligan' trials - being led by Victor Durand QC in the 'ICF' (West Ham) and alone in the 'North Sea Ferry Affray' at Chelmsford.

As a leading junior Nick has been instructed in a number of high profile cases for the defence:- a man said to be the most successful counterfeiter of Bank of England bank notes that there has ever been; a series of armed robberies on sub post offices during the night; large drugs importations and so on.

Nick has considerable experience through my practice of dealing with the mentally ill and am familiar with the various sentencing options available to the courts under the Mental Health Act.

Nick has been involved in a large number of hearings under the Proceeds of Crimes Act, both prosecuting and defending.

In November 2022 Nick secured the acquittal of a defendant charged with 2 counts of Conspiracy to Supply Class A drugs at Snaresbrook Crown Court. This related to a large-scale county lines operation with 8 defendants.

In December 2022 Nick represented a defendant at Peterborough Crown Court who pleaded guilty to 2 Counts of Attempted Murder. The court set the starting point for the sentence at 44 years. Following mitigation that was reduced to Life with a minimum term of 24 years.



### **Firearms Licensing**

In addition to his criminal work Nick has a specialised knowledge of the law relating to firearms and advises and frequently appear in firearms licensing appeals in all parts of England and Wales. He is recommended by most of the major shooting organisations for this type of work. This includes appeals against the refusal to grant or renew firearms and shotgun certificates and registered firearms dealerships and judicial review of police decisions where necessary. Nick advises firearms related businesses as to the legal requirements which are appropriate to their activities. He also advises and appear in cases where those previously convicted of serious offences wish to have their prohibition from possessing firearms (by virtue of Section 21 of the Firearms Act) removed. Because of his extensive practical knowledge of firearms he is often instructed in criminal prosecutions which involve the use of guns. He gave evidence to, and was quoted by, the Law Commission in their 2015 report Firearms Law – Reforms to Address Pressing Problems (Paragraph 3.41).

In 2011, together Laura Saunbury, the well known firearms licensing solicitor at Lewis Nedas Law, Nick co-authored The Firearms Law Handbook, published in 2011 by Sweet & Maxwell. they published a new edition in 2019 by Wildy, Simmonds & Hill. The book is recognised as the leading work both for lawyers and the public regarding firearms law and licensing in this country.

To purchase a copy click on the link below:

<https://www.amazon.co.uk/Firearms-Law-Handbook-Laura-Saunbury/dp/0854902732>

### **Regulatory Work**

30 years of involvement in Firearms Licensing has led Nick into other areas of Regulatory Work. This has included advising on noise nuisance, particularly in relation to shooting grounds and the like. He has also advised in relation to fatal shootings and accidents at ranges and game shoots and consequent prosecutions under the Health and safety at Work Act. Nick acted for the defence in a high-profile prosecution under the Act relating to the storage and sale of explosives, and the attendant risk to the public, at one of the largest militaria events in Europe. As with his firearms work, his understanding of engineering and technology allow him to give relevant practical advice.

Nick has been involved in a number of Condemnation cases involving the allegedly unlawful importation of firearms and offensive weapons. He has also appeared in and advised on a number of cases involving offensive weapons now it is an offence to possess those within the Offensive Weapons Order 1988 in private.

In the last few years Nick has also involved in a number of applications under the Police Property Act and Section 52 of the Firearms Act involving attempts by the authorities to have firearms and ammunition forfeit.

Nick keeps up to date with the law by attending frequent courses. He also give lectures and seminars on a number of topics relating to firearms law and licensing. Nick shoots regularly and is the Chairman of a rifle and pistol club. For the last 15 years he has been the only 'common law' International Legal Advisor to the CIC, the International Game and Wildlife Commission. In 2022 he was awarded the Silver Medal of the CIC in recognition of his work in support of sustainable wildlife.



### Case Profile

**R v Swallow** 1987 Snaresbrook CC - Snaresbrook ICF football hooligan trial being led by Victor Durand QC, successful defence.

**R v Pridmore** 1988 Chelmsford CC - 'North Sea Ferry Affray'

**R v Stubbings**, C A (1990) Crim LR 811 - Leading authority on definition of 'Ammunition'.

**R v Aliu** 1992 Southwark CC - 4 month credit card fraud - single counsel, Acquitted.

**Dunkley & Robinson v The Queen**, Privy Council (1995) 1 AC 419 - Successful death row appeal.

**R v Ellis** 1997 CCC - Being led in 3 month fire fraud in a warehouse.

**R v West CCC** (2001) 1 Cr App R 2 Court of Appeal. - 'Hungerford Bridge Murder'. Went to C of A on sentence and to the Divisional Court regarding reporting restrictions.

**R v Atkinson** 2003 Sheffield CC - Leading counsel in large series of tie up robberies at sub post offices.

**R v Dennett** 2007 Birmingham CC - Leading in importation of 7 tonnes of cannabis.

**R. v. Meurice** 2009 Maidstone Crown Court - Successful defence of allegations relating to possession of a number of prohibited weapons.

**R. v. Sterling** 2011 Reading Crown Court – Leading in one of the longest running allegations of conspiracy to supply drugs ever seen in England.

**R. v. Ramzan** [2013] 2 Cr. App. R. (S.) 33. Court of Appeal - Successful sentence appeal regarding 5 year minimum mandatory sentence for 'stun guns' disguised as another object.

**R. v. Rehman & Others** 2014 Successful prosecution of a 4 handed conspiracy to rob members of the public attempting to purchase cars from websites.

**R. v. Shahabi-Shack** 2014 Bolton Crown Court. Acquittal on charges of conspiracy to supply prohibited firearms to the criminal underworld after a month long trial.

The defendant was convicted on a lesser charge relating to possession of a prohibited weapon which I appealed and is now the leading case regarding breach of conditions on a firearm certificate:- [2014] WLR (D) 5333.

**R. v. Yong** 2015 Court of Appeal. The court accepted my argument that where there was evidence that a mixed use component or accessory to a firearm was possessed, it was a question of fact for a jury as to whether it was a part of, or an accessory to, a firearm.

**R. v. Heddell** 2016 Kings Lynn Crown Court and Court of Appeal [2016] EWCA Crim 443. Defending in a case concerning a 'forward venting blank firer' and whether the terms of the Firearms Act 1982 applied to the case and should be left to the jury.

**Director of Border Revenue v. Fantasia (Leeds) Ltd** 2017 Nottingham Magistrates Court. Successful defence in proceedings for Condemnation where Border Force attempted to claim that a spring assisted knife was a flick knife.



**R. v. Flisher** 2018 Maidstone Crown Court. Successful defence in respect of allegations regarding antique items which were alleged either to be prohibited weapons, or the property of the MoD, or both. Not only was the defendant acquitted on all counts but we obtained substantial damages against the CPS in wasted costs for the very significant delays in pursuing the case.

**R. v. Hammond & Foster** 2020 Wood Green Crown Court. Prosecution of those operating a 'miniature rifle range' next to the M25. The case explored the limits of the definition of a 'range'. Instructed by the International and Organised Crime Division of the CPS as an expert in this area of law.

**West Mercia Police v. Mumford** 2022 Kidderminster Magistrates Court. Successfully resisted an application by the police under Section 52 of the Firearms Act 1968 to obtain forfeiture of a large quantity of firearms which had been held by a dealer prior to conviction 6 years previously.

**MoD v. Standing** 2022 Westminster Magistrates Court. Application by MoD under the Police Property Act for the whole of a rifle that had been lawfully held on a firearm certificate for 26 years. The MoD claim was reduced down to one part and then the action was settled by agreement that the MoD would provide a replacement part.

**Contact details**

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