

# Jonathan Underhill

**Year of Call:** 2008

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## Regulatory crime

Jonathan is praised for his robust defence of private individuals and companies; most notably where such cases fall outside of traditional criminal practice. Particular time and care should be taken in the conduct of cases which, whilst still being dealt with by the Criminal Courts, encompass areas of fact and law which are less common within that jurisdiction.

Regulatory prosecution is a real and present risk for small and medium sized businesses who are often without their own internal compliance or legal departments. Engaging the appropriate expertise and skill in such cases, from the earliest possible point, is essential to achieve the best outcome.

His extensive experience in confiscation proceedings means he can provide a complete service to clients from pre-charging advice, through trial, to confiscation proceedings. This is particularly important for Trading Standards and Local Authorities as well as private clients who can benefit from astute tactical advice from the outset of their case.

### Notable Cases

#### Health and Safety

- **HSE vs. DW (Ltd) (2025)**

Defence instruction. Case involving self-employed workers falling from height during the construction of a large cattle shed. Significant legal/ factual issue as to the capacity of the client during the construction process.

- **HSE vs. EER (Ltd) (2024)**

Defence instruction. HSE prosecution of company for failing to comply with work at height regulations.

- **BCC vs. PE Ltd and A (2024)**

Defence instruction. Breach of duties. Life changing injuries sustained following incident. Co-Defending with Kings Counsel.

- **DAFT Ltd (2023)**

Defence instruction. Breach of at work duties, defect machinery and inadequate guards and protections.

- **HSE vs. QBEC Ltd (2023)**

Defence instructions. 4 week contested trial. Regulatory failing as Principal Designer under the CDM's. Co-Defending with Kings Counsel.

- **HSE vs L Ltd (2023)**

Defence instruction. HSE prosecution of failure to comply with working from Height Regulations.

- **BCP vs. AC Ltd (2022)**

Prosecution instruction. Breach of Covid Regulatory Regime.

- **B v LMC Ltd (2022)**

Prosecution instruction. Breach of Covid Regulatory Regime.

## Trade Marks

- **RBC v RR (Ltd) and K (2023/ 2024)**

Defence instruction (private) – Grey good cases. Thousands of imported counterfeit items. Significant PoCA application pursued by the Prosecution.

- **SBC v A Ltd and J (2023)**

Defence instruction. Instructed for trial. Counterfeit Vodka.

- **SHC v TSS Ltd and C (2022/2023)**

Acting for Company and Director. Director acquitted. Complex trading standards investigation taking place of a number of years, pertaining to thousands of example of counterfeit goods.

- **A & D Computers Ltd v NCC [2022] EWHC 2922 (Admin)**

High Court instruction for NCC following removal of previous counsel. Praised for “conspicuously well written” arguments in the High Court.

- **R v CL (2020/2021)**

Instructed for the Defence in International importation of tobacco in breach of trademark conspiracy case. Case is privately prosecuted by the Japanese Tobacco Corp.

- **R v C (2019)**

Multi Defendant Trademarks Act offences – large sale importation on Isle of Wight.

- **R v. M Trading Standards**

Prosecution involving Trademark offences against the Premier League, British Legion and Help for Heroes – including issues of international production and importation.

- **R v. A Trading Standards**

Prosecution involving several thousand pounds of counterfeit tobacco.

## Trading Standards

- **R(STS) v MM Ltd and P (2025)**

Defence instruction. Acting for both company and director. Systemic failure on the part of both Company and Director to comply with the Animal By-Products (Enforcement)(England) Regulations

- **R v C Ltd (2020)**

Instructed for the Defence in Electrical Products (Safety) Regulation 2016 involving counterfeit apple products.

- **R v B (2019)**

Instructed to prosecute “Rogue Plumber” under Fraud Act 2006 and CPUTR 2008. Case involved multiple victims over a long time.

- **PCC v. K (2018)**

Long term parking fraud concerning fraudulent parking permits and mis-use of “blue badges”.

- **HB v. MK (2018)**

Multiple outlet breach of smoking ban prosecution – legal argument as to proper application of statute.

- **Operation ‘Foxchase’**

Instructed as led Junior in a complex national secondary ticketing trading standards case.

- **Operation ‘Hugo’**

Trading Standards case involving importation of farmed puppies, featured on BBC programming.

- **Operation ‘Wendelin’**

Multi handed Trading standards prosecution of rogue traders involving 15 complainants.

- **PCC v. A and Ors**

Multi handed Parking Fraud Prosecution involving fraudulent use of Parking Permits by police employees.

- **R v. S**

Trading Standards prosecution against persistent street peddler.

## Food and Hygiene

- **FSA v G Ltd (2025)**

Prosecution Instruction. Multiple and complex alleged breaches of regulatory framework relating to processing and cross contamination of meat products for human consumption.

- **R(WFC) v EY Ltd (2024/2025)**

Defence instruction. Breach of food hygiene and health and safety regulation. Alleged failure to adequately deal with cross contamination and pest control. Exposure of young and vulnerable children to pest faeces and other containments.

- **WFC v TD Ltd (2023/2024)**

Defence instructions for Director and company. Breach of pest control at high-street fast-food franchise.

- **DCC v A and A Ltd (2023)**

Defence instruction. Breach of food safety regulations; complex issues pertaining to allergens; fatal injury and medical evidence.

- **LCC vs Morrisons Ltd (2022)**

Defence instruction on behalf of national supermarket. Involving issues surrounding the Bakers of Nailsea decision.

- **DCC v AA Ltd (2022)**

Defence instruction. Instructed for pre-charge advice and trial. Breach of pest and hazard control regulations.

- **MKBC v MM Ltd (2022)**

Defence instruction. Breach of pest and allergen control measures. Complex sentencing exercise.

- **R v FF Ltd (2021)**

Instructed for the Defence – Multiple alleged breaches of EU Directive including HACCP failures and allergen issues

- **R v EH Ltd (2019)**

Instruction for the Defence to provide advice and representation concerning Food Condemnation Proceedings, Novel Food Regulations and their applicability to SARM following the National Food Crime Units classification of such as a Novel Food for the purposes of enforcement.

- **LBH v. K (2018)**

Persistent and escalating breach of environmental legislation pertaining to fast food and animal waste in central London.

- **R v. X (2017)**

Instructed for the Defence in food hygiene case involving breaches of European and Domestic regulation.

- **R(BDBC) v. FF and Ors**

Multi handed Food safety case involving multiple breaches of Regulatory provisions, hygiene improvement and prohibition orders.

## Environmental, Housing and Planning

- **CCC v WW Ltd (2025)**

Defence instruction. Appeal against revocation of waste disposal permit.

- **EA v OSS Ltd (2025)**

Defence instruction. Advice provided as to appeal against a determination by the Energy Savings Opportunity Scheme Regulations 2014.

- **SCC v XM (2025)**

Defence instruction. Successful appeal against convictions for failure to comply with a condition notice under the TCPA 1990.

- **PCC v EH Ltd and A (2024)**

Defence instructions. 30+ allegations of breach of HMO and unlawful eviction. Prison sentence avoided following complicated sentencing exercise.

- **TW v SES Ltd (2023/2024)**

Direct Access Defence instruction – Defended prosecution under Water Industries Act 1991

- **BCP v H (2022)**

Defence instruction – Fly tipping asbestos and other hazardous materials

- **R v H (2021)**

Instructed for the Defence to advise on breach of Environmental Permitting (England and Wales) Regulations 2016

- **R v HM (2021)**

Instructed for the Defence – Fly tipping and waste depositing involving hazardous materials, including asbestos

- **R v C (2020)**

Instructed for the Defence in Fly Tipping case brought by the Local Authority – called upon to assist in drafting evidential representation which led to the case being dropped as no longer being evidentially sustainable, or in the public interest.

- **LBH v E (2019)**

Instructed for the Prosecution – Persistent and serious breach of HMO involving a challenging litigant in personal and multi-day magistrates court trial.

- **HB v. M and A (2019)**

Advertising and Planning enforcement Appeal against conviction and sentence – instructed for the Crown – complete rehearing required – appeal dismissed with full costs awarded to the Crown.

- **HB v. A (2018/19)**

Multi-Property Planning Enforcement and Environmental Breach Prosecution, leading to PoCA application valued at circ. £300,000.

- **HB v. T (2018)**

Multi Defendant Fly-Tipping Prosecution against both individuals and limited companies.

- **HB v. A (2018)**

Multi Defendant, Multiple breaches of Improvement notices over significant periods of time effecting multiple tenants and requiring Local Authority involvement.

- **R(SCC) v. C and Ors**

High Court case stated flowing from a LA noise abatement prosecution – successfully defeated an application for wasted costs against the Local Authority running to approx. £80,000

## **Animal Welfare**

- **R(STS) v MM Ltd and P (2025)**

Defence instruction. Acting for both company and director. Systemic failure on the part of both Company and Director to comply with the Animal By-Products (Enforcement)(England) Regulations

- **CCD v DW (2024)**

Defence instruction. Successful opposition to an application for the enforcement of a conditional dog destruction order.

- **DCC v I Ltd (2022)**

Defence instruction. Animal welfare and licensing case. Death of cattle and maltreatment allegations.

- **R v HH (2021)**

Instructed for the Defence – Dangerous dogs case involving multiple dogs and injuries to the public

- **HCC v R and R (2019/ 2020)**

Instructed for the Defence in relation to Animal Welfare and Pets Licensing- including dealing with and reducing a confiscation order originally sought by the Prosecution in the sum of £1.3 Million.

- **DCC v G (2019)**

Instructed for the Prosecution on Dangerous Dogs matter, requiring detailed evidential analysis of multiple accounts, and a full consideration of the test of evidential sufficiency under the Code for Crown Prosecutors.

- **HTS v G (2018)**

Instructed for prosecution dealing with sentencing and application for Animal Deprivation and Disqualification Orders under the Animal Welfare Act 2006 relating to two large farms with cross species orders consideration of conflicting veterinary evidence.

# Recommendations

"I want to give a huge thankyou to Jonathan Underhill was there at the conclusion of my case and I am so thankful for everything he has done. I can't express my thanks through words but thankyou"

## **DR – Defence Client**

Jonathan Underhill of 3PB Barristers regularly defends individuals and corporations in complex health and safety matters. He has particular expertise in handling cases regarding fatalities and serious injuries arising from regulatory breaches of duty.

Strengths: "He takes good points in cases."

"He is lovely, and very pleasant to work with."

**Chambers UK 2025/Health and safety) / Western Circuit – ranked in Band 1**

Jonathan Underhill – 3PB 'Jonathan is meticulous in his case preparation and offers a calm and assured presence in court. He is a skilful lawyer who can translate his understanding into persuasive and compelling advocacy.'

**Legal 500 2025/Crime (general and fraud) / Leading Juniors/ Western Circuit**

Jonathan Underhill – 3PB 'Jonathan is meticulous in his case preparation and offers a calm and assured presence in court. He is a skilful lawyer who can translate his understanding into persuasive and compelling advocacy, both in his legal submissions and trial advocacy.'

**Legal 500 2025/Business and regulatory crime (including health and safety) / Leading Juniors/ Western Circuit**

Jonathan Underhill – 3PB 'Jonathan's ability to process detail is outstanding. He brings great technical knowledge, and that gives him a wonderful air of confidence which puts his clients at ease.'

**Legal 500 2025/Fraud: Crime/ Leading Juniors/London Bar**

"Thanks for this Jonathan and ... for your help on the overall pursuit. This was without question a very serious and challenging issue for our company and you delivered the best result we could have achieved ...I am very happy with the result. I also wish to thank your Chambers admin team for their professional and proactive support that made direct access a simple tool to use."

## **MS – CEO S Ltd – Direct Access Client (Defence)**

"In a conspicuously well-drafted skeleton argument, supported by his oral submissions, Mr Underhill accepts..."

## **Mrs Justice Farby – In the High Court**

"I found his approach to the cases very professional, and his cross examination was excellent, just what is required in cases like this. The council have had several chambers representing the council, I feel that Jonathan has been the best person that we have had."

## **Mike Johnson ACFM (Senior Auditor) – Basingstoke & Deane Borough Council**

"Not having been in court before, I found myself in a situation that was very unfamiliar. However, I was instantly put at ease straight away from the approach of my barrister, Jonathan Underhill. He was extremely professional, understanding and took on board everything I wanted to get across in the court room. The attention to detail and the communication filled me with confidence that Jonathan was the right person to get the desired result for myself.

I would highly recommend Jonathan's services, I couldn't have asked for a better representation, he kept me calm and positive throughout my trial, and we ended up getting the correct outcome, not guilty! Thank you again"

## **JS – Defence Client**

"You have been nothing short of brilliant... thank you..."

## **R Cassidy – Levales Solicitors**

"I would not hesitate in instructing Mr Jonathan Underhill in all manner of Regulatory matters. He has an almost encyclopaedic knowledge in all key regulatory areas, including Environmental, Licensing, Housing and Planning offences. His preparation is meticulous with close attention to detail. He is extremely approachable and is great at communicating to a wide range of clients, which has always led to positive feedback and requests to instruct him in future matters. He has an

amazing ability to advocate complex issues in law, in a way that is easy to understand for Magistrates, Jurors and Judges. His Advocacy is simply exceptional. He is and will continue to be my first choice of Counsel."

#### **C Smith – Criminal Litigation Lawyer (London Local Authority)**

"I am indebted to Mr Jonathan Underhill...for his realistic and concise submissions... Mr Underhill was utterly realistic in his submissions to this court, which he advanced with commendable brevity and good sense"

#### **HHJ Jeremy Richardson QC – In the High Court**

"I was very impressed with Jonathan Underhill ~ and he had a glowing report from our environmental health manager for his advocacy at the recent noise trial he did for us"

#### **Local Authority Solicitor**

"I would not hesitate in instructing Mr Underhill – cases are always thoroughly prepared, time and care taken with clients and outcomes reported back promptly. The client feedback has been excellent and often accompanies with a request that he represent them again. The quality of his representation is first class."

#### **Lindsey Taylor (Solicitor) – Watkins and Gunn Solicitors**

"I have found Mr Underhill to be an excellent advocate who is always well prepared and courteous to all. I have had positive feedback from clients in cases he had conducted on my firm's behalf. I would not hesitate to instruct him."

#### **Paul Lewis (Partner) – Quality Solicitors HPJV**

Very clearly presented - a dry subject made interesting. Very useful info. Excellent trainer.

#### **Nikki Hutt, West Sussex County Council**

Very informative, clear, concise but with a level of relaxed delivery and humour. I enjoyed Jonathan's 'style'.

#### **Dee Plum, West Sussex County Council**

## **Academic qualifications**

- BVC (Graded Outstanding) – Cardiff University Law School
- Inner Temple Prize Winner – Outstanding Achievement
- LLB (Hons) Law & Politics – Cardiff University Law School

## **Professional qualifications & appointments**

- AG Panel Regulatory Advocates – A Panel
- Level 4 – CPS Panel Advocate (General Crime)
- Level 4 – Specialist Fraud Panel
- Level 4 – RASSO Panel
- Level 2 – Proceeds of Crime Panel
- Inner Temple Accredited Advocacy Trainer
- Western Circuit Advocacy Trainer
- SEC Advanced International Advocacy Course, Keble College Oxford

## **Professional bodies**

- Western Circuit
- Criminal Bar Association
- Fraud Lawyers Association

- Proceeds of Crime Lawyers Association
- Private Prosecutors Association

## **Direct Access**

Jonathan Underhill is qualified to accept instructions directly from members of the public and professional clients under the Direct Public Access scheme.