



Nicholas Cotter

Year of Call: 1999

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Sports

Nicholas regularly appears before sports regulation / disciplinary hearings and provides advice on rules, compliance and the consequences of infringements.

Nicholas has a significant background in malfeasance, bribery and fraud and is well placed to deal with these matters arising from corruption and criminality in sport. He has a particular specialisation in anti-doping law both Defending and Prosecuting.

Recent cases:

- **UKAD v X** - Instructed Counsel for UKAD in a unique body dimorphism case pertaining to reasonable excuse and failing to supply.
- **UKAD v X** - Instructed Counsel for a professional regional rugby player who fell foul of the use of banned supplement. UKAD conceded that some evidence existed which supported lack of doping education and no intentional use and the panel in turn were convinced of the merit of early return permission to training despite the imposition of a disqualification period. www.bbc.co.uk/sport/0/rugby-union/31552990
- **UKAD v X** - Instructed Counsel for UKAD in a case that resulted in the first UK lifetime ban for a member of the "support team" for an athlete and impacted on the issue of who could be included within the definition of support personnel (namely an athlete's parent). www.bbc.co.uk/news/uk-wales-south-east-wales-28641672
https://www.ukad.org.uk/sites/default/files/2019-05/ukad_vs_tinklin.pdf
- **BHA v X** - Represented a professional flat racing Jockey before a full disciplinary panel accused by the BHA of the offences of sample tampering and bringing the sport into disrepute. The issue resolved around the use of illicit substances and the athletes attempt to use /acquire another individuals sample to mask the primary offence.
- **UKAD v X**- Providing advice to a basketball player charged with a drug tampering offence namely that the athlete tried to pass off another athletes name when providing a sample. The case reached the tribunal and the athlete was given a significant reduced sentence in light of his mitigation and early advice.
- **UKAD v X** -Representing a cyclist who had refused to provide a sample when requested after competition. The athlete was advised early in the matter and the key issues argued before the tribunal were primarily "compelling justification" and "no significant fault" for failing to provide a sample. The tribunal recorded a finding of no significant fault in favour of the cyclist and a much reduced ban. Nicholas also subsequently advised on the implications of disqualification upon prize money.
- **NADP (APPEAL) v LLEWELLYN** - Representing a young boxer who had taken a sports supplement. The supplement contained a substance banned during competition and the existence of the substance within the supplement was not known to the athlete.

Recommendations

Nicholas Cotter has a general criminal and regulatory practice, with an emphasis on the Western Circuit and London. He has a track record of acting both for the prosecution and for the defence in cases involving fraud, organised crime, serious sexual offences and murder. His expertise also includes regulatory law with particular experience handling environmental law and health and safety matters.

Strengths: "He is calm in court and instils confidence in his client from the outset." "He puts his clients at ease and explains things to them in a language that they understand."

Recent work: Defended a man accused of seeking to steal the Magna Carta from Salisbury Cathedral.

Chambers UK 2022/Crime/Western Bar

Nicholas Cotter has notable experience of representing private individuals as well as companies in complex health and safety cases. He regularly handles cases arising from a wide spectrum of incidents.

Strengths: "He instils confidence in his clients and is very responsive. He is also strategic and calm in front of judges." "Very charming and knowledgeable."

Recent work: Represented the director of a demolition firm in a fatal accident case concerning the death of a construction worker during the demolition of a building.

Chambers UK 2022/Health and Safety/Western Bar

Strengths: "Always well prepared and very analytical."

Recent work: Defended a man charged with killing his father through blunt force trauma, whilst under the influence of butane gas.

Chambers UK 2021/Crime/Western Bar

Strengths: "He is very approachable and excellent with clients."

Recent work: Acted for the prosecution in Operation Red Squirrel, a multi-handed case concerning a large drug dealing network across the south coast of England.

Chambers UK 2020/Crime/Western Bar

"A very client-friendly and expert criminal counsel."

Recent work: Defended one of the defendants charged with the aggravated burglary of a Hatton Garden jeweller.

Chambers UK 2019/Crime/Western Bar

Strengths: "He has a terrific brain, a formidable work ethic, an unflappable demeanour and his tactical awareness can make the difference in a tricky case."

Chambers UK 2018/Crime/Western Bar

'Has a general criminal and regulatory practice, and is active on both the Western and South Eastern Circuits. He has a track record of acting in cases involving fraud, organised crime and serious sexual offences.'

Strengths: "Completely unflappable, he has an extremely good temperament in court. Destined for great things." "A very capable advocate."

Chambers UK 2017/Crime/Western Bar

'Nicholas has a measured approach to his cases and provides deliberate and carefully considered advice. He builds excellent rapport with clients and instructing solicitors. He has excellent knowledge and understanding of health and safety law.'

Legal 500 2022/Business and Regulatory Crime (Including Health and Safety)/Western Circuit

'He is extremely calm, persuasive and effective in court, which consistently inspires confidence in the clients.'

Legal 500 2022/Crime (General and Fraud)/Leading Juniors/Western Circuit

'He is a superb tactician who has a great manner with clients. He always builds a good rapport, which allows him to easily convey difficult advice and navigate through complex issues in a case.'

Legal 500 2022/Professional Disciplinary Law/Western Circuit

'He has a pleasing court style that commends itself to both judges and juries and equal measure.'

"Nicholas Cotter represented a man who was acquitted of murder after the Crown Prosecution Service offered no evidence after forensics suggested the defendant may have stabbed the deceased in self-defence. "

Legal 500 2021/Crime

'Meticulous in his paperwork and an accomplished advocate, with a calm and assured approach to clients which inspires confidence.'

"Nicholas Cotter is highly recommended, particularly for matters relating to care homes."

Legal 500 2021/Business and regulatory crime (incl. health and safety)

'He has the ability to put any client at ease.'

Legal 500 2020/Crime

'He has a very calm and measured approach.'

Legal 500 2020/Regulatory, health and safety, and licensing

'A consummately able barrister.'

Legal 500 2018/19/Crime

'A formidable advocate.'

Legal 500 2017/Crime/Leading juniors/Regional Bar/Western Circuit,

"Now this case is over, may I express my significant grateful thanks for the way you have consistently and over a lengthy period handled the complex case of R v O.

This case was never destined to be easy, and indeed it proved to be one of the most difficult cases I have dealt with in the last 30 years. I am in awe of the skill, professionalism, compassion and knowledge that you put into this case, coupled with your ability to look after, control and satisfy a very difficult Client.

Your willingness to see our Client without Solicitor and to promptly report back to myself was an outstanding pathway to enabling us to deal efficiently with a client of the most demanding nature, who barely spent a day off the telephone whilst in prison.

Notwithstanding the sentence passed, I think it is fair to say that without your extremely high level of expertise, the result could have been tremendously less beneficial to the Client.

I think it would be correct in this case to concentrate on the level of acquittals obtained for O, which speak volumes for your ability and dedication."

Instructing Solicitor, Bournemouth, June 2017

Academic qualifications

- Diploma in Law / CPE (Bristol)
- BA (Hons) History

Professional qualifications & appointments

- A Grade 4 Crown Prosecutor
- Member of the Rape Panel of Crown Prosecutors
- Member of the Serious Crime Panel of Crown Prosecutors
- Member of the Serious Fraud Panel of Crown Prosecutors
- ADR Group accredited Civil and Commercial mediator

Professional bodies

- The Honourable Society of Lincoln's Inn
- Association of Commonwealth Criminal Lawyers
British Association for Sport and Law (BASL)
- Member of the Western Circuit
- Proceeds of Crime Lawyers' Association
- The Health & Safety Lawyers Association
- Member of the Criminal Bar Association