



Tom Horder

Year of Call: 2004

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Public and Regulatory

Tom's regulatory law practice includes all matters of professional discipline, including proceedings against health care professionals, proceedings brought by sporting regulatory bodies and police disciplinary hearings.

Tom also gained particular experience of fitness to practice hearings whilst on secondment to the Nursing and Midwifery Council as a case presenter.

REGULATORY CRIME

Maritime

- MCA v Tarmac Marine Ltd. Instructed by the MCA in Prosecution arising from the discovery of asbestos containing material on board the City of Westminster. The Defendant Company were fined £120,000.

Recent inquest work

- Re FB - acting for the owners of a care home following the fall from height of an elderly dementia patient
- Re ML - representing Police Force following case involving heart failure following arrest using CS spray and subsequent restraint in Police custody
- Re RS - acting for family of deceased who died following NHS failure to diagnose a pulmonary embolism

Food Safety and Standards

- CBC v Greene King Ltd - Prosecution of one of the UK's largest pub chains in respect of a failure to provide up to date allergen information. As a result, a young child sustained a serious anaphylactic shock.
- R v BB. Defence of director of food business prosecuted for Fraudulent Trading. Case involved allegations of the mis-selling of bacon as UK produced and free-range.
- R v RB. Defence of the manager of an abattoir alleged to have been selling lamb as goat meat.
- SBC v K. Defence of food wholesaler in respect of multiple allegations of food hygiene offences in respect of the storage and transportation of refrigerated products.
- Cherwell DC v Premier Foods. Prosecution of UK's largest food producer (turnover £3bn) in respect of food hygiene offences resulting in a mouse being found sliced within a loaf of bread sold by a leading supermarket.

Direct Access/Aviation

Tom welcomes instructions on a direct access basis .

He particularly welcomes direct access instructions relating to aviation offences and Pilots facing the prospect of CAA prosecution.

Tom has previously prosecuted, defended and advised in a range of aviation related matters including; an allegation of low flying by a CPL(H) holder during a filming assignment, airspace infringement in Class A airspace, licensing and type certificate infringements by a microlight pilot and an allegation of log book fraud against a senior airline pilot.

Tom has a PPL having learnt to fly during an RAF Flying Scholarship and as a member of his University Air Squadron. He flies his Rollason Condor from Thruxton and has been lucky enough to fly a wide range of aircraft ranging from Bulldogs to an SF260.

REGULATORY - OTHER

Licensing

Tom has substantial experience in the field of taxi licencing, acting for both Local Authorities, Operators and individual drivers. Notable cases include:

- Cherwell DC v Anwar 2011] EWHC 2943 (Admin). Acting for the successful Local Authority on appeal in important decision on what are relevant and irrelevant considerations in respect of the fit and proper person test.
- Re PRC. Acting for largest operator in Local Authority area in proceedings before Licensing Committee. The Local Authority failed in an attempt to revoke or suspend an Operator's Licence following repeated allegations of drivers being unlicensed.
- SBC v X. Appeal following revocation of license following safeguarding concerns in circumstances where Police investigation did not result in prosecution.
- Tom has additionally acted for both Local Authorities and Companies in respect of alcohol licensing and the licencing of both sex shops and pet shops.

Health and Safety law

Tom has significant experience representing clients in Health and Safety and Inquest cases. His work has included:

- WDDC v G – Successful Health and Safety prosecution relating to an inflatable slide that came free from its tethers at the Swanage Regatta causing injury to a number of children.
- CBC v Centre Parcs (Woburn) Ltd – Prosecution of Centre Parc involving an 8-year-old girl who fell from height during a tree climbing activity at Luton Crown Court. The case ended with the Defendant company being fined £250,000.
- SBC v N+B– Defending a company with a multi-million-pound turnover in respect of alleged Health and Safety breaches involving lighting levels and the operation of fork-lift trucks.
- WDDC v And So To Bed Ltd – Successful prosecution arising from a fall from height involving an unsafe elevated mobile working platform. Fine imposed of £110,000.
- HSE v LHSC Ltd. Defence of Health and Safety Consultant in an unusual prosecution arising from the drafting of inadequate risk assessments and advice to a furniture manufacturer. The Prosecution arose following two serious accidents involving cutting equipment.
- HSE v GC. Defence of agricultural college in respect of serious injuries caused to students observing tree-felling.
- HSE v PG Ltd. Prosecution involving serious chemical burns caused by the incorrect use of an Intermediate Bulk Carrier as a reaction vessel to dispose of spent cleaning chemicals.
- HSE v UF Ltd. De-gloving injury caused during the cleaning of an industrial dough maker.
- HSE v BB Ltd. Collapse of basement excavation leading to prosecution of developer.
- HSE v Apex. Defending a scaffolding gang leader following a collapse of scaffolding resulting in fatality.
- HSE v G. Defence of contractor instructed to decommission a petrol station. The resulting explosion caused serious injury

and extensive damage to neighbouring properties.

- HSE v R.S Ltd. Proceedings relating to the alleged unsafe removal of asbestos.

Tom is appointed to the Specialist Regulatory Advocates in H&S and Environmental Law List.

Trading Standards

Tom Horder's Trading Standards and Trade Marks cases have included:

- Operation Swordfish – Successful defence of a former director of a timeshare company on charges of fraudulent trading and money laundering.
- DCC v WE Ltd. Complex prosecution of building firm in respect of high value residential building contracts. Company prosecuted under Consumer Protection Regulations, Fraud Act and Insolvency Act.
- OCC v M. Prosecution of rouge builder routinely targeting vulnerable and elderly victims and undertaking expensive but unnecessary roofing repairs.
- PBC v NH – Prosecution for fraudulent trading of an individual who miss-sold advertising in a range of publications that never materialised.
- A1 Distribution Limited. Successful prosecution of company supplying electronic goods under the Consumer Protection Act 1987. The case involved consideration of the measures an importer of goods from China should take in order to establish a defence of 'due diligence'.
- WDDC v S. Novel but successful prosecution of owner of residential caravan park under s.9 of the Caravan Sites and Control of Development Act 1960.
- X Ltd. Advising manufacturer of Moses baskets in respect of prosecution under both the General Product Safety and Toy (Safety) Regulations.
- DCC v W. Defending individual who ran profitable business importing counterfeit handbags. Acted in subsequent confiscation proceedings.
- GB Ltd. Acting for a well-known building firm facing civil proceedings (and subsequent committal application) under the Enterprise Act.
- SBC v Roshni. Prosecuting wholesale supplier of counterfeit alcohol.
- DCC v K+S. Counterfeiting designer clothes, confiscation and restraint dealt with in POCA proceedings.

Disciplinary and Regulatory Proceedings

Professional Discipline

Tom's regulatory law practice includes all matters of professional discipline, including proceedings against health care professionals, proceedings brought by Sporting Regulatory bodies and Police Disciplinary hearings.

Tom also gained particular experience of fitness to practice hearings whilst on secondment to the Nursing and Midwifery Council as a case presenter. He has subsequently represented Registrants in a wide variety of cases.

Example cases include

- Lee v World Snooker Poole and Billiard Association. Junior counsel for former World no.4 snooker player in appeal against match fixing ban.
- Nursing and Midwifery Council v A. Misuse of social media by nursing staff. Case attracted national media attention and comment.
- Nursing and Midwifery Council v X. Failure to detect signs of non-accidental injury by health visitor. High profile case that also received nationwide media coverage.

- General Chiropractic Council v X. Instructed by GCC in fitness to practice proceedings relating to inappropriate Chiropractor / patient relationship.
- Chief Constable of Dorset v L. Instructed by the Chief Constable in respect of disciplinary proceedings against serving officer convicted of assault.
- DCC v V. Representing county councillor in internal disciplinary proceedings arising from alleged misuse of Council computers.

Marine and Fisheries Law

Tom Horder has substantial experience in a wide range of complex regulatory prosecutions including maritime and fisheries cases.

Cases of note include:

- MCA v Tarmac Marine Ltd – Prosecution of ship owners in respect of failures in respect of asbestos on board the City of Westminster resulting in £120,000 fine.
- Re X – representing at inquest a Harbour Master following an incident involving a tragic drowning. The case involved argument as to the extent and responsibility of differing agencies, detailed examination of harbour byelaws and the provision of safety equipment.
- Re X Sailing Club – instructed by a Local Authority to advise in respect of a high profile potential prosecution for health and safety offences and gross-negligence manslaughter following the collapse of a prop resulting in a yacht tragically crushing a maintenance worker to death.

Tom has also acted and advised in regulatory prosecutions brought by the Marine Management Organisation (MMO), Inshore Fisheries and Conservation Authorities (IFCA) and Local Authorities in cases involving:

- alleged breaches of harbour bylaws
- the retaining of undersized fish
- obstruction of officers
- breach of licence conditions
- alleged inaccurate landing declarations
- money laundering
- mis-selling of shellfish.

Tom also has particular expertise in confiscation proceedings and often lectures and provides training on the practical aspects of the Proceeds of Crime Act. His expertise as an advocate is recognised by his inclusion in both the Legal 500 and Chambers and Partners Guide to the bar. He is available to provide short notice and urgent advice and is often asked to advise in the very early stages of cases.

Recommendations

"I would like to thank you for your diligent work on this case. Your client care and commitment to the case was exceptional. Your willingness to "go the extra mile" was impressive and proved crucial. Your planning and delivery of the cross examination proved decisive. An ok case (partly because of the statute) transformed into a strong case, according to his honour the Judge, before our very eyes, as our opponent was exposed as a liar."

Instructing solicitor, 2017

"Tom was brilliant, stood head and shoulders above the other barristers"

Instructing solicitor, 2016

Has a robust practice in regulatory offences that sees him instructed by a range of parties including public sector bodies, companies and private individuals. He also handles cases concerning violent crime and sexual abuse, as well as fraud and drug offences. Additionally, he has expertise in cases involving regulatory offences.

Strengths: "He has a really nice manner in court and very good judgement." "Mr Horder is extremely experienced in all areas of criminal defence. He takes a hand-on approach to trial preparation, which makes him a popular choice among solicitors and clients alike."

Recent work: Defended a CCTV operative who unlawfully accessed the footage of an autopsy featuring a footballer who tragically died in a well-publicised plane crash.

Chambers UK Bar 2021/Crime - Band 2

Strengths: "He is an extremely affable barrister who deals with difficult clients with commendable patience. He delivers calm and measured advocacy with the right amount of flair and is an exceptionally impressive trial advocate and lawyer behind the scenes."

Recent work: Defended a care worker accused of assaulting and abusing a large number of mentally and physically disabled residents at an adult care home.

Chambers UK Bar 2020/Crime - Band 2

"His advice is always clear and concise and precisely what is required. His client care and commitment is exceptional. His willingness to go the extra mile has been impressive."

Recent work: Prosecuted an organised criminal gang controlling the supply class A drugs across the South of England.

Chambers UK Bar 2019/Crime

Strengths: "He is meticulous and tenacious, both in terms of his preparation and his conduct of cases in court." "He is smart, clever and pragmatic."

Chambers UK Bar 2018/Crime

Strengths: "Very able, a rising star."

Chambers UK Bar 2017/Crime

'Praised by instructing solicitors for his expertise in cases concerning fraud, drugs and other serious criminal offences.

Strengths: "He has a particular skill in dealing with extremely demanding clients. He is very committed to his work and is very accessible when it comes to seeking advice or updates."

Chambers UK 2016/Crime

'...covers the full range of criminal offences, and is best recognised for his expertise in regulatory criminal cases. He receives regular instructions from local authorities, government bodies and insurers in relation to cases concerning health and safety, trading standards, environmental, aviation and maritime issues.

Expertise: "His advocacy is very good and he impresses with his knowledge of legislation and case law in niche areas."

Chambers UK 2015/Crime

'He has sterling advocacy skills and exceptional levels of client empathy.'

Legal 500 2021/Crime - Leading juniors - Tier 2

'Reliable and meticulous in his preparation for conferences and hearings with good presentation at trial.'

"Tom Horder is another key name within the set"

Legal 500 2021/Business and regulatory crime (including health and safety) - Leading Juniors - Tier 2

'He is an exceptionally impressive advocate; calm and measured, with just the right amount of flair.'

Legal 500 2020/Crime - Leading juniors - Tier 1

'His preparation is meticulous and he inspires confidence in his clients.'

Legal 500 2020/Regulatory, health and safety, and licensing - Leading Juniors - Tier 1

'An unruffled barrister with a light touch.'

Legal 500 2018/19/Crime – Leading juniors – Tier 1

'Experienced across a broad spectrum of criminal cases.'

Legal 500 2017/Crime – Leading juniors

'An excellent advocate with a strong courtroom presence.'

Legal 500 2016/Crime – Leading juniors

'He is led, and often leads, in some of the most complex cases, including those involving serious violence'

Legal 500 2015/Crime – Leading juniors

'Particularly highly regarded for his ability to handle the most serious and complex cases.'

Legal 500 2014/Crime

'...attracts praise, and is 'very good at explaining procedure and tactics to clients'

'Particularly highly regarded for his ability to handle the most serious and complex cases'

Legal 500 2013/Crime

Academic qualifications

- BA (Hons) History, University of Newcastle-Upon-Tyne
- PGDL and BVC, BPP Law School

Professional qualifications & appointments

- Attorney-General's Unified List of Prosecuting Advocates (Panel C)
- Specialist Regulatory Advocates in H&S and Environmental Law List.