

Daniel Mansell



Call: 2012

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Details of practice

Daniel has a broad practice across chambers' areas of expertise with a particular focus on crime and a growing specialism in the field of regulatory and professional discipline.

Regulatory and professional discipline

Daniel has extensive experience in the field of healthcare regulation, representing both regulators and registrants. He appears before the General Medical Council (GMC), General Dental Council (GDC), Nursing and Midwifery Council (NMC) and the Health and Care Professions Council (HCPC). He is well-versed in the legal principles underpinning all healthcare regulators.

Daniel is regularly instructed by the GDC in cases of alleged misconduct concerning dentists and other dental care professionals. These cases typically involve complex clinical issues and the instruction of experts. Daniel is often instructed early in the investigation process, offering advice on all stages leading up to the final hearing. As well as appearing at substantive final hearings, Daniel also represents the GDC at interim order hearings.

In 2015 Daniel spent nine months on secondment in the Regulatory and Professional Discipline department of Kingsley Napley LLP. During his time with the firm Daniel was acting for the HCPC; one of the UK's largest regulators, responsible for regulating over 15 different professions.

Daniel's main role was presenting cases at fitness to practise hearings before panels of the Conduct and Competence Committee at hearing venues across England, Wales and Scotland. Daniel presented cases against a range of professionals including paramedics, chiropractors, dietitians, physiotherapists, psychologists, occupational therapists, radiographers, social workers and biomedical scientists.

These cases often involved technically complex allegations, vulnerable witnesses and expert evidence. As well as conduct and competence hearings, Daniel also represented the HCPC at voluntary removal hearings, consent order hearings and hearings before fitness to practise panels of the Health Committee.

Daniel has a broad practice across chambers' areas of expertise with a particular focus on crime, regulatory and professional discipline.

Crime

Daniel regularly appears in the Magistrates' Courts and Crown Court for both the prosecution and defence. He has acted for defendants charged with a range of offences including fraud, offences under the Gambling Act, importation of cocaine and other drug offences, motoring offences and inflicting grievous bodily harm. He has represented defendants in confiscation proceedings and restraint proceedings in the High Court.

As well as appearing regularly for the Crown Prosecution Service, Daniel acts for other prosecution authorities and public bodies. He appears regularly for Transport for London and represented a local Council in a complicated costs hearing arising from litigation concerning a nuisance abatement notice.

Licensing

Daniel represents licensed premises as well as the Metropolitan Police in closure order proceedings. He is regularly instructed by Transport for London in taxi licensing appeals brought at both the Magistrates' Court and Crown Court and has extensive knowledge of the statutory regime governing private hire vehicle licences.

Extradition

Daniel appears on behalf of requested persons in extradition cases involving requests from Category 1 territories (ie requests under the European Arrest Warrant system) and Category 2 territories. He has acted in cases involving challenges to extradition on grounds including mistaken identity, dual criminality and human rights.

Daniel developed expertise in extradition law as the Policy Officer at the human rights NGO Fair Trials International. This involved extensive work on the organisation's campaign on the European Arrest Warrant, which included drafting proposed amendments to the Extradition Act 2003 and giving evidence to the Government's Extradition Review Panel.

Education/professional qualifications

Bar Professional Training Course (Outstanding)
LLB (First)
MA (Cantab) Queens' College, Cambridge

Middle Temple Certificate of Honour (2012, for BPTC results)
Winner, the College of Law Plea in Mitigation Competition (2012)
Middle Temple Astbury Scholar (2008 and 2011)
Human Rights Lawyers' Association Bursary (2010)

Publications

'**The European Arrest Warrant and Defence Rights**', European Criminal Law Review, 2012

'**The European Investigation Order: Changing the face of evidence-gathering in EU cross-border cases**', New Journal of European Criminal Law, 2011, co-author

'**The European Arrest Warrant: The Role of Judges When Human Rights are at Risk**', New Journal of European Criminal Law, 2011, co author

Other information

Before coming to the Bar, Daniel was the Policy Officer at the human rights NGO Fair Trials International (FTI), where he assisted in the formulation of the organisation's policy stance on fair trial issues and helped deliver campaigns on extradition, pre-trial detention and international evidence-sharing. This work involved arguing for defence rights at meetings with the Foreign and Commonwealth Office, the Home Office and the European Parliament.

Before working at FTI, Daniel spent a year as a paralegal in the crime department of a leading firm of solicitors. Daniel worked on a range of cases from racially aggravated public order to murder. While at the firm Daniel worked extensively on a large-scale VAT fraud (a so-called MTiC fraud or "carousel" fraud), which involved the circulation of dummy orders of mobile phones around the EU.

While undertaking his legal training Daniel volunteered for the human rights organisation Liberty and represented clients on a pro bono basis at social security hearings with the Free Representation Unit. He also volunteered for the Witness Service at the Old Bailey, supporting victims of crime, their family members and witnesses.

Direct access

Daniel Mansell is qualified to accept instructions direct from clients under the Bar Council's Public Access Scheme. This means that members of the public who seek specialist advice can come direct to him. In addition he welcomes instructions from solicitors, in-house law departments, qualified foreign lawyers, and clients licensed by the Bar Council to give instructions direct to barristers under the Bar Council's Licensed Access Scheme.

For further information please contact our Clerks.

Notable cases

Notable cases include:

Regulatory and professional discipline

GDC v P

Representing the GDC in a case involving a dentist who had sent threatening emails and behaved in an aggressive manner at a meeting with NHS staff. The Committee found that the actions amounted to misconduct and the Registrant's fitness to practise was impaired.

GDC v H

Representing the GDC in a case involving allegations against a dentist of providing poor standards of treatment. The case involved a range of alleged clinical failings and conflicting expert evidence.

NMC v S

Acting for the registrant who faced a large number of serious allegations concerning the poor running of a care home. Daniel secured a favourable outcome as the panel only went so far as to impose a conditions of practice order.

HCPC v A

Representing the HCPC in a high-profile case concerning a former Kids Company psychologist who it was alleged had offered MDMA to a service user in a nightclub. This was denied but the Panel found all the facts proved, that they amounted to misconduct and that the registrant's fitness to practice was impaired.

HCPC v A, B and C

Representing the HCPC at a three-week case against three registrant social workers. This factually complex case involved a range of failings involving a child who had been murdered by her mother. The panel made findings of misconduct against all three registrants.

HCPC v D

Representing the HCPC. It was alleged that the registrant physiotherapist had instigated an inappropriate sexual relationship with a patient. The panel found misconduct and that the registrant's fitness to practise was impaired.

HCPC v E

Representing the HCPC. This highly technical case involved a biomedical scientist failing to follow the correct procedure in relation to the analysis of calcium in a patient's blood sample. The panel found misconduct and that the registrant's fitness to practice was impaired.

HCPC v F

Representing the HCPC. It was alleged that the registrant radiographer had dishonestly deleted mammogram images and not accurately recorded patient radiation exposure in order to make her appear more efficient. The panel found misconduct and that the registrant's fitness to practice was impaired.

HCPC v G

Representing the HCPC. This case involved an allegation that the registrant social worker had breached the confidentiality of a vulnerable service user who was subsequently murdered by her abusive partner. The panel found misconduct.

Crime

R v A

Representing a defendant in a case involving multiple charges of rape and sexual assault. The case involved Daniel sensitively cross-examining the child complainant. The defendant, a youth, was given a Referral Order.

R v P

Appearing at Blackfriars Crown Court representing a defendant charged with a racially aggravated Public Order Act offence involving an altercation at a railway station. Daniel secured an acquittal from the jury despite the evidence of an independent prosecution eyewitness.

R v S

Successfully argued that the M'Naghten rules (*M'Naghten's Case* (1843)) applied to the defendant and that he was legally insane at the time he had attacked two police officers. The defendant was acquitted.

R v G

Representing a defendant charged with obstruction of the highway during the protests outside parliament on the night of the House of Commons vote on military intervention in Syria. The case involved argument concerning human rights, specifically the right to freedom of expression.

R v G

Representing a defendant charged with racially aggravated offences at Cambridge Crown Court. Jury acquitted on all racially aggravated counts.

R v T

Secured the acquittal of a defendant charged under the Malicious Communications Act 1988.

London Borough of Camden v R

Representing a defendant charged in her capacity as a company director for failing to comply with housing regulations. Daniel presented detailed written legal argument concerning the statutory test for imposing criminal liability on company directors. Following this the prosecution dropped the case.

R v L

Acting for a defendant charged with inflicting grievous bodily harm following an argument with a player on an opposing team at a five-a-side football match. The court heard evidence from five prosecution eyewitnesses. The defence of self-defence was successful and the defendant was acquitted.

R v A

Representing a defendant facing an obligatory three-year disqualification from driving after failing to provide a sample. Daniel successfully argued that "special reasons" applied and the defendant was instead given 6 penalty points.

R v N

Acting for a police officer charged with common assault. Daniel highlighted a number of flaws with prosecution disclosure and the case was dropped.

R v N

Representing a defendant accused of common assault and possession of an offensive weapon. Defence of self-defence and lack of intent was successful and the defendant was acquitted.

R v M and M

Acting for two defendants from the same family charged with Public Order Act offences. Daniel challenged the public interest in bringing the case and the prosecution withdrew the charges.

Extradition

Republic of Ireland v I

Representing a person wanted in Ireland in relation to alleged people trafficking. Daniel successfully argued that extradition would breach the requested person's Article 8 rights and the court discharged her. The case was then appealed by the prosecution to the High Court where Daniel also acted for the requested person.

Germany v F

Acting for a person wanted in Germany for a fraud allegedly committed in respect of a hoax kidnapping in Argentina. After liaising with Argentine embassy officials, Daniel made written representations to the prosecution highlighting double jeopardy arguments and the extradition request was withdrawn.

Republic of Albania v X (aka K)

Representing a person convicted of murder in Albania. The case involved expert evidence on the right to a fair trial and judicial corruption in Albania.