

## Charles McCombe

Call: 2017



Upon joining Three Raymond Buildings following the successful completion of his pupillage, Charles undertook a Judicial Assistantship at the UK Supreme Court, working for Lord Hamblen of Kersey during the 2020-2021 legal year.

Since returning to Chambers from the Supreme Court, Charles has developed a diverse practice which spans criminal, public and human rights law. In addition to his criminal practice, he has growing specialisms in protest law, sanctions law and, more broadly, criminal cases involving issues related to the European Convention on Human Rights. He is therefore very well placed to act in cases which sit at the intersection between criminal law, public law and human rights law.

## Crime

Charles is instructed regularly to represent clients in both the Magistrates' Court and the Crown Court.

Previous and/or current instructions in the Crown Court include allegations of perverting the course of justice, threats to kill, unlawful possession of firearms and ammunition, voyeurism, sexual communications with a child, the supply of drugs and, as a led junior, causing death by dangerous driving.

Charles has developed a particular specialism in defending individuals charged with criminal offences arising from protest-related activity. Charles has experience of representing individuals charged with a wide range of protest-related offences, including obstructing the highway, aggravated trespass, criminal damage, public nuisance, tampering with a motor vehicle and breaching a condition imposed under section 14 of the Public Order Act 1986. For more details of Charles's protest law practice, please see the separate tab below.

As a result of his experience in protest law and public law, Charles is well placed to act in criminal cases involving human

rights related issues. For example, Charles is currently instructed in a pending appeal by way of case state to the High Court against convictions for malicious communications offences (led by [Nicholas Yeo](#)), which concerns (amongst other things) the application of articles 8 and 10 of the European Convention on Human Rights.

Due to his experience as Judicial Assistant at the Supreme Court and his strong academic background, Charles is particularly well suited to cases involving complex and/or novel points of law. He is also well placed to advise on matters related to criminal proceedings. Recent advisory work includes advice as Junior Counsel on a potential private prosecution and the risk of incurring criminal liability under the 2019 Russian Sanctions Regulations.

## Notable Crime cases

- **C&B v Director of Public Prosecutions (High Court) (ongoing)**

Representing two police officers in a pending appeal by way of case stated against convictions under section 127 of the Communications Act 2003. Led By Nicholas Yeo.

- **R v O (2023) (Bournemouth Crown Court)**

Represented a defendant charged with assault occasioning actual bodily harm. Following an abuse of process application relating to the police's investigative failings and the application of the CPS's key documents on racist and religious hate crimes and obligations arising under article 8 of the European Convention on Human rights, an application to adduce the complainant's previous convictions and a trial in which live evidence was given by 3 prosecution witnesses, the defendant and his wife, the jury, after just over 90 minutes, returned a not guilty verdict.

- **R v C, D and others (2023) (Westminster Magistrates' Court)**

Represented two of five defendants charged with tampering with a motor vehicle during an Extinction Rebellion protest. The court accepted a half-time submission that the defendants had not tampered with a motor vehicle, within the meaning of the provision, as the conduct relied upon by the prosecution concerned the detachable trailer of the tanker, as opposed to the cab itself.

- **(R v H) (2023) (Westminster Magistrates' Court / City of London Magistrates' Court)**

Represented a defendant charged with breaching a condition imposed by a senior officer contrary to section 14 of the Public Order Act 1986 in relation to an Extinction Rebellion protest at Oxford Circus. At the close of the prosecution case, which involved cross-examination of a Chief Superintendent, the court accepted a half-time submission that the condition which she imposed was unlawful as the prohibited area which protestors were instructed to leave had no specific end point and was thus insufficiently certain.

- **R v G (2022) (Southwark Crown Court, sitting at Prospero House)**

Represented a defendant at trial who was charged with perverting the course of justice and theft, relating to his conduct as a police officer.

- **R v G (2022) (Croydon Crown Court)**

Represented a defendant charged with assault occasioning actual bodily harm. Following a guilty plea, the case moved to a Newton hearing which involved complex legal argument on the res gestae doctrine. The Newton hearing was resolved in the defendant's favour and the court passed a suspended sentence.

- **R v A (2022) (Croydon Youth Court)**

Represented a youth charged with two offences, one of which was a summary-only public order offence. After legal argument on the approach to counting the 6-month time limit under s.127 of the Magistrates' Court Act 1980, the Court accepted that the public order matter was time-barred.

- **R v G (2021) (St Albans Crown Court)**

Represented a Defendant charged with causing death by dangerous driving. Led by Trevor Burke KC.

## Protest Law

Charles has developed a particular specialism in protest cases, having worked on the case of *DPP v Ziegler* [2021] UKSC 23 in his capacity as a Judicial Assistant at the Supreme Court. Given his practice which spans both criminal and public law, Charles is particularly well-placed to advise and represent defendants on application of articles 9, 10 and 11 of the European Convention on Human Rights to cases relating to protests.

His protest practice involves proceedings in both Magistrates' and Crown Courts. Charles has experience of representing defendants charged with a wide range of protest-related offences, including obstructing the highway, aggravated trespass, criminal damage, public nuisance, tampering with a motor vehicle and breaching a condition imposed under section 14 of the Public Order Act 1986.

In January 2023, Charles made a successful submission of no case to answer on behalf of protestors charged with tampering with a motor vehicle (see the BBC's report on the case [here](#)). More recently, a District Judge concluded that a section 14 condition imposed on an Extinction Rebellion protest at Oxford Circus was unlawful, following Charles's submission of no case to answer. For more details, please see below.

Recent and/or current instructions include cases relating to 'Just Stop Oil', 'Extinction Rebellion' and 'Animal Rebellion'. He is currently instructed in an upcoming trial before a District Judge listed for 9 days relating to a pro-Palestinian protest. He is also currently instructed to defend individuals in the Crown Court in relation to allegations of criminal damage and public nuisance.

## Notable Protest Law cases

- **R v C, D and others (2023) (Westminster Magistrates' Court)**

Represented two of five defendants charged with tampering with a motor vehicle during an Extinction Rebellion protest. The court accepted a half-time submission that the defendants had not tampered with a motor vehicle, within the meaning of the provision, as the conduct relied upon by the prosecution concerned the detachable trailer of the tanker, as opposed to the cab itself.

- **R v H (2023) (Westminster Magistrates' Court / City of London Magistrates' Court)**

Represented a defendant charged with breaching a condition imposed by a senior officer contrary to section 14 of the Public Order Act 1986 in relation to an Extinction Rebellion protest at Oxford Circus. At the close of the

prosecution case, which involved cross-examination of a Chief Superintendent, the court accepted a half-time submission that the condition which was imposed was unlawful as the prohibited area which protestors were instructed to leave had no specific end point and was thus insufficiently certain.

## Sanctions

Charles has developed a specialist sanctions practice, with a particular focus on the Russian sanctions regime. Charles has experience of and is currently instructed in a number of confidential, high-profile matters.

Charles' work spans the range of sanctions work. This includes the regulatory sphere (i.e. advising on licence applications), the criminal sphere (i.e. advising on the risks of criminal liability under the Russian sanctions' regulations) and the public law sphere (i.e. advising on potential grounds for challenging designation).

Charles acted for Nikita Mazepin in applying for interim relief in proceedings brought under section 38 of the Sanctions and Anti-Money Laundering Act 2018, led by [Hugo Keith KC](#) and [Rachel Scott](#). He is currently acting for a number of individuals in current and/or pending challenges to their designations.

Charles's recent experience includes:

- Drafting grounds of challenge to a designation in proceedings before the High Court under section 38 of the Sanctions and Anti-Money Laundering Act 2018 (as Junior Counsel);
- Drafting applications to the Secretary of State to revoke designation requests under section 23 of the Sanctions and Anti-Money Laundering Act 2018 (as Junior Counsel);
- Advising on grounds for challenging designation under the Russian sanctions' regulations (as Junior Counsel);
- Advising on potential criminal liability under the Russian sanctions' regulations, including issues relating to the scope of territorial jurisdiction (as Junior Counsel);
- Advising on licence applications and compliance reporting to OFSI (as Junior Counsel).

## Notable Sanctions cases

- **Mazepin v Secretary of State for Foreign, Commonwealth and Development Affairs) (2023)**

Acted for Nikita Mazepin, former Formula 1 racing driver in applying for interim relief in proceedings brought under section 38 of the Sanctions and Anti-Money Laundering Act 2018 (led by Hugo Keith KC and Rachel Scott).

- **Sanctions Matter (ongoing)**

Currently acting for an individual in a challenge to their designation (Led by Hugo Keith KC, Rachel Barnes KC and Rachel Scott).

- **Sanctions Matter (ongoing)**

Currently instructed in a prospective challenge to a designation (Led by Rachel Barnes KC).

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## Public Law

Charles accepts instructions across the main areas of Chambers' public law work. He has a particular interest in cases across the range of Chambers' practice areas which raise public law and/or human rights related issues.

Given Charles's practices in both protest law and sanctions, he is very well placed to advise and act in cases involving issues relating to the European Convention on Human Rights and other 'traditional' public law principles and concepts.

He has experience of advising on public law-related issues in a number of different contexts, including the application of judicial review principles within the contexts of sanctions and SIAC proceedings (both as Junior Counsel) and the data-protection implications arising out of a search and seizure following an MLA request. He also has experience of public inquiry work, having been instructed as Junior Counsel by a Core Participant in the Grenfell Tower Inquiry to assist with the preparation of Rule 9 statements.

Whilst working as a Judicial Assistant at the Supreme Court, Charles worked on appeals involving complex points of law across a wide range of different legal contexts. In particular, he worked on a number of high profile cases which concerned human rights and/or public law issues, including: **R (KBR Inc) v Director of the SFO** [2021] UKSC 2 (territorial scope of SFO's investigatory powers); **DPP v Ziegler** [2021] UKSC 23 (appeal by way of case stated arising from protest activity); and **Maduro Board of the Central Bank of Venezuela v Guaidó Board of the Central Bank of Venezuela** [2021] UKSC 57 (recognition of a foreign head of state and act of state doctrine).

## Financial crime and the proceeds of crime

Charles has a growing interest in financial crime and the proceeds of crime. In light of his criminal and sanctions practices, Charles is well-placed to act in these areas.

Charles has a particular interest in Account Freezing and Account Forfeiture Orders. His recent experience includes successfully securing Freezing Orders for a police force in respect of two accounts which together contained over £1,000,000, where the respondent was represented by Senior Counsel.

Whilst working as a Judicial Assistant at the Supreme Court, Charles worked on the landmark case of **R (KBR Inc) v Director of the SFO** [2021] UKSC 2, which concerned territorial scope of SFO's investigatory powers.

## Notable Financial crime and the proceeds of crime cases

- **ES (2023) (Ongoing)**

Representing a police force in Account Forfeiture and Cash Forfeiture proceedings. The contested hearing is due to include evidence from 9 individuals (including the respondent).

- **GU (2022)**

Represented a police force in Account Forfeiture proceedings relating to two accounts totalling over £100,000, having successfully applied to extend the Freezing Orders already in place.

- **D (2022)**

Successfully secured Freezing Orders for a police force in respect of two accounts totalling over £1,000,000. Senior Counsel appeared for the respondent.

## Extradition and mutual legal assistance

Charles accepts instructions to appear on behalf of requested persons in extradition cases.

Charles has experience of advising on the data protection implications of a search and seizure following a request for mutual legal assistance.

As a Judicial Assistant at the Supreme Court, Charles worked on the case of **Zabolotnyi v Hungary** [2021] UKSC 14, which concerned the approach to assessing and relying on assurances as to prison conditions given by requesting authorities.

## Civil Preventative Orders

Charles accepts instructions to appear in and advise on matters which concern civil preventative orders. Recent instructions include applications for Sexual Harm Prevention, Sexual Risk, Stalking Protection and Closure Orders.

### Notable Civil Preventative Orders cases

- **(MPS v L) (2022)**

Successfully secured a Sexual Risk Order for the applicant in a case involving very serious allegations of sexual activity with children.

- **(MPS v M) (2022)**

Successfully secured a Sexual Risk Order for the applicant in a case involving a police officer, where one of the

underlying allegations was rape.

## Professional Discipline

Charles accepts instructions in professional discipline matters. He has recent experience of representing an appropriate authority in police misconduct proceedings brought against senior officers, as Junior Counsel to Matthew Butt KC. He is also on the Teaching Regulatory Authority's panel of Presenting Officers.

### Notable Professional Discipline cases

- **B, W, S v Gwent Police (2022)**

Junior Counsel to Matthew Butt KC representing Gwent Police in misconduct proceedings against senior officers. Two of the officers were dismissed without notice. A third officer gave notification of his intention to retire before the end of the hearing and the panel determined that he would have been dismissed had he not ceased to be a police officer.

## Notable Cases

Notable Criminal cases

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### **R v G (2021) (St Albans Crown Court)**

Represented a Defendant charged with causing death by dangerous driving. Led by [Trevor Burke KC](#).

Notable Protest law cases

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## Notable Sanctions cases

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## Notable Proceeds of Crime cases

### **ES (2023) (Ongoing)**

Representing a police force in Account Forfeiture and Cash Forfeiture proceedings. The listing hearing is due to include evidence from 9 individuals (including the respondent).

### **GU (2022)**

Represented a police force in Account Forfeiture proceedings relating to two accounts totaling over £100,000, having successfully applied to extend the Freezing Orders already in place.

### **D (2022)**

Successfully secured Freezing Orders for a police force in respect of two accounts totaling over £1,000,000. Senior Counsel appeared for the respondent.

## Notable Civil and quasi-criminal matters cases

### **(MPS v L) (2022)**

Successfully secured a Sexual Risk Order for the applicant in a case involving very serious allegations of sexual activity with children.

### **(MPS v M) (2022)**

Successfully secured a Sexual Risk Order for the applicant in a case involving a police officer, where one of the underlying

allegations was rape.

Notable professional discipline cases

### **B, W, S v Gwent Police (2022)**

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## **Professional Memberships**

- London Irish Lawyers Association
- Criminal Bar Association
- Young Fraud Lawyers Association
- Defence Extradition Lawyers Association

## **Education**

### **Education**

- LLM (University of Pennsylvania) – Distinction, 1st in year
- MPhil in Criminology (Cambridge) – Distinction, 1st in year
- GDL & BPTC (City University, London)
- BA Hons in French and German (King's College London) – First Class

### **Scholarships and prizes**

- Karen Iest Award for Excellence in the LLM (University of Pennsylvania, 2019)
- Manuel Lopez-Rey Prize for Criminology (Cambridge, 2018)
- Thouron LLM Scholarship (Thouron Award, 2018)
- Newton MPhil Scholarship (Cambridge, 2017)
- British Academy of Forensic Sciences Prize for Advanced Criminal Litigation (City, 2017)
- Paul Methven Scholarship (Inner Temple, 2016)
- Exhibition Award (Inner Temple, 2016)
- Exhibition Award (Inner Temple, 2015)
- Formal Commendation for Citizenship and Endeavour (KCL French Dept, 2015)
- Formal Commendation for Academic Achievement (KCL French Dept, 2013)

## Publications

- **“R (KBR, Inc) v Director of the Serious Fraud Office:** The Principle of International Comity and Extra-Territorial Effect.” YFLA Newsletter, February 2021.
- “Exploring the impact of Council of Europe institutions through a cross jurisdictional collaboration.” Howard League for Penal Reform ECAN Bulletin, Issue 39, 2018 (co-authored with other members of the research project).
- “Non-fatal Offences Against the Person: Complexities, Difficulties and Reform.” Queen Mary Law Journal, Volume 8, 2017.

## Other Information

Throughout his legal studies, Charles has been involved in a number of pro bono projects in different areas including prison law, criminal appeals, social security and education law. He intends to maintain his involvement in pro bono and other access-to-justice-related work whilst in practice.

Charles has developed a significant academic interest in criminal justice and public law. At Cambridge, Charles’ MPhil dissertation considered the relationship between harm, dangerousness, sentencing and probation. At Penn, his studies spanned constitutional law, criminal law, international human rights law and the ever-growing field of US law referred to as “cimmigration”, which seeks to understand the relationship between immigration law and criminal justice. Charles hopes to maintain this interest in academic law alongside his practice.

Outside of law, Charles has worked in politics in his native Northern Ireland, on a voluntary basis, with a particular interest in human rights, cross-community and constitutional issues.

## Privacy Statement

I, Charles McCombe, am a data controller and can be contacted at 3 Raymond Buildings, Gray’s Inn, London WC1R 5BH or by telephone on 020 7400 6400 or by email at [clerks@3rblaw.com](mailto:clerks@3rblaw.com). My Data Protection Policy can be found [here](#).

All personal data that I process is for the purposes of providing legal services, conducting conflict-checks, marketing, defending potential complaints, legal proceedings or fee disputes, keeping anti-money laundering records, training other barristers and pupils and when providing work-shadowing opportunities, and/or exercising a right to a lien. The types of data I process vary upon the nature of the legal matter in relation to which I am engaged to advise, but can include names, contact details, biographic details and ‘special category personal data’ (such as details of racial or ethnic origin, political opinions, religious or philosophical beliefs, health, sex life and criminal convictions and proceedings).

Depending upon the circumstances of the case, the legal bases upon which I process personal data are (i) the performance of a contract to which the data subject is a party or in order to take steps at the request of the data subject

prior to entering into a contract, (ii) the processing is necessary to comply with legal obligations to which I am subject, or (iii) the processing is necessary for the legitimate interests set out above, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subjects which require protection of personal data, in particular where the data subject is a child. When I rely on (iii) legitimate interests, my 'Legitimate Interests Assessment' can be found [here](#). When I process data which has not been obtained directly from the data subject (eg personal data contained in evidential materials), it will have been supplied to me as part of my instructions in circumstances covered by legal professional privilege.

Depending upon the circumstances of the case, I may share the personal data with:

1. my Chambers, which supplies professional and administrative support to my practice;
2. Courts and other tribunals to whom documents are presented;
3. my lay and professional clients;
4. potential witnesses, in particular experts, and friends or family of the data subject;
5. solicitors, barristers, pupils, mini pupils and other legal representatives;
6. ombudsmen and regulatory authorities;
7. current, past or prospective employers;
8. education and examining bodies;
9. business associates, professional advisers and trade bodies.

I retain personal data for no longer than 7 years after the case has come to an end or as otherwise required by law.

I do not intend to transfer data to any country which is not either within the European Union, or otherwise permitted by UK data protection legislation.

Under the UK GDPR, data subjects whose personal data I process have the right to request from me access to, and rectification or erasure of, their personal data, the right to the restriction of processing concerning them, the right to object to processing as well as the right to data portability. Data subjects also have the right to lodge a complaint with the Information Commissioner's Office ([ico.org.uk](http://ico.org.uk)).

In cases where there is a contract between me and the data subject, the provision of personal data is a contractual requirement and the data subject is obliged to provide the personal data in order that I can supply legal services. A failure to provide such data may mean that I will not be able to provide those legal services.

Rev 2.1 – 18.11.2022

[Data Protection Policy](#)

[Legitimate Interests Assessment](#)