

Daniel Mansell

Call: 2012



Daniel Mansell has a broad practice encompassing crime, regulatory matters, licensing, inquests and major public inquiries.

He frequently acts for regulators and professionals in professional discipline proceedings. He has extensive experience both prosecuting and defending before the criminal courts, representing a range of clients, including individuals, companies and statutory bodies. He is currently instructed by Greater Manchester Police in the public inquiry into the 2017 Manchester Arena terrorist attack.

Professional Discipline and Regulatory

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), General Optical Council (GOC), Nursing and Midwifery Council (NMC) and the Health and Care Professions Council (HCPC). Daniel is a Specialist Regulatory Advocate in Health & Safety and Environmental Law (list 'C').

Daniel regularly represents the General Dental Council in cases of alleged misconduct concerning dentists and other dental care professionals. These cases typically involve complex clinical issues and the cross-examination of experts. Daniel is often instructed early in the investigation process, providing advice on all stages leading up to the final hearing.

In 2015, Daniel undertook a nine-month secondment with the Regulatory and Professional Discipline department of Kingsley Napley LLP, acting for the the Health and Care Professions Council at fitness to practise hearings across the UK. 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.

Notable Professional Discipline and Regulatory cases

- **GDC v M**

Representing the GDC in a multi-faceted case encompassing clinical misconduct, impairment by reason of ill-health, impairment by reason of criminal conviction, and allegations of attending work while intoxicated.

- **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, B & 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.

Crime

Daniel regularly appears in the Magistrates' Courts and Crown Court for both the prosecution and defence. He has acted in connection with a range of offences including fraud, importation of cocaine, rape, malicious communications and serious violence. Daniel has extensive experience in relation to motoring offences. He has provided written advice on a wide variety of criminal matters, including blackmail.

As well as appearing regularly for the Crown Prosecution Service, Daniel acts for other prosecution authorities and public bodies, such as Transport for London and the Information Commissioner's Office. Daniel represents clients in a range of civil/quasi-criminal regulatory matters, including cash forfeiture hearings and sexual risk order hearings.

Daniel has been appointed to List C of Specialist Regulatory Advocates instructed by, among others, the Health and Safety Executive. He has acted for restaurants in relation to food hygiene prosecutions.

Notable Crime cases

- **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 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 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 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.

Inquests & Inquiries

Daniel appears for interested persons in inquests and has worked on major public inquiries. He is well-versed in advising lay and professional clients on a range of issues, including disclosure and legal professional privilege. Daniel’s experience encompasses document-heavy cases and means he is proficient in the e-disclosure software Relativity.

Notable Inquests & Inquiries cases

- **Inquest into the death of O**

Ongoing inquest representing the Metropolitan Police in relation to a death in custody.

- **Grenfell Tower Inquiry**

Disclosure junior instructed by the London Fire Brigade.

- **Independent Inquiry into Child Sexual Abuse**

Disclosure junior instructed by the Catholic Archdiocese of Birmingham.

Licensing

Daniel represents licensed premises, the police and other interested persons in alcohol licensing applications. 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. Daniel has acted in closure order proceedings.

Notable Licensing cases

- **The Wave: Licensing application**

Representing local residents who were objecting to an application for an alcohol and entertainment licence made by a multi-million-pound artificial surfing lagoon.

- **R (on the application of Qin) v The Commissioner of the Police for the Metropolis [2017] EWHC 2750 (Admin)**

Led by Stephen Walsh QC and acting for the Metropolitan Police in a judicial review in relation to a closure order application concerning multiple premises said to be operating as brothels. The case clarified the law on the notification requirements under the Anti-Social Behaviour, Crime and Policing Act 2014.

- **K**

Licensing application. Representing a restaurant seeking an alcohol licence within a Cumulative Impact Area in West London. The licence was granted.

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.

Notable Extradition cases

- **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.

Notable Cases

Professional discipline

GDC v M

Representing the GDC in a multi-faceted case encompassing clinical misconduct, impairment by reason of ill-health, impairment by reason of criminal conviction, and allegations of attending work while intoxicated.

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.

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.

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.

HCPC v D

Representing the HCPC. It was alleged that the registrant physiotherapist had instigated an inappropriate sexual relationship with a patient.

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.

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.

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.

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.

Inquiries and inquests

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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 (2011)
- Human Rights Lawyers' Association Bursary (2010)
- Middle Temple Astbury Scholar (2008)

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

Appointments

- Specialist Advocates' C panellist for Health & Safety and Environmental Law

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.

Accreditations

