

# Barnabas Branston

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**Barnabas Branston is ranked as a leading junior specialising in police law, inquests and police discipline. He is rated by clients for being “excellent counsel” and “a master strategist”.**

Barney acts for a range of clients including police forces across England and Wales and other organisations in the public and private sector. He is currently representing Serco Home Affairs, Devon and Cornwall Police, West Midlands Police, Dyfed Powys Police and South Wales Police on a variety of matters.

Before being called to the Bar, Barney studied French at Oxford and whilst at university was sponsored by the Welsh Guards. After graduating he served in the regiment for five years in Northern Ireland, Shropshire, Paris, Germany and London.

Barney is happy to provide lectures to solicitors on all aspects of his practice. In the last year he has given lectures on coroners’ inquests and on police misconduct hearings and was recently part of the Chambers’ team delivering lectures in the ‘Sofa Series’ during the lockdown.

## Expertise

### Police Law

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Barney has an extensive practice defending Chief Constables in a variety of tortious claims, specifically in civil actions for assault, wrongful arrest, false imprisonment, malicious prosecution, negligence and trespass. He also defends cases which include claims brought pursuant to the Human Rights Act.

### Notable Police Law cases

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Goldsmith v CC Devon and Cornwall Police

claim for assault, false imprisonment and negligence following the use of CS spray and handcuffs.

Phillips v CC Devon and Cornwall Police

claim for assault and wrongful arrest following the use of taser and handcuffs.

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Godfrey v CC Dyfed Powys Police

claim for assault, wrongful arrest, false imprisonment, trespass to property.

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Fareed v CC West Midlands Police

claim for assault, false imprisonment, negligence and breach of HRA following the use of taser and handcuffs.

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Fox v Commissioner of Police for the Metropolis

claim for assault, including the partially successful reliance on s329 CJA 2009.

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Okoro v Commissioner of Police for the Metropolis

claim for assault and false imprisonment

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Klein v CC Staffordshire Police

claim for malicious prosecution.

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Gonsalves v CC Staffordshire Police

claim for assault, wrongful arrest and malicious prosecution.

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Andry v Commissioner of Police for the Metropolis

claim for assault and false imprisonment.

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Kirby v Commissioner of Police for the Metropolis

claim for assault.

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JEA & JXA v Commissioner of Police for the Metropolis

claim for negligence.

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## Inquests

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Barney has significant experience in inquests. He regularly represents Chief Officers, notably having been instructed on behalf of the Chief Constable of West Midlands Police as junior counsel in the **Hillsborough** inquests. Barney also appeared on behalf of City of London Police in the six-week inquest into the death of the newspaper vendor **Ian Tomlinson** on the day of the G20 demonstrations. He is currently instructed to represent the Chief Constable of West Midlands Police in the inquest into the fatal shooting of **Trevor Smith**.

Other police inquests in which Barney has appeared include those where death has followed episodes involving drug toxicity, positional asphyxia, Acute Behavioural Disturbance, alcohol withdrawal, mental health, restraint, taser deployment and vehicle pursuits.

Barney also regularly appears on behalf of Serco Home Affairs in inquests following deaths in custody, notably for those at HMP Doncaster, HMP Dovegate, HMP Thameside, HMP Lowdham Grange and HMP Norwich.

Recent examples of inquests include:

**Re Wakefield** – a jury inquest in which the deceased died from drug toxicity and that whilst a roll check had been sub-optimal it was not likely to have been causative of death

**Re Hullock** – the jury considered the various steps taken by healthcare and prison staff in an inquest in which the deceased died from bacterial meningitis

**Re Tharmalingham** – considering the adequacy of response to an alarm system at Thames Magistrates’ Court.

**Re Davies-O’Neill** – considering the adequacy of mental health assessment, allegations of bullying and the efficacy of the observation regime.

**Re Gary Bell** – considering the adequacy of medical care given in the prison setting.

**Re Samuel Gale** – considering the adequacy of the ACCT process.

**Re Paul Flynn** – considering the adequacy of communication between the healthcare providers within the prison and the local hospital.

**Re Adetekunbo Ajakaiye** – considering the adequacy of medical treatment given to a prisoner returning from Sierra Leone with malaria.

**Re Adam Wileman** – considering the ACCT process and the application of the observation regime.

**Re Duncan Drummond** – considering the difficulty of establishing intent in the context of apparent suicide.

**Re Jonathan Swift** – considering the foreseeability of a transgender prisoner’s apparent suicide and the adequacy of the regime in place to support prisoners from that community.

Barney is also developing a practice in inquests in the general care setting, having recently appeared on behalf of an insured carer who looked after an adult male with Down’s Syndrome who died having fallen down the stairs during the night (**Re Keith Simpson**), on behalf of the family of a patient who was found deceased after escaping from the Trust whilst awaiting transportation under section (**Re Dominic White**) and on behalf of the family of a voluntary inpatient who was able to take her own life having had sodium nitrite delivered to her at the Trust’s premises (**Re Alice Hart**).

He has also represented an Audi dealership in the inquest into the death of one of their apprentices (**Re George Cheese**) and Transport for London in the inquest into the death of an apprentice waterman who fell from a ferry into the Thames (**Re Benjamin Woollacott**).

## Notable Inquests cases

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Re Adrian McDonald

an article 2 inquest with a jury where the deceased collapsed after taking a large amount of cocaine and died in the rear of the police van.

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Re Meirion James

an article 2 inquest with a jury where the jury found that whilst the officers’ initial restraint of the deceased had been appropriate the continuation of such restraint in the course of a prolonged struggle had contributed to his death by positional asphyxia.

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Re Vittoria Baker

an article 2 inquest without a jury in which the deceased was unlawfully killed by her daughter, an informal patient who had been receiving psychiatric care on an acute ward.

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Re Sean Walsh

an article 2 inquest with a jury where the deceased died from complications arising from acute alcohol withdrawal.

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Re Darren Pantall

an article 2 inquest with a jury where the deceased died having swallowed a package of drugs in the course of being arrested.

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Re Dorothy “Cherry” Groce

a jury inquest where the deceased died in 2014 from complications arising from her being shot by a police officer.

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Re Karlene Wright

an inquest into the death of a lady who fell from the seventh floor of a car park.

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Re Teresita Sison

jury inquest into the death of a lady who was killed when a tree collapsed onto her in high winds.

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Re Faiza Ahmed

jury inquest where the deceased, who had been diagnosed with mental health issues and was at risk of suicide, stepped in front of a train.

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Re Darren Lyons

an article 2 inquest with a jury where the deceased, who had been diagnosed with mental health issues, died having been restrained in custody.

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Re Jason Pearce

a jury inquest where the deceased died following a cardiac arrest caused by multiple drug toxicity or excited delirium, and after being restrained by police officers.

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Re Robert Grimsley

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## Health & Safety

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Barney has dealt with a wide array of cases defending alleged or actual statutory breaches, including HSWA 1974, PUWER, the PPE legislation, and the various regulations that apply to workplaces, contributing at an early stage in threatened proceedings and in associated negotiations with the HSE. He is instructed to advise pre-charge, in challenges to prohibition and improvement notices, to respond to Friskies schedules and to act at trial.

Barney has represented a number of defendants with notable experience in the printing industry and in heavy industry. His many years at the criminal bar gave him regular exposure to both Magistrates’ and Crown Courts, in which he is also able to deploy the full array of advocacy skills honed in the regulatory work he does elsewhere.

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## Notable Health & Safety cases

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R (HSE) v Cammell Laird

advising on correspondence with HSE, on plea, in drafting a response to the Friskies schedule, analysis of the sentencing guidelines and subsequently at the sentencing hearing.

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R (HSE) v Artisan Press Ltd

advising on and drafting the response to the Friskies schedule and appearance at the sentencing hearing.

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R (HSE) v Lettershop Ltd

advising on and drafting the response to the Friskies schedule and appearance at the sentencing hearing.

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## Professional Discipline & Regulatory

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Barney has a wide-ranging practice acting on behalf of the Appropriate Authority in proceedings brought under the Police (Conduct) Regulations and Police Appeals Tribunals Rules. He has extensive experience of delivering training on the regulations, both to Professional Standards Departments and to the Independent Office for Police Conduct.

### Notable Professional Discipline & Regulatory cases

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PS W (WMP)

allegations that a male officer had repeatedly subjected a number of female colleagues to inappropriate and lewd innuendo; the defence of 'banter' failed

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PC N (WMP)

allegation that a male officer used his position to seek to pursue a personal relationship with a victim of crime as she made a complaint

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PC W (TVP)

allegation that a male officer had engaged in unwanted sexualised behaviour with a female colleague

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PC N (Devon & Cornwall Police)

IPCC directed hearing regarding allegations that the officer had used excessive force in striking a football fan to the head with a baton.

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PC D (Gwent Police)

allegations that the officer had accessed police databases to pursue a private relationship.

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PC B (Metropolitan Police)

fast track case where the officer had been using and possessing cocaine and amphetamines.

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PC S (Metropolitan Police)

allegations that the officer had used excessive force in the course of an arrest following a pursuit.

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PS S (Gwent Police)

allegations that the officer had regularly absented himself from duty in order to pursue a new relationship.

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SC A (Thames Valley Police)

allegations that the officer had acted aggressively towards members of the public and to attending police officers when drinking off-duty.

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PC P (South Wales Police)

allegation that the off-duty officer had slapped the backside of a female member of the public when out drinking with colleagues.

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PC B (Thames Valley Police)

allegations that the officer had repeatedly made sexual advances to two females whilst on duty.

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## Information Law

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Barney has experience of cases concerning misuse of private information, breach of confidence and breaches of Article 8 ECHR.

He is available to instruct on matters involving:

- The Data Protection Acts 1998 and 2018, the Law Enforcement Directive, and the General Data Protection Regulation, including in relation to data breaches;
- Civil claims concerning misuse of private information, breach of Articles 8 and 10 ECHR, confidentiality, or defamation;
- The Regulation of Investigatory Powers Act 2000 and the Investigatory Powers Act 2016, in the Investigatory Powers Tribunal and elsewhere;
- The Freedom of Information Act 2000 and challenges to decisions by public authorities or the Information Commissioner;
- Public law challenges to the lawfulness of systems for collection, retention or deletion of information, or individual decisions about the handling of information;
- Claims of unauthorised access to or use of information relating to employment;
- Disclosure of information between related sets of proceedings, and issues relating to Closed Material Procedures, Public Interest Immunity and Legal Professional Privilege.

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## Personal Injury

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Barney represents both claimants and defendants at all stages of proceedings and in cases that range from “simple” tripping and slipping cases on the fast track to rather more complex matters on the multitrack.

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## Background

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- 1999 – Called to the Bar by Middle Temple
- 1999 – ICSL
- 1998 – City University
- 1992 – Royal Military Academy Sandhurst
- 1991 – Christ Church, Oxford University, MA (Hons) French and L

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## Awards

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