

Matthew Howarth

Call to Bar: England & Wales 2016,
Northern Island 2020



BACKGROUND

Matthew Howarth is a specialist Public Law barrister with expertise in Immigration law, Human Rights, Regulatory Law and Proceeds of Crime Act litigation. He appears regularly in the High Court and has done since 2020, as such he is a Judicial Review and Statutory Appeal specialist. Acting for Government and Public Bodies he advises in damages claims and appears before the County Court.

Matthew started practice in 2014 with the Banking and Finance litigation team for one of the World's largest law firms, Baker & McKenzie. He was tasked to review and investigate the litigation surrounding the LIBOR scandal and was Joint Director for Pro Bono overseeing the implementation of policies for the homeless during the EU Refugee Crisis.

Matthew has gained numerous prestigious appointments that make him stand out amongst his peers at the Bar. He has a strong practice on the Attorney General's Civil and Regulatory Panels, the SFO Panel and the CPS Panel (Serious Crime and POCA Panel). He is a leading Junior within his respective fields in the Legal 500.

Notably, Matthew has recently acted as junior counsel on the Independent Inquiry into Child Sexual Abuse, the COVID-19 Inquiry, a Judicial Review for the Victim's Rights Group 'Hacked Off' following the Phone Hacking Scandal and as counsel on the Prosecution of Glencore in the UK's highest value Bribery SFO Prosecution.

In 2020 Matthew was called to the Bar of Northern Ireland.

Regulatory Expertise

Health and Safety

Matthew has extensive experience in health and safety cases, representing both prosecution and defence. He has handled cases ranging from gross negligence manslaughter to complex construction disputes, showcasing his ability to navigate intricate legal and technical issues.

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Practice areas:

Business Crime & Financial Regulation
Civil Law
Criminal Law
Health & Safety
Housing Law
Immigration & Asylum Law
Industrial Disease
Inquests
Judicial Review Law
Licensing
Local Government
Regulatory
Property Law
Professional Negligence
Environmental Law
Legal Professional Privilege

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- HSE v Redrow Homes – one week jury trial at Liverpool Crown Court prosecuting gross negligence manslaughter offences, led by Lisa Roberts KC during pupillage.
- HSE v Aspire – Matthew Prosecuted this working from height, breach of regulations, matter at trial and sentence.
- HSE v A & Ors – Represented the HSE in a case involving asbestos. Prepared the hearing at PTPH, reviewed the indictment and advised on issues relating to bad character/plea.

Environmental Law

As a member of the Specialist Regulatory Panel B of Prosecution Advocates, Matthew regularly deals with environmental offences. His practice includes defending and prosecuting cases involving fly-tipping, waste management, and water disputes, often advising large companies on compliance matters.

- EA v PJC & Coleman – Matthew successfully represented a company and director at a week-long jury trial at Cambridge Crown court for this allegation of fly tipping.
- DBCC v Akhtar – Matthew represented a local counsellor in this complex trial relating to allegation of fly-tipping and abuse of trust.

Road Traffic and Transport

Matthew's expertise extends to road traffic and transport regulations. He represents haulage companies in both Crown Court proceedings and before Traffic Commissioners, handling disputes related to tachographs, operator licenses, and civil penalty appeals for clandestine entrants.

- *KLG Trucking SRL v SSHD [2024] EWCA Civ 737* – leading authority following Carrier Liability Regulations 2023 amendments, Court of Appeal reduced penalty for clandestine entrants but upheld SSHD's right to impose penalties.
- *Link Spolka Z O.O. v SSHD [2021] EWCA Civ 1830* – instructed at first instance prior to the Court of Appeal hearing which examined ingredients of statutory defence for carriers' liability.
- DVSA v H – Represented a company and directors at trial for an offence of intending to deceive a transport officer by transferring a Operators License. Succeeded on a submission of no case to answer after the close of the Prosecution case.
- R v CW – successfully argued special reasons for a medical professional who responded to a medical emergency and exceeded the legal speed limit.
- R v MH – successfully argued on appeal to the Crown Court that that disqualification of a driver amounted to exceptional hardship. The Driver was a specialist engineer who needed to drive for work and would lose his job otherwise.
- R v TS – instructed to represent a defendant charged with Death by Dangerous Driving at Bradford Crown Court. This trial involved the death of one older gentleman and the serious injury to his wife.

Of note, Matthew was sole counsel in the leading haulage case of *KLG v SSHD*) [2024] EWCA Civ 737. He acts in a considerable number of appeals of civil penalty orders on behalf of Government and Appellants.

Licensing and Trading Standards

With experience in both prosecution and defence, Matthew has successfully handled cases involving licensing issues and trademark/counterfeit goods offences. He has represented companies in fraud allegations related to HGV licences and individuals in taxi license appeals.

- *Lynton Exports (Alsager) Limited v HMRC [2022] UKFTT 224 (TC)* – Led by Joanna Vicary in an appeal against HMRC's decision on VAT assessment dismissed.
- *CEC v K* – instructed on sentence and POCA in relation to an offender who was selling counterfeit goods and tobacco. He was able to secure a stringent Community Order.
- *MCC v MI* – instructed to represent a Taxi Driver who had his license revoked and lost his appeal in the Magistrates Court. This case involved prolonged argument on the Fit and Proper Person test, including argument on costs.
- *R v MM* – represented, on sentence, a disqualified director of a business that went into liquidation. The Director who was disqualified opted to act for the company when its owner had fallen ill.
- *SF v OCC* – successfully represented at trial a scrap metal dealer on an appeal against a Local Council regarding a revocation of his license. This case contained considerable legal argument, as there is very little within the case law that defines the applicability of the Legislation. *HSE v R Housing* – de facto junior to Ms Roberts on a Section 2 and 3 Prosecution of a Housing Company where a death had occurred due to serious shortcomings by the Company. He drafted a skeleton argument for the Prosecution regarding a reverse burden of proof argument.

Matthew has considerable experience acting on behalf of businesses who are penalised for employing illegal workers.

Professional Discipline and Safeguarding

Matthew's practice includes representing clients in Disclosure and Barring Service (DBS) appeals under the Safeguarding Vulnerable Group Act 2006. He offers comprehensive support from initial paper advice to representation at Upper Tier Tribunal hearings.

Furthermore, Matthew also appears in the Social Care Tribunals, on behalf of OFSTED, in statutory appeals relating to registration of Care Homes and Managers.

- *MG v Disclosure and Barring Service: [2022] UKUT 89 (AAC)* – Matthew represented an appellant in the Upper Tier Tribunal on an appeal of a decision to add the individual to the adults and children's barred lists. He was instructed at first instance, advising at conference, on paper and providing detailed legal submissions. He represented the individual at the final hearing and on matters relating to appeal.
- *OFSTED v C4C* – statutory appeal of decision to cancel registration of care home and manager. Five day trial dealing with allegations of dishonesty and criminal offences.

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- OFSETD v AI- interlocutory hearing considering legal argument on the powers and jurisdiction of the FTT dealing with one or more appeals.
- CO2 v DBS – Matthew advised and represented the DBS in an appeal to include his name in the adults barred list. This matter relating to professional competence due to the nature of the Appellants work. This case was regarding a professional health provider and the provision of their services.
- DH v DBS – Matthew represented the DBS in an appeal. The importance of this case at final hearing was regarding error of law, irrational or disproportionate decision making and the legality of errors of law and fact. This individual was a professional working with vulnerable adults.
- SC v DBS – an appeal relating to inclusion the barring lists for a professional. Matthew took the case on an initial advice regarding grounds of Defence. Matthew advise on evidence for final hearing, advising the DBS on elements needed further investigation in order to mount a Defence. Subsequently, had the case continued after half time the Defence was one of acting in good faith and not having an intention to deceive which in this case the Prosecution could not prove on the evidence. The Court returned not guilty verdicts..

Additional Regulatory Areas

Professional Negligence

Matthew is routinely instructed in professional negligence matters, representing both claimants and defendants in cases involving doctors, dentists, and solicitors.

- GMC v Prakash – ten week trial, led by King’s Counsel, considering the cancelation of a Doctor’s registration for allegations of gross malpractice.
- Dr C v EL Solicitors – Professional Negligence against a firm of solicitors who had failed to apply for an extension of a lease. Mr. Howarth was instructed to draft an advice on the law and assist with a Letter before Claim including a standstill agreement.
- Dr K – Matthew was instructed to draft a Letter Before Action and legal argument on a case involving a Limitation Argument where the Claimant did not issue proceedings within the relevant period when there was a severe Mental Health illness.

Sports Law

As a member of the Sports Resolution panel, Matthew is uniquely positioned to offer legal advice in sports-related regulatory matters.

Appointments and Recognition

- Appointed to the Specialist Regulatory Panel B of Prosecution Advocates (2019)
- Member of the Attorney General's Panel of Counsel
- Serious Fraud Office Panel appointment
- Regulatory Panel appointment

Matthew Howarth's diverse experience and specialist appointments make him a go-to barrister for complex regulatory matters. His ability to handle cases across various regulatory fields, combined with his approachable manner and clear, concise advice, ensures clients receive expert representation in this challenging area of law.



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