Compass Chambers

Claire Mitchell KC



Year called:	2003
Year of silk:	2019
Email:	claire.mitchell@compasschambers.com
Qualifications:	Called to the Bar - 2003

Practice

Claire Madison Mitchell joined the Bar in 2003, after spending 8 years in private practice as a criminal defence solicitor, and since then has worked as a Criminal Defence Advocate full time. Her area of expertise is criminal law and human rights work, at both first instance and on appeal.

She attended the Privy Council in relation to Devolution Issues and , since the formation of the UK Supreme Court has represented the interests of a 4 of criminal clients in different criminal law constitutional appeals. She regularly appears in the Court of Criminal Appeal, and has conducted numerous complex legal arguments before benches of 3 and 5 Judges, both in relation to conviction and sentence. At first instance, she specialises in the defence of regulatory criminal matters and has conducted many cases, both pleas and trials.

She also regularly represents the interests of those convicted of regulatory criminal matters in the Appeal Court. A list of recent cases is appendeed below. She has been instructed in over 100 reported cases. (Scottish Criminal Case Reports and High Court of Justiciary Appeal Court Cases)

She has also been involved in providing training with the Judicial Studies Board for Judges, Sheriffs and Magistrates, as well as for Solicitors in Private Practice. She tutors students in criminal law at Glasgow University, and is soon to teach on the LLM in Human Rights course too.

Cases, Trials & Inquiries

STIRLING SHERIFF COURT 29 September 2017

Successful defence of an international company that was prosecuted under the Water Environment (Controlled Activities) (Scotland) Regulations 2011. It was required at trial that the company prove ;

1. that the accident could not reasonably have been foreseen,
2. that all practicable steps were taken to prevent deterioration of the water environment,
3. that all practicable steps were taken as soon as it was reasonably practicable to restore the water environment to its condition prior to the contravention, and
4. that particulars of the contravention were furnished to SEPA as soon as practicable after it occurs.

After 5 days of evidence led by both Crown and Defence, the Sheriff held that the defence had been proved and acquitted the Company of the charge.

DECLAN HAINEY FATAL ACCIDENT ENQUIRY 2014

PATERSON BOW AND LOVE [2014] HCJAC 87 - 5 Bench Appeal in relation to s38 of the Criminal Justice and Licensing (Scotland) Act 2010

DOCHERTY V HMA [2014] HCJAC 94 - Murder Appeal Referral from Scottish Criminal Cases Review Commission

KILPATRICK V HMA [2014] HCJAC 73 - Social Media Trial and Appeal

KINLOCH V HMA 2012 UKSC 62 - Supreme Court Appeal in relation to the right to privacy

HMA v G [2011] UK Supreme Court 43 - Whether. when detained under s23 of the Misuse of Drugs Act 1971, the answers to
questions during the course of a search were admissable in evidence. The Court advised the Accused's answers were not admissable.

Gemmell & ors v HMA [2011] HCJAC 129 - The 5 bench Appeal Court agreed with the proposition that penalty points, being punitive in nature, can be subject to discount (Para 70).

Allison v HMA [2010] UK Supreme Court 6 - Whether the status of outstanding cases fell to be disclosed in just the same way as previous convictions. Judges decided unanimously that it was.

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Miller v HMA [2010] UK Supreme Court 10 - Whether increasing the sentencing power of Sheriff's by amending the Criminal Proceedings etc (Reform) Act s45 was within the Scottish Parliament's legislative competence. Judges decided 3/2 that it was.

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