

Mark Smith

YEAR OF CALL: 2012



Mark Smith practises in the areas of crime, extradition, civil and family law.

Overview

Mark is a barrister specialising in crime, extradition, family and civil work. He appeared regularly in the High Court (Admin) in relation to extradition appeals, as well as in criminal matters in the Crown Court for both the prosecution and defence. He is also experienced in proceeds of crime and prison proceedings.

Mark accepts instructions in all areas of family and international family work, including private children, care proceedings and financial remedies, as well as applications for non-molestation orders and other injunctions. Mark also has experience of abduction and permanent relocation

proceedings in the High Court Family Division.

Mark accepts instructions in a wide range of civil proceedings, including immigration, property, personal injury and general contract matters. Recently, he appeared in an immigration appeal regarding the Home Office refusal of a Residence Card and a judicial review of a decision in an asylum application.

Additional Information

Direct Public Access

Mark accepts Direct Public Access instructions.

Professional Panels

CPS appointed prosecutor, Level 1.

Appointed panel member for the General Dental Council (GDC).

Education

BPP Law School, BPTC.

Oxford Brookes University, GDL.

University of Oxford, MPhysPhil (Physics and Philosophy).

Awards

Walter Wigglesworth Pupillage Scholarship.

Kennedy Scholarship.

Hardwicke Entrance Award.

Professional Memberships

The Honourable Society of Lincoln's Inn.

Criminal Bar Association.

Defence Extradition Lawyers' Forum.

Asset Recovery, Civil Fraud & Confiscation

Mark is instructed in proceedings under the Proceeds of Crime Act 2002 and Customs and Excise Management Act 1979, including confiscation, condemnation, cash forfeiture and enforcement hearings.

Recent cases include the forfeiture of £25,000 high-quality French wine, condemnation of 11,500kg of poppy heads, and confiscation proceedings arising from a multi-million pound off-shore investment scam.

Crime

Mark has appeared in the Crown Court in relation to offences including rape, grievous bodily harm, and drugs offences. He has also appeared in the Magistrates' Court for cases involving offences such as firearms and sexual assault. Recently, Mark was instructed in a social housing fraud committed over 14 years and heard at Woolwich Crown Court.

Extradition & International

Extradition

Mark regularly appears in extradition proceedings at Westminster Magistrates' Court, as well as conducting hearings in the High Court on appeal. He is currently resisting a Belgian appeal involving a cross-over of extradition, immigration and family issues, having successfully avoided

extradition at first instance on Article 8 grounds.

Immigration

Mark appears in immigration and associated judicial review proceedings, including human rights applications for leave to remain outside the Immigration Rules, and asylum and humanitarian protection. Recently, Mark successfully argued for permission to judicially review the Home Office's decision not to reconsider his client's asylum claim made on the basis of genuine fears of honour-based violence on return to Pakistan.

Family, Children & International Family

Private children

Mark regularly appears in applications for child arrangement orders, often dealing with cases that have an international element. Mark recently appeared in an application for contact involving allegations of previous domestic abuse between the parents as well as the risk of the child being abducted to Poland.

Care proceedings

Mark recently appeared in care proceedings where the local authority applied to take a baby into care at birth and for Special Guardianship Orders where the Father was remanded in custody.

Financial remedies

Mark recently appeared in financial remedy proceedings dealing with exceptional misconduct where the husband had a conviction for grievous bodily harm against the wife, as well as cases involving disputed overseas properties in Pakistan and Turkey.

Injunctions

Mark has recently appeared in applications for a non-molestation orders involving issues of

police disclosure, as well as case where an exclusion requirement was wrongly attached to a supervision order instead of a stand-alone occupation order.

Personal Injury & Professional Negligence

Mark appears in the County Court in cases contesting liability for road traffic claims, as well as Stage 3 hearings for personal injury claims commenced under the RTA Protocol.

Planning, Property, Landlord & Tenant

Mark accepts instructions in housing and landlord and tenant matters, including possession claims following notices under section 8 and section 21 of the Housing Act 1988. Recently, he acted for tenants at trial regarding the landlord's failure to make repairs, securing a 50% reimbursement in rent for the duration of the tenancy.

Cases of Note

Re (A Child: International Relocation) [2018]

Mark appeared in the High Court Family Division resisting a child's permanent relocation to Spain on behalf of the mother after the father had previously abducted the child without written consent or the permission of the court.

K v Germany [2018]

Mark appeared in a multi-handed appeal in the High Court against extradition for a £64 million international VAT carousel fraud with a section 2 argument requiring consideration of Zakzrewski in the light of Goluchowski and Alexander.

D v Poland [2017] EWHC 2171 (Admin)

Mark successfully appealed to the High Court against extradition for offences for possession of ammunition on the basis of Article 8 due to the short period of time remaining to be served following Chmura and Jesionowski.

B v Poland [2016] EWHC 1639 (Admin)

Mark successfully appealed to the High Court, arguing that it would be oppressive to extradite the Requested Person to Poland for offences in 1999 due to the passage of time, under section 14 of the Extradition Act 2003.

N v Poland [2017] EWHC 833 (Admin)

Mark appealed to the High Court against extradition for offences of fraud, challenging the decision in Zengota that multiple EAWs can be considered as a whole when considering the passage of time bar to extradition.

K v Poland [2017] EWHC 577 (Admin)

Mark appeared in the High Court, arguing on appeal that of extradition to stand trial for fraudulently obtaining credit for a computer purchase in 2007 would be disproportionate under section 21A of the Extradition Act.

G v Lithuania [2015] EWHC 707 (Admin)

Mark appeared in the High Court, which considered whether evidence in the European Arrest Warrant that the requested person's sentence would be unenforceable amounted to a bar to extradition.

O v SSHD [2017]

Mark successfully resisted a Home Office appeal in the Upper Tribunal, having previously overturned a deportation order in the First-Tier Tribunal, arguing that there were no serious grounds to deport despite his conviction for theft and money laundering in 2013.

B v Latvia [2014] and F v Romania [2014]

During pupillage, Mark worked on the leading cases challenging extradition under Article 3 of the European Convention on Human Rights due to overcrowding in prisons in Latvia and Romania.