



Lord Thomas of Gresford OBE QC

Call 1968 QC 1979

Martin Thomas is one of the most respected and experienced QCs in England and Wales. His practice has involved him in more than 250 homicide trials and appeals in England and Wales, including significant courts martial, the most prominent of which was the Baha Mousa case.

Lord Thomas has appeared in terrorist cases both prosecuting and defending, the most notorious being the 'Brighton Bomb' case. He has been counsel in many appeals and applications to the Judicial Committee of the House of Lords. In the Privy Council, he has appeared in cases from Hong Kong, Singapore, Brunei and the Caribbean. His career has taken him frequently to Hong Kong on both criminal and civil matters. He has appeared in Malaysian courts in connection with the Carrian fraud case from Hong Kong on behalf of Lorraine Osman, following a long series of habeas corpus and judicial review applications in the UK on extradition issues.

He defended libel actions in Singapore brought by Lee Kwan Yu against the then leader of the Workers' Party, Ben Jeyaretnam. In the Caribbean, he has appeared in the Trinidad Court of Appeal. His wide experience in civil litigation, mainly in personal injury cases, was recognized by his appointment to the Criminal Injuries Compensation Board in 1985, a position from which he resigned on the introduction of the tariff system. In Wales, he has been instructed in a number of Statutory Inquiries ranging from road construction to proposals for the drowning of the Dulas Valley and the digging for gold in the Mawddach Estuary.

Lord Thomas has had a long and illustrious political career where he was made a Life Peer in 1996. He is a spokesman on Welsh Affairs and on Home Affairs (Specifically Criminal Justice Reforms, including anti-terrorism).

Lord Thomas's interests are Welsh affairs, law reform (criminal justice, human rights), Far Eastern affairs (Hong Kong and China), sport, rugby, where he is a WRU coach and referee, rowing (Captain House of Lords Eight), hill climbing, fishing, golf, scuba diving and music and music making.

Areas of Practice

Civil Law, Criminal Law, The Court Martial, Fraud and White-Collar Crime, Homicide, Gang-related offences

Qualifications

Cambridge. MA, LLB (Classics and Law)

Appointments

Recorder of the Crown Court 1976-2002

Deputy High Court Judge 1985-2009

Bencher: Grays Inn 1991

Member, Criminal Injuries Compensation Board 1985-1993

Advisor to East Asia Institute, University of Cambridge 1998-2002 and Patron of China Law Conferences, Cambridge, 1998-2001

Shadow Attorney General 2003-2006

Shadow Lord Chancellor and Law Officers 2006-2007

Shadow Attorney General 2007-2010

Chairman, Association of Military Advocates (Current)

Memberships

Gray's Inn, LCLCBA

Notable Cases

Chief Constable of North Wales v Evans [1982] 1 WLR 1155 HL, Judicial Review of decision to dismiss probationary constable: appropriate remedy.

Metropolitan Police Commissioner v Caldwell [1982] AC 341 HL, Arson with intent to endanger life; whether intoxication a defence to element of intention.

Wills v Bowley [1983] 1 AC 57 HL, Police power of arrest; constable may arrest where honest belief that an offence has been committed.

Regina v Hancock and Shankland [1986] AC 455 HL, Homicide; murder convictions reduced to manslaughter; distinction between causal connection between defendants' acts and death and foreseeability.

Regina v Court [1989] AC 28 HL, Indecent assault; section 14 of Sexual Offences Act 1956; prosecution must prove that right-minded people would think the assault indecent; evidence of secret intention admissible.

Jeyaretnam v Law Society of Singapore [1989] AC 608 PC, Solicitor also officer in Singapore political party; convicted of misappropriation of donations to the party to pay costs of related unsuccessful actions; solicitor struck off roll; donation cheques altered voluntarily by donors - cheques not property of the party - convictions quashed; solicitor restored to roll.

Somchai Liangsiriprasert [1991] AC 225 PC, Conspiracy in Thailand to import heroin to USA; drug trafficking offences; defendant arrested in Hong Kong. Whether acts subject to extradition from Hong Kong.

Hui Chi Ming v The Queen [1992] 1 AC 34 PC, Defendant convicted of murder as a joint enterprise with another, who had killed the victim, and at an earlier trial had been convicted only of manslaughter. Evidence of manslaughter conviction properly excluded at defendant's trial.

A-G of Hong Kong v Lee Kwong-kut [1993] AC 951 PC, Right to be presumed innocent until proved guilty according to law; Ordinance providing that previous legislation inconsistent with principle deemed repealed. Requirement that accused "give an account ... how he came by" stolen goods inconsistent and repealed. Provisions for statutory defences in drug trafficking legislation not inconsistent.

Chan Wai-keung v The Queen [1995] 1 WLR 251 PC, Homicide; material prosecution witness giving evidence in expectation of reduced sentence for unrelated offence. Witness received reduced sentence; defendant convicted. Conviction upheld because jury properly warned as to unreliability of witness's evidence.

Mills v The Queen [1995] 1 WLR 511 PC, Homicide; directions regarding identification evidence, alibi evidence, and dying victim's accusation. Convictions upheld.

Wu Chun-piu v The Queen [1996] 1 WLR 1113 PC, Defendant and co-defendant convicted of robbery and firearms offences; defendant's counsel in mitigation refers to probation report which includes admissions, and expresses defendant's remorse for offence. Co-defendant's conviction overturned from inadequate direction on identification evidence; co-defendant acquitted on retrial. Defendant's application to appeal out of time on same grounds rejected because of admissions. Privy Council allows appeal and grants leave to appeal out of time.

Luc Thiet Thuan v The Queen [1997] AC 131 PC, Homicide; provocation; whether mental disability affecting defendant's self-control relevant to degree of provocation; held not relevant to the ordinary person, the "reasonable man" for the purpose of establishing the defence of provocation.

Regina v Martin [1998] AC 917 HL, Civilian son of serving soldier is subject to military law. Juvenile son of corporal charged with murder. No abuse of process in trying him by court-martial in Germany.

Regina v Spear [2003] 1 AC 734 HL, No breach of Article 6 right to a fair trial in trying by court-martial offences against the ordinary law of the land; no such breach by reason of the fact that courts-martial presided over by permanent president.

Cases

Regina v Burnett (9 November 2009)

