



## Benjamin Aina KC



Call 1987 | Silk 2009



### Clerks

 Kate Masher  
 0151 242 8841

 Suzanne Dutch  
 0151 242 8873

 Graeme Hipkiss  
 0151 242 8868

 Denise Sheen  
 0151 242 8874

### Appointments

1986-1989: Polytechnic of Central  
London (now Westminster University)

Law Lecturer on London University LLB  
course and External Bar Diploma Course:

Taught Company Law, Administrative  
Law, and the Law of Evidence.

### Memberships

Criminal Bar Association of England and  
Wales

South Eastern Circuit of England and  
Wales

Midland Circuit of England and Wales

### Overview

Benjamin Aina KC is a first-class Silk with a wealth of experience in criminal law. Since 2016 he has undertaken in excess of 25 Homicide cases for the prosecution and 20 Homicide cases for the defence. He has a particular speciality in defending juveniles accused of Homicide. He is predominantly a criminal practitioner but also practices in public law.

Benjamin took silk in 2009 and is often asked to advise in cases where something has gone fundamentally wrong with the criminal Justice system; or where an esoteric point of law has arisen. In 2008, he considered 20 criminal and civil cases in advising the Governor and Chief Justice of the Cayman Islands on the removal of a Grand Court Judge for misbehaviour: Privy Council: Re: Madam Justice Levers [2010] UKPC 24, paragraphs 14-20, 32. Between August 2010 and March 2011, Benjamin was instructed to advise on a series of complaints brought by a barrister and senior police officer, against three Grand Court Judges (including the Chief Justice), the Attorney General, Solicitor General and a senior civil servant. This led to a 185 page report.

In Operation Pointer [2015], a serious public disorder took place in Birmingham during the August 2011 riots, where during the disturbance, cars drove into a crowd killing three Asian men. The case received national television and press coverage, and eight men were charged with murder and were acquitted by the jury. The CPS received a formal complaint about the handling of this murder case, and Benjamin was instructed to advise on this formal complaint. In Jack Mount (2016) a 96 year old former headmaster was accused of historic rape of his daughters and 60 children. He advised the Chief Crown Prosecutor and the DPP on the correct process of dealing with this complex and sensitive case.

## Education

Chelmer Institute of Higher Education:  
LLB (Hons) 2:1 degree 1982-85

London University [UCL] LLM {Merit}  
1985-1986

Bar Vocational Course, Inns of Court

Called to the Bar of England and Wales  
(Lincoln's Inn) (Merit: 2:2 degree)

Awarded Sir Thomas Moore Bursary  
(Lincoln's Inn)

Benjamin was instructed in 2023 by the CPS to take over the re-trial of the Manchester City footballer Benjamin Mendy after difficulties emerged in the first trial leading to acquittals.

In *Lucima v CCC*; *DPP v Woolwich*: [2020] EWHC 3243 (Admin) the custody time limits had been extended to a period approaching one year during the pandemic period. A circuit Judge had ruled that the Government had not provided sufficient resources. Benjamin invited the LCJ to put a cap of 8 months custody time limits for Juveniles – he disagreed but Parliament subsequently introduced legislation adopting his argument!

*R v. Lanning & Camille* [2021] EWCA Crim 450: Benjamin invited the Court of Appeal to revisit the law, and widen the scope of overwhelming super intervening act in homicide cases. The revisit is due to existing professional unease about the liability in homicide cases for a secondary parties where the secondary party has no knowledge of the principal's possession and use of a knife. *Fulford LJ* is a reference for me in respect of this case and *Anderson* below.

*Anderson v AG Isle of Man* [2021] UKPC 20 PC: Prosecuting on behalf of the AG of Isle of Man, he responded to an appeal involving the scope of expert psychiatric evidence in diminished responsibility cases.

Benjamin has extensively assisted in the development of the law in:

*Okafor (1994) 99 Cr.App.R. 97* – applicability of code C.10-12 in Customs cases

*Ofori & Tackie (No.2) (1994) 99 Cr.App.R. 223* – Admissibility of foreign evidence in English courts.

*ex parte Salubi (2002) 2 Cr.App.R. 40* – Abuse of process in section 51 transfer cases

*De Silva (2003) 2 Cr.App.R.5* – ambit of Customs co-operation interviews.

*Abiodun [2005] EWCA Crim 09* – criteria to be applied before lawful intercepts can take place in prison.

*Malcolm v DPP [2007] 2 Cr App R 1 [Prosecuting Counsel]* – admissibility of new evidence after justices have retired.

*Wallace [2007] 2 Cr App R 30* – application of bad character provisions in circumstantial evidence cases.

*Ulcay [2008] 1 Cr.App.R. 27* – ambit and scope of cab rank principle in complex fraud cases

*R v. Stanton [2014] EWCA Crim 1695 [Prosecuting Counsel]*: the correct approach to circumstantial evidence in murder cases

**R v. Sliogeris [2015] EWCA Crim 22 [Prosecuting Counsel]:** The correct approach to bad character hearsay evidence where cut throat defences are being run in a murder case.

**R v. PW [2016] 2 Cr.App.R 27 [Prosecuting Counsel]:** The applicable mens rea in indecent images; abuse of process principles; the Tryrell principle; preferring indictments on electronic system; jurisdiction of Court of Appeal in Terminating appeals.

## Recommendations

“He is always committed, professional and disciplined in his preparation of cases. I have found him always accessible, and he does his best to be available... on cases regardless of the hour. There have been times where I have needed Ben to deal with high-risk matters at very short notice and he has always done his best to accommodate my request.”

**Director of Legal Services**

“Ben has an excellent legal brain and is very effective at problem solving in particularly complex situations. This is evident by the way he works in a team, considering different points of view, often debating different opinions and then developing the appropriate strategy to progress the cases successfully.”

**Director of Legal Services**

“He is a natural analytical thinker. He demonstrates a level of curiosity to get to the bottom of things and solve problems. It has become evident from my interactions with him over the years, that he enjoys dealing with challenging situations and working out the answer.”

**Director**

“Ben can and often does, adjust his language and tone depending on who he is engaging with so people feel listened to and understood.”

**Director**

“He has a reputation of being a very effective advocate both when conducting trial advocacy and/or legal arguments... Ben has good judgement and will always try to do the right thing.”

**Director**

## Publications

Co-authored Holborn Law Tutors Company Law Manual.

## Beyond the Bar

Benjamin has been Chairman of the trustees of a large Church Charity for 6 years. He is a Senior Advocacy, ethics Tutor for Lincoln's Inn and a vulnerable witnesses tutor trainer. He has trained advocates in the UK, Jersey, Malaysia, Monserrat, Antigua, USA. He is also an external assessor for the CPS Higher Advocates. In 2021 Benjamin represented the Bar Council South Eastern Circuit on the selection of counsel to the AG Civil B List Panel.

He has taught at the Advanced Advocacy Course, Keeble College, Oxford in 2022.

Benjamin is also due to lead the South Eastern Circuit Advanced Advocacy Course with the American Bar Association in Florida in 2024.