



Tom Farr

Call 2021





Clerks

 Nick Buckley
 0161 817 2757

 Dave Haley
 0161 817 7118

 Andy Leech
 0161 817 2770

 Anthony Brown
 0161 833 2722

Memberships

RASSO-approved prosecutor

Human Rights Lawyers' Association

Criminal Bar Association

Young Legal Aid Lawyers

The Honourable Society of the Middle Temple

Centre for Women's Justice Legal Reference Panel

Education

Barrister Training Course – 2020/21

Practice Overview

Tom prosecutes and defends in cases covering the full spectrum of criminal offences, and has experience in cases involving serious sexual offences, homicide, serious violence, and organised crime. He is a RASSO-approved prosecutor, and much of his workload involves serious sexual offences [including child complainants and defendants] and domestic violence. Tom has also appeared, and had success, in the Court of Appeal.

Prior to coming to the Bar, he was an established law-reform specialist working in the non-profit sector as the Head of Legal Advocacy for a national human rights and anti-sexual-exploitation charity. There, his role comprised of producing legal research and proposing reform of legislation and Government policy relating to sexual offences, sexual exploitation, human trafficking, and violence against women and girls.

He has proposed legislative and policy reforms to the United Nations, the Law Commission, the Home Office, the Scottish Government, and the All-Party Parliamentary Group on Commercial Sexual Exploitation, and has been sought out to advise on drafting Government legislation, such as amendments to what is now the Nationality and Borders Act.

He has previously worked and advised on cases in the First-Tier Tribunal [SSCS], Magistrates', High Court, Court of Appeal, and the European Court of Human Rights. He has been specifically referenced in Hansard as one of the individuals responsible for driving proposed amendments to the Modern Slavery Act 2015, and is a published author and writer on the subject of the commercial sex trade and associated sexual offences. His writing has been reproduced internationally in Portuguese, French, and Spanish.

LLM Human Rights Law (Distinction, 1st in year) – 2019/20

Graduate Diploma in Law (Distinction) – 2019

BA (Hons) Philosophy – 2009/12

Scholarships/ Prizes

Middle Temple Gardiner Scholar 2020

BPP Law School Advocacy Scholar 2020

BPP Law School Career Commitment Scholar 2020

Tom's extensive experience working with extremely vulnerable victims of trafficking and sexual offences prior to coming to the Bar has assisted him when dealing with clients – vulnerable or otherwise – from all walks of life, regardless of whether this is in a defence or prosecution capacity. He prides himself on being approachable, friendly, and committed to achieving excellent results in all the work he does.

Tom graduated first in his year in law school and holds a Master's degree [Distinction] in Human Rights Law, with his thesis subsequently being published by the Centre to End All Sexual Exploitation. He is a three-time law school scholar, and received a full scholarship to complete the Bar course. Prior to working in the legal industry, Tom was the Managing Director of an international music publicity and booking agency, which saw him negotiating with and on behalf of companies and artists from all across the world.

Notable Cases

Prosecuting

R v NR: NR had committed serious sexual offences against children over a period of nearly 10 years, over three "blocks" of offending, including full penetrative sexual activity with a 13-year-old girl. The sentencing exercise was complicated considerably by the fact that the extended sentence provisions had to be considered, alongside the possibility of consecutive sentences [which would have resulted in differing license periods for each block of offending]. At sentence, NR received a total sentence of 9 years 4 months' custody, and was found to be a "dangerous offender".

R v AC: AC was a prolific child sex offender, and was to be sentenced for 18 separate offences, including causing penetrative sexual activity with a child. Received an extended sentence of 11 years, comprised of a 7-year custodial term, with a four-year extension period, also found to be a dangerous offender.

R v JT: JT had been indicted with child abduction. He had pleaded guilty on the basis his relationship with the victim was "non-sexual". The day before it transpired that new evidence had been discovered that entirely undermined his position. A wholly unusual course of action was taken and a second Newton hearing was directed to discern the proper basis for sentence. JT has now been charged with a number of sexual offences against the child abduction victim, and awaits trial in 2025.

R v NC: NC convicted after trial of a number of sexual offences, including assault by penetration, against a young woman with whom he had a relationship of trust as a “family friend”. Submissions made that this was an “abuse of trust”. The sentencing judge agreed, and sentenced upon that basis. NC received an extended sentence of 10 years 8 months’ custody, with an extended license period of 3 years.

Defending

R v AW: Secured leave to appeal against sentence to the Court of Appeal Criminal Division on all grounds, namely, that the sentence imposed was manifestly excessive, the imposition of a fine in tandem with a custodial sentence was manifestly excessive and wrong in principle, and that the imposition of a costs order in the place of forfeiture was manifestly excessive and also wrong in principle. The full Court allowed the appeal on two of three grounds.

R v DC: DC was to stand trial for the rape of his 9-year-old step-daughter. At sentence, the Crown submitted this was an abuse of trust, and therefore to be placed in Culpability A. After extensive legal argument, the sentencing judge agreed with defence counsel’s submissions [with reference to the cases of *Forbes* and *AH*] that this was not such a case, and therefore DC should be sentenced falling within Culpability B. DC received a sentence of 9 years and 4 months’ custody, as opposed to one in excess of 13 years had the Court found this to be an abuse of trust case. After legal argument, exceptionally, DC received full credit for his plea despite this being entered after his first appearance.

R v AO: Youth Court, AO to stand trial for rape of an under 13. AO mistakenly believed he had a defence of consent. At sentence, AO received a referral order, down from a starting point of 10 years’ custody.

R v PC: PC prosecuted by the Terrorism Unit. One of the first cases on record to deal with the retrospective validity of the Attorney-General’s consent. Following lengthy discussions between the Crown and the Defence, the Crown accepted pleas to lesser offences, and PC received an 8-month community order.

R v CM [Proceeds of Crime]: The Crown alleged that CM had a benefit figure and an available amount both in excess of £5 million, and sought a confiscation order in those terms. Despite CM having no evidence at all to rebut the presumptions imposed by the Proceeds of Crime Act 2002, after careful negotiation the Crown ultimately conceded, and accepted an available amount of £230,000.

R v CW: CW was sentenced to six months' custody for offences of vehicle engine theft, down from a starting point of three and a half years, after the Court was invited to exercise its "*residual discretion*" to count time spent remanded after recall as "time served" in respect of other offences. Described by the sentencing judge – the Honorary Recorder of Coventry HHJ Lockhart KC – as a "*wholly exceptional and unusual*" case. This case was an example of the principle that the Court can, in certain exceptional circumstances, count time spent recalled as "time served" [*Phillips [2015] EWCA Crim 427*], when in almost all other circumstances it does not count. Had the time remanded after recall not been taken into account, CW would have served the equivalent of a two-year sentence for no reason other than a delay in processing recall re-release documentation, only to then serve a three-and-a-half year sentence for the vehicle engine thefts, on top of a five-and-a-half year sentence for other offences committed during the same time period. The delay arose as a result of catastrophic failures on the part of the Parole Board in processing CW's re-release, effectively keeping him unjustly [although technically not unlawfully] imprisoned for a period of 351 days.

R v AK: AK had been indicted with the facilitation of unlawful immigration of a baby. AK was an asylum seeker, who had claimed asylum at the border. The case was returned to me one month before trial, and in my view the Crown had indicted an offence that was not made out in law, but there was a refusal to re-consider the case. On the day of trial, legal submissions were made that the Crown had no case in law. The trial judge stayed the indictment as an abuse of process, additionally refusing a proposed amendment which would have been similarly ill-founded, resulting in AK's immediate release and his [legitimate] asylum claim being duly processed.

Publications

An evidence-based response to Violence Against Women and Girls
Call for Evidence (Home Office) – Author

An evidence-based response to Implementation of the non-
punishment principle in the context of trafficking in persons (United
Nations) – Author

In Defence of Abolition: A Human Rights Law Critique of the Global
Sex Trade – Author

An evidence-based response to: Hate Crime Laws (Law Commission)
– Author

An evidence-based response to Equally Safe: A consultation on
challenging men's demand for prostitution (Scottish Parliament) –
Author