



New Park Court

James Gelsthorpe

#### Leeds

16 Park Place  
Leeds  
LS1 2SJ

DX: 26401  
Leeds Park Square  
T: +44 (0)113 243 3277  
E: [clerks@newparkcourt.co.uk](mailto:clerks@newparkcourt.co.uk)  
F: +44 (0)113 242 1285

#### Newcastle

16 Park Place  
Leeds  
LS1 2SJ

DX: 61012  
Newcastle-Upon-Tyne  
T: +44 (0)191 232 1980  
E: [clerks@newparkcourt.co.uk](mailto:clerks@newparkcourt.co.uk)  
F: +44 (0)191 232 3730



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# James Gelsthorpe

Year of call 2009

For enquiries please call +44 (0)113 243 3277 or email

James Gelsthorpe has been practising at the Bar since 2011. He prosecutes and defends in serious cases in the Crown Court, both on his own and as junior counsel and has appeared in cases of murder, fraud and historic abuse allegations. He also deals with complex medical cases in a regulatory context and is frequently called upon to digest and present dense technical material in an accessible and easily understandable way.

## Crime

In crime James regularly appears in the Crown Court for both defence and prosecution. He is experienced with sensitive issues of domestic violence and dealing with vulnerable witnesses.

James has acted for local authorities in private prosecutions in trading standards, environmental protection and planning offences.

He also regularly deals with driving offences in the Magistrates' Court.

## Relevant Experience

- Defending a man charged with wounding with intent. James successfully argued that there was no case to answer and the lesser offence of unlawful wounding was left to the jury who acquitted the defendant of all offences.
- Prosecution of seven defendants in a conspiracy to breach immigration law by arranging 'sham marriages'.

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James was led by Chris Smith and the trial lasted four weeks. James then subsequently successfully prosecuted a linked matter over the course of five days.

- Prosecution of a landscape gardener who deliberately targeted vulnerable elderly residents and fraudulently obtained over £10,000 from them in order to complete basic gardening works which ought to have taken two days.
- Defending in a case of possession of an imitation firearm with intent to cause fear of violence at Bradford Crown Court.
- Defending in a case of money laundering in which the ongoing Proceeds of Crime Act proceedings concern transfers of £500,000.
- Defending a taxi driver accused of targeting vulnerable elderly women to steal money. The case was dropped after cross-examination of the main complainant.
- The company pleaded guilty after legal argument.
- Prosecution of property owner charged with making alterations to a Grade II listed property without obtaining proper consent.
- Defending in an allegation of sexual assault where the Defendant was alleged to have targeted a number of women on public transport.

## Regulatory

James is instructed by the General Medical Council to present cases in the Medical Practitioners Tribunal concerning allegations of misconduct made against doctors. These include allegations of deficient performance, misconduct both in and out of a professional context.

## Representative Cases

- *GMC v Dr H*  
Allegation of misconduct concerning a doctor faking a heart attack to make a claim on an insurance policy.
- *GMC v Dr Q*  
Disciplinary proceedings following colleague's concerns about the doctor's professional performance, which required in depth analysis of the correct approach to several surgical procedures.

## Civil

James appears regularly in the County Court in matters of personal injury, contractual disputes and housing matters. His personal injury practice encompasses the full range of matters including road traffic accidents, occupier's and employer's liability, highways act claims and injuries caused by animals. He is experienced in

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drafting statements of case, advices on liability and quantum and skeleton arguments for trial.

James is also instructed on behalf of businesses in commercial matters to seek injunctions in relation to the unlawful trading practices of other businesses.

James also appears in the County Court on housing related matters, acting for both landlords and tenants.

## Relevant Experience

- Successful injunction application in the Royal Courts of Justice against a bakery who were unlawfully using equipment which did not belong to them.
- Fast-track personal injury claim arising from a road traffic accident involving a low velocity impact.
- Successful claim against a council under the Highways Act 1980.
- Representing a car dealer in commercial dispute over the sale of a car. The claim against the dealer was thrown out by the court after submissions at the close of the Claimant's case.
- Successful application to set aside mortgage repossession after proving that the bank had knowingly sent notices of arrears to a dilapidated and uninhabited property.
- Successful application for an Anti-Social Behaviour Order under the Housing Act 1996.

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## Appointments & Memberships

CPS Level 3 Prosecutor

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