



New Park Court

Ryan Donoghue

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Contents

| | |
|----------------------------------|---|
| Crime | 1 |
| Representative Cases | 1 |
| Regulatory | 2 |
| Representative Cases | 3 |
| Civil | 4 |
| Representative Cases | 4 |
| Family | 5 |
| Appointments & Memberships | 5 |

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Year of call 2015

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

Ryan became a tenant at New Park Court Chambers in September 2018, having successfully completed his pupillage under the supervision of Chris Smith. He currently undertakes a range of criminal, regulatory, civil (including commercial) and family work.

Crime

Ryan regularly appears for both prosecution and defence in proceedings in the Crown Court and Magistrates' Court. In the Crown Court, he has prosecuted trials involving offences of burglary, theft and common assault, and has defended in trials involving offences of violent disorder and, as a led junior, rape and assault occasioning actual bodily harm. Ryan has also appeared in the Court of Appeal to successfully appeal against sentence.

Ryan's practice in the Magistrates' Court involves offences against the person, weapons offences, public order offences, dishonesty offences and driving matters. He also appears regularly in the Youth Court and has dealt with cases of robbery, possession with intent to supply class A drugs and causing grievous bodily harm.

Ryan is an accredited CPS Panel Advocate, currently at Level 2, qualifying him to prosecute a range of Crown Court matters.

Representative Cases

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- *R v D (Leeds Crown Court – April 2019)*
Prosecuted the trial of a defendant charged with dwelling burglary and two counts of common assault. The defendant was convicted after trial and sentenced to a total of 5½ years' imprisonment.
- *R v H (Leeds Crown Court – April 2019)*
Prosecuted the trial of a defendant charged with attempted burglary, common assault and theft. The defendant pleaded guilty on the day of trial and was sentenced to a total of 4½ years' imprisonment.
- *R v N [2019] EWCA Crim 639 (Court of Appeal – March 2019)*
Successfully appealed a sentence of 35 months' imprisonment for three separate sets of offending. The appeal was made on two grounds: (1) a failure of the Sentencing Judge to reduce the proportion of a suspended sentence activated to reflect the progress made under the order; and (2) totality. The appeal was successful on both grounds, with reductions of 7 months and 3 months made in respect of each, reducing the total sentence to 25 months' imprisonment.
- *R v B (Leeds Crown Court – October 2018)*
Prosecuted the sentence of a defendant charged with being the owner of a dog dangerously out of control, in a case that required consideration of ancillary orders of destruction and disqualification, under the Dangerous Dogs Act 1991.
- *R v TH & others (Leeds Crown Court) - Violent Disorder*
Represented a defendant charged, along with eight others, with violent disorder, arising out of an incident that occurred at the Kingsgate Shopping Centre in Huddersfield.
- *R v RP (Newcastle Crown Court) - Rape*
Instructed as a led junior, led by Nicholas Lumley QC, representing a defendant charged with multiple counts of rape and assault occasioning actual bodily harm
- *R v JW (Bradford Magistrates' Court) - Dangerous Driving*
Successfully prosecuted a case of causing serious injury by dangerous driving, arising out of an incident whereby the victim sustained fractures to both the tibia and fibula bones of the leg. The case involved issues of disputed identification and confession evidence.

Regulatory

In late-2018, Ryan spent 9 weeks on secondment at the Care Quality Commission (CQC), the independent regulator of health and social care in England and Wales, advising at the charging stage of potential prosecutions and on matters of limitation.

Ryan has since been instructed to prosecute a number of cases on behalf of the CQC, for offences of failing to

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provide safe care and treatment, contrary to Regulation 12 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014. Ryan has also defended in other regulatory cases, including those prosecuted by the RSPCA.

Ryan is a member of the List of Specialist Regulatory Advocates, currently at Level C, qualifying him to prosecute cases on behalf of the Health and Safety Executive, Care Quality Commission, Environment Agency and Office for Nuclear Regulation.

Representative Cases

- *CQC v The Hospital of God at Greatham (North Tyneside Magistrates' Court – May 2019)*
Represented the CQC in the prosecution of the Registered Provider of Gretton Court Nursing Home in Hartlepool, for a failure to provide safe care and treatment, contrary to regulation 12 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014. The failures related to the use of bed rails at the home and the maintenance arrangements where damage occurred to such rails. The defendant pleaded guilty at first appearance and was sentenced to a fine of £24,000 and ordered to pay £14,000 in prosecution costs.
- *CQC v Lister House Limited and Catherine Carpenter (Leeds Magistrates' Court – May 2019)*
Represented the CQC in the prosecution of the Registered Provider and Registered Manager of Sherrington House Nursing home in Bradford, for failures to provide safe care and treatment to a service user, MRW, leading to her suffering avoidable harm in the form of a grade 4 pressure ulcer, which ultimately led to her death some four weeks later. The failures related to the policies in place in respect of shared-care service users, the sufficiency of health and risk assessments undertaken when MRW was admitted, the division of responsibilities between nursing staff and healthcare assistants and the oversight conducted by the manager of the home. The defendants pleaded guilty at first appearance and were sentenced to fines of £40,000 and £750 respectively and ordered to pay a total of £4,750 in prosecution costs.
- *CQC v Ellis and Mr & Mrs Ellis (Nottingham Magistrates' Court – March 2019)*
Represented the CQC in the prosecution of the Registered Provider and Registered Manager of Woodthorpe View Care Home, again for offences under Regulation 12. The failures arose out of the care provided to an elderly resident, TK, whereby a lack of protective steps taken when the home was aware that TK was at high risk of falls, led to him being able to access an unguarded staircase and fall down it, suffering a fractured femur and other injuries. The defendants pleaded guilty at first appearance and were sentenced to fines of £10,000 and £30,000 respectively and the second defendant was ordered to pay £13,873 in prosecution costs.
- *RSPCA v Brazil & others (Leeds Magistrates' Court – November 2018)*
Represented at trial one of three family members charged with breaching a disqualification under section 34 of the Animal Welfare Act 2006 and causing unnecessary suffering to an animal under section 4 of the same Act. The case involved expert veterinary evidence regarding the development and treatment of a complex ear condition of an American Bulldog.

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Civil

Ryan regularly acts for both Claimants and Defendants in civil matters, most frequently dealing with fast-track trials, small claims and stage 3 disposal hearings, often in claims arising out of road traffic accidents. He is experienced in dealing with claims for damages in respect of both personal injury and credit hire.

Ryan is also regularly instructed to provide written advices on both evidence and quantum and has experience in advising on such matters in cases involving negligence and breach of statutory duty, covering remedies such as damages for pain, suffering and loss of amenity, loss of earnings, distress and inconvenience, and special damages.

Ryan has a developing commercial practice with a specific focus on contractual matters. He has experience in drafting statements of case in breach of contract matters, as well as advising on the merits of potential claims in restitution. Ryan has a background in commercial organisations, gained through his previous 10-year employment in the financial services sector.

Representative Cases

- *HE v AI (Harrogate County Court – April 2019)*
Represented the defendant in a ‘test case’ regarding a claim for damages arising out of damage to a safety barrier on an ‘A’ road. The claim involved expert evidence regarding the level of damages claimed and whether this amounted to the “reasonable cost of repair”.
- *TDQ v N (Leeds County Court – March 2019)*
Represented the Claimant in a claim for damages arising out of non-payment of fees for the production of a wedding dress. The case also involved a counterclaim for distress and inconvenience on the part of the defendant.
- *M v MCE (Newcastle County Court – February 2019)*
Successfully opposed the defendant’s relief from sanctions application in a claim on the Fast Track. The defendant sought relief following a failure to file its Directions Questionnaire, arguing that the intention to raise issues of fundamental dishonesty at trial should support relief being granted. The application was successfully opposed on the basis of the breach being serious and significant, without good reason and that allegations of fundamental dishonesty were destined to fail, as they related to pre-issue conduct.
- *Rarity v Stansted Airport (Carlisle County Court – August 2018)*
Represented the Defendant at trial in a claim in occupier’s liability on the Small Claims Track, for damages of £1,350 for pain, suffering and loss of amenity and other consequential losses occurring as a result of the Claimant being injured by the automatic passport reading gates at London Stansted airport. The majority of the claim was successfully defended, with nominal damages of £150 awarded to cover the first aid treatment post-accident.

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Family

Ryan has experience in dealing with contested and non-contested hearings arising out of applications for non-molestation orders and occupation orders and has acted for both applicants and respondents in such matters.

Appointments & Memberships

CPS Panel Advocate Level 2

Specialist Regulatory Advocate in Health & Safety and Environmental Law (List C)

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