



Philip Sapsford QC

Year of Silk: 1992 Year of call: 1974

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Practice Summary

Philip lives in Switzerland and is often instructed by other continental and American lawyers in cases involving several jurisdictions. He takes on cases with an international dimension and is also a specialist in white collar fraud, corporate and gross negligence manslaughter, international criminal law, extradition and European law.

He has wide experience in the Court of Appeal, and (formerly) the House of Lords including the challenge of search warrants and restraint/receivership orders. He has an extensive practice in diversion, VAT, tax and mortgage frauds, fraudulent trading. He has advised on money laundering regulations, civil fraud allegations on the impact of the criminal law and advising in confiscation proceedings.

Philip's practice includes the tracing of hidden assets in divorce and family law cases and in civil remedies for victims of fraud. His other fields of professional expertise include all aspects of international law, international licensing, the drafting of complex international contractual obligations, and the financial consequences of international divorce.

In the 1980's he began his pro bono work, particularly for final appeals to the Judicial Committee of the Privy Council in death penalty cases from the British Commonwealth countries.

Philip has appeared as amicus before many US State Supreme Courts including the presentation of oral argument. This culminated in the United States Supreme Court landmark decision [5-4] of *Roper v Simmons* 125 S. Ct. 1183 [March, 2005] whereby the death penalty was abolished throughout all of the United States for juvenile offenders.

Appointments

- Appointed as one of Her Majesty's Counsel, 1992
 - Appointed a Recorder, 1997
 - Called to the Bar in the High Court of New Zealand in 1998 and admitted there also as a Solicitor
 - Appointed a Master of the Bench of the Honourable Society of the Inner Temple 2003
 - Appointed as a Deputy Judge of the High Court in 2004
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Notable Appearances

Oskar v Government of Australia (Nos. 1 & 2)[1988] 1 A.C. 866 (House of Lords-Extradition and procedural bars thereto)

Pratt & Anor v Attorney General of Jamaica & Anor[1994] 2 A.C.1 (Judicial Committee of the Privy Council en banc 7 Law Lords departing from existing jurisprudence and defining "the death row phenomenon" as "...cruel inhuman and degrading treatment...")

Lackey v State of Texas(1995) 115 S.Ct.1421 (Supreme Court of the United States — Amicus Curiae Brief on behalf of the English Bar; the Memorandum of Justices Stevens and Breyer respected denial of certiorari on the first attempt to bring the jurisprudence of *Pratt v A.G. of Jamaica* into an American Federal Court)

Guerra v Attorney General of Trinidad & Tobago[1996] 1 A.C. 397 (Judicial Committee of the Privy Council – Constitution — Fundamental Rights and Freedoms – Delay – "Cruel and Unusual Treatment or Punishment")

H.R.H. The Princess of Wales v Stenning(1996) High Court — appearing as Counsel for Her Royal Highness the Princess of Wales in the obtaining of a High Court injunction restraining media personnel from interfering with the privacy and movements of H.R.H. the Princess of Wales, H.R.H. Prince William (the presumptive heir to the Throne) and H.R.H. Prince Henry. The legal basis of her claim was in privacy and nuisance and was argued before the Protection from Harassment Act, 1997 came into force The Defendant was never able successfully to set aside the injunction prior to the death of H.R.H. the Princess of Wales

Culmer v The Queen[1997] 1 W.L.R. 1296 (Judicial Committee of the Privy Council – Criminal Law — Homicide — Provocation)

Ricketts v The Queen[1998] 1 W.L.R. 1016 (Judicial Committee of the Privy Council – Constitutional law — Human Rights and Fundamental Freedoms — Murder -Defendant Mute of Malice — Withdrawal of Counsel During Capital Murder Trial)

D v P [Ruud Gullitt][1998] 2 F.L.R. 25 (Financial Relief — Divorce — Jurisdiction – Forum Conveniens)

Mitchell v The Queen[1999] 1 W.L.R. 1679 (Judicial Committee of the Privy Council — Constitutional Law — Human Rights and Fundamental Freedoms — Legal Representation — Withdrawal of Counsel During Capital Murder Trial)

McGinnis v State of Texas[2000] U.S.S.C. 99-7870 (Supreme Court of the United States — Amicus Curiae Brief on behalf of the English Bar; International Law — Prohibition on the Execution of Children at the Time of the Offence)

Napoleon Beazley v Johnson[2002] USSC 00-10618 (Supreme Court of the United States — Amicus Curiae Brief on behalf of the English Bar, in collaboration with the University of San Francisco Law School -International Law — Prohibition on the Execution of Children at the Time of the Offence)

*Roper v Simmons*125 S. Ct. 1183 [March, 2005] Amicus Curiae Brief whereby the death penalty was abolished throughout the United States for juvenile offenders

R v R(divorce: jurisdiction: domicile) [2006] 1 FLR 389 a domicile of choice cannot be acquired or retained by a mere declaration of the parties

Cook v Plummer[2008] EWCA Civ 484 – Enforcement internationally of child maintenance obligations

Miller-Smith v Miller-Smith[2009] EWCA Civ 1297 – Interpretation of s 14 of the Trusts of Land & Appointment of Trustees Act, 1996

Ahmed v Khan[2010] EWCA Civ 290 – Application of Indian communal property customs to a Wife's Application for all forms of ancillary relief after divorce.
