

Rex Tedd KC

Call: 1970 | Silk: 1993

"An excellent silk."

Legal 500 2019



Rex Tedd KC is regarded as one of the leading national Regulatory and Criminal silks of his generation. He is in great demand for complex, heavyweight and high-profile litigation.

His approach to any case is meticulous and lengthy preparation—regardless of the importance and size of the case—coupled with powerful advocacy (written and oral), all put in clear, easily understood “layman’s language” while being true to the technical intricacies.

He is a formidable jury advocate, impressing juries & Judges alike with the strength of his cross-examinations, submissions & speeches. He has an engaging style of advocacy which juries & Judges alike find very attractive.

With a considerable academic grounding in regulatory & criminal law & procedure, his submissions of law (often complex) command respect.

He has been engaged in many Court of Appeal cases, generally for appellants in appeals against conviction with important points of law at stake.

Examples of his high profile work are:

- Advising a member of the House of Lords who was the subject of much public criticism in the Parliamentary expenses scandal . The result of written submissions was that this Peer was about the only one to escape prosecution.
- Defence of a Cabinet Officer charged under the Official Secrets Act with “leaking” details of confidential discussions between the Prime Minister & the President of the United States concerning the conflict in Iraq.
- Defence of the lead Defendant at the lengthy Court Martial of seven members of the Parachute Regiment charged with the murder of an Iraqi civilian during the Iraq conflict . The result of “half-time” submissions was the acquittal of all defendants, and collapse of the prosecution case.
- Defence of a company, and its managing director, charged with unlawful export of weapons-grade carbon said to be destined for Iraq’s nuclear weapons’ programme. After a lengthy trial , and re-trial, both Defendants were acquitted by the jury.
- Defence at Court Martial of a Guard’s Jungle Warfare Instructor, charged with other members of a Guards’ Regiment with offences concerning the death of a Guardsman, drowned during a river exercise in the West Indies. All defendants were acquitted as a result of successful “half-time” submissions.
- Instructed by HSE to prosecute in the “Red Arrows” case, in which, as the RAF display team’s aircraft were at the end of the runway, jet engines running, one pilot’s ejector seat malfunctioned, causing him to be blasted through the closed Perspex canopy and hurled 200 feet vertically in the air. Through a separate malfunction the emergency parachute & drogues also failed to open properly, thus failing to slow the pilot’s fall, which was fatal

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The defendant company was a renowned manufacturer of ejector-seats.

The defendant ultimately pleaded guilty. The case involved a considerable volume of expert evidence of conspicuous quality. Once again, Bernard Thorogood was the second prosecution counsel. The case attracted world-wide media publicity.

Expertise

Crime

Rex Tedd KC has conducted well over a hundred murder & manslaughter cases in Silk but has moved away from such work to concentrate on regulatory & appellate work. In bygone years, he was instructed in serious fraud, corruption cases, and other serious crimes. Two cases are given to illustrate his involvement in homicide cases. He often led Martin Liddiard, a very skilful & experienced criminal barrister, in "mainstream" criminal cases and Bernard Thorogood. Two examples from a mass of serious cases are given below

Rex Tedd KC and the very skilful junior Andrew Tucker were briefed to defend one of eight defendants charged with murder. In essence, all eight were said to have gone armed with machetes & a gun to the home of a man with whom one of them had a dispute over building work. A friend of the householder was killed at the house. All eight were charged with murder. The primary defence of each of them, including Rex Tedd K.C.'s client, was alibi.

However, Rex Tedd had spotted a single sentence in the witness statement of an expert witness that suggested she had been told something at variance with the prosecution case. He and his junior began to explore in cross-examination the actual events at the house, to the derision of certain other defence teams.

When the time for Rex Tedd to cross-examine the expert arrived, and after a pin-pointed request for disclosure had been made to the prosecution, the trial came to a rapid halt as the prosecution tried to resist giving the disclosure sought. It rapidly became apparent that the householder had told a very senior police officer, minutes after the incident, that the victim had been shot not by one of the intruders, but by one of the home team, whose gun it was. It was this that echoed into the expert's witness statement, and had aroused the interest of Rex Tedd K.C. and Andrew Tucker. This struck at the heart of the prosecution case, which was that the intruders had come armed to the house

The upshot was that the prosecution, although ordered to give disclosure, refused to do so, with the result that the prosecution was stayed against all eight defendants (most of whose counsel were oblivious to the point that led to the stay). Verdicts of Not Guilty were entered in each case.

- Rex Tedd KC was briefed to defend one of the two defendants. The client's business was the provision of sound systems and staff to assemble, operate, and disassemble them. The staff had travelled from Merseyside to East Anglia for the "gig" concerned. The client did not travel on the trip.

Not long into the return journey, in a heavily wooded area, the van crossed onto the wrong side of the road, and collided head-on with a car. Several people died, including the driver of the van, and none of the survivors had any recollection of what had occurred or why.

The prosecution case was that the van driver must have fallen asleep after his very long and gruelling day, which was the criminal responsibility of the employers who had sent him on the trip.

The defence pointed out that there were other viable reasons for the van swerving (e.g. a deer crossing the road in the dark). Both defendants were acquitted.

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Regulatory

In much of his Regulatory work, Rex has worked closely with very experienced specialist counsel Bernard Thorogood (also a member of No 5 Chambers).

Mining

- Instructed by H.M. Mining Inspectorate and HSE to prosecute UK Coal , two of its senior officers, and others (including the National Coal Mining Museum) in respect of a series of mining fatalities and other grave incidents . These involved variously Daw Mill [the "Warwickshire Thick" seam] , Thoresby and Kellingley collieries.

This was "longwall retreat" mining, at depths of 1,000+ feet. With few exceptions, these cases concerned mining fatalities. Their subject matter included variously: fall of ground [collapse of insufficiently supported tunnel sidewalls]; methane (fire-damp), especially in dips in roadways; "cracking" chocks; illicit "man-riding" on conveyors; drifts and "endless" rope haulage systems; unsafe practices while operating paddy trains & other underground vehicles; exhaust ventilation methods, and inadequate design/positioning of brattices; electrical faults; inadequate inspections by deputies/overmen and incorrect positioning/use of "clam-shell" chocks; fire and explosion (and the use of stone dust to reduce risk of either); and the Mines Rescue Service.

- He gave extensive advice on the hazards from extensive, ill-mapped and highly unstable discontinued mine workings in a former Welsh mining area. This was described in one report as "The most dangerous site in the U.K.". Its old slag heaps overlooked a residential area, giving rise to a "moving mountain" risk, as in the Aberfan** tragedy. He also advised on the measures needed to make the area safe and suitable for development.

Residential Care Homes/Safety of Staff and Residents

- A lengthy trial, instructed by Care Quality Commission [CQC], prosecuting an NHS Trust and a care home proprietor. The defendants wrongly decided to accommodate in an inappropriate home a dangerous man with a serious psychiatric history. He found a knife (not kept securely) and stabbed to death a female member of the home's staff.

[Both defendants convicted].

- A lengthy trial, briefed to defend the lead defendant in a series of trials of about 20 staff members of the Atlas Group, which had a number of residential homes catering for residents with "seriously challenging behaviour". Rex Tedd and Bernard Thorogood's client was the founder & controller of the Atlas Group, and was the first defendant in the first trial. The prosecuting leading counsel was the Leader of the Western Circuit . The prosecuting authority regarded the case as very important to "set an example" to other such homes.

The complaint was that residents (often with psychiatric problems) were confined for lengthy periods, in distressing circumstances, in "quiet rooms" if in the view of staff they had "misbehaved". The case required detailed knowledge of mental health legislation and the DOLS system. It concerned a huge quantity of medical & observational records of residents at 4 different Atlas homes.

The defence, which Rex Tedd K.C. spear-headed & co-ordinated with other defence teams, dealt crushing blows to the prosecution case. Most defendants in the first trial were acquitted on all counts, save that (a) the jury failed to reach verdicts on a few counts, and (b) Rex Tedd's client was convicted on a minor count , for which he was fined. However, that conviction was quashed on appeal.

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The overall consequence was that the prosecution was constrained to offer no evidence against most of the 20 defendants, the main exceptions being two defendants whose cases had special features.

- The defence of a troubled & truculent teenager charged with murder. She lived under supervision in a terraced house with care staff. One evening, when refused permission to “go out on the town” she became aggressive. The member of staff involved retreated (in accordance with standing instructions, into an upstairs office. On her way out, the teenage defendant set fire to notices on a downstairs notice board in the sitting room. Fire spread through the floor boards of the office, and the care worker was burned alive – a horrific event captured on a recording.

The key factual issue was whether the defendant had also set fire to items in other areas of the sitting room. If so, that would have been strongly suggestive of intent to kill or cause grievous bodily harm – the requisite mental element for murder.

The expert reports provided no innocent explanation. However, Rex Tedd K.C. spent a lengthy period at the scene and noticed a pile of ash on the burnt-out remains of a sofa. His equally lengthy examination of photographs of the living room while in use showed that the pile of ash consisted of the corporeal remains of “Big Dave”, a giant teddy bear who was normally perched there, his head high above the level of the sofa. This provided a realistic explanation of the spread of fire from a single point of ignition – “flash-over” onto Big Dave’s head and thence to other areas.

The defendant was acquitted of murder. She had pleaded guilty at an early stage to manslaughter.

Railway Safety

- As a junior, Rex Tedd was often briefed by British Rail to attend inquests on rail passengers who had fallen through open carriage doors during travel. The key question was always “How did the door come to be open?” , which in those days generally received the reply “The deceased must have opened it, perhaps by It is now generally understood that under certain conditions during travel the carriage elongates slightly, thus releasing the door catch without human intervention.
- Rex Tedd defended one of two young railway employees in the “runaway train” case. A goods train came into a station at night with a “hot box” . The inexperienced guard , and equally inexperienced employee in charge of the station at night decided to split the train, and the locomotive hauled some of the waggons However, in their inexperience they neglected to set the brakes on the other waggons, which were standing on a slight slope, and began to roll backwards with increasing speed as the two men ran alongside trying to secure the brakes.

The waggons went onto the main line, gathering momentum, ultimately smashing into another train in the mouth of a tunnel, killing the driver of that train. The evidence established that the true fault was that of senior staff who had instructed the young men , who had little relevant experience, training or experience, to fill such responsible positions. Both defendants were acquitted.

- Rex Tedd , as a junior, defended one of several youths charged with taking locomotives and other railway offences. This was curious – perhaps unique – case which (happily) did not result in death or injury.

The defendants discovered how to break into engine sheds at night and how to start up the diesel locomotives (using a tea spoon as a key). They set signals that enabled them to drive the locomotives onto the main line, doing so in the middle of the night when there was no other traffic. On several nights they raced the locomotives against one another, and coupled them together to have a tug-of-war.

All defendants pleaded guilty, and a merciful Recorder imposed conditional discharges.

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Aircraft Safety

- Rex Tedd KC held a Private Pilot's Licence.
- See Red Arrows case above.
- Rex Tedd KC defended an airfield proprietor, one of two defendants, in a case involving a parachuting fatality at an air display. An unsuitable aircraft had been hired for the occasion. As it climbed to the height for the parachutists to exit the aircraft, there was cloud. Because a side door had been removed, verbal communication was virtually impossible because of wind noise.

A crew member by the open hatch saw below a gap in the cloud and gave a "thumbs up" sign to another crew member standing by the pilot. The second crew member returned the "thumbs up" sign, meaning "I acknowledge your sign", but the crew member by the hatch misinterpreted this as meaning "everybody out".

In consequence, the parachutists jumped, notwithstanding that the aircraft was still climbing "nose up" under full power, instead of cruising straight & level at reduced power. The hatch was too close to the rear wing, and one parachutist struck the wing with his head and in consequence failed to open his parachute, fell & was killed on impact with the ground.

The airfield proprietor was acquitted.

Water Safety

- At a river festival, a small cabin cruiser manned by the three defendants was dangerously overloaded and capsized, causing the death by drowning of a passenger who was trapped underwater in the cabin. Rex Tedd KC's client was the only defendant acquitted, essentially on the basis that the defence had established that her role in managing the boat was minimal.

Traffic Management

- Rex Tedd K.C. was instructed to prosecute several cases arising from roadworks at night on motorways. Skilled traffic management was necessary for this hazardous activity, as was the accurate placing of cones, precise speed & other signs on overhead gantries, and safe positioning of the contractor's vehicles and workforce. The first case concerned the death of one of the workforce, struck by an oncoming vehicle.

Two defendant companies pleaded guilty. The jury failed to agree on the third defendant and was discharged from giving a verdict. Defendants pleaded guilty in the other cases.

General Safety

- Subject matter includes falls from height, falls through inadequate roofing, falls of signs affixed to buildings, and unsafe operation of machinery.

Environmental

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- The general subject matter is protection of the environment, especially SSSIs and other sensitive sites from commercial activities by landowners. Cases include the leading authority on the level of sentence necessary for that purpose, given that the defendant landowners are generally men of financial substance.

In that case, Rex Tedd KC and Bernard Thorogood were instructed by Natural England to prosecute the landowner, a multi-millionaire owner of a “household name” business. The defendant eventually pleaded guilty, but a Newton hearing took about a week. The fine & costs came to almost £1 million. The defendant appealed unsuccessfully to the Court of Appeal (presided over by the Lord Chief Justice), and thereafter, with equal lack of success, to the European Court.

Memberships

- POCLA (Proceeds of Crime Lawyers Association)

Appointments

- Deputy High Court Judge in Queen’s Bench, Family and Chancery Divisions (2001)
- Elected Leader of the Midland and Oxford Circuit (1999-2002)
- Master of the Bench of the Inner Temple (2000)
- Recorder (1995)
- Assistant Boundary Commissioner for England and Wales
- Head of St Philips Chambers (formerly known as 7 Fountain Court) (1990-2001)

Academic and Professional

Academic Achievements

- York House School, Birmingham
- King Edward’s School, Birmingham [Foundation Scholar]
- Lincoln College, Oxford : M.A. ; B.C.L.
- Inner Temple [Yarborough-Anderson Scholar]
- Teaching Fellowship in Law, Osgood Hall Law School, Toronto
- Lecturer in Law, Nottingham University
- External Examiner in Law, London University
- Honorary Doctorate, University of Central England [D. Univ.]

Professional Achievements

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- Deputy High Court Judge – Queen’s Bench, Chancery & Family Divisions
- Recorder : Crime (including serious sexual crime & long fraud cases); Civil; Family
- Deputy Boundary Commissioner for England & Wales
- Barrister Governing Bencher, Inner Temple
- Head of St. Philips Chambers & its Predecessor Set
- Deputy Head of No. 5 Chambers
- Member : Inner Temple Bar Liaison Committee
- Member : Bar Management & Kentridge Committees
- Member: Inner Temple Circuit Committee

Other

- Chairman of Governors: Malvern Girls’ College

Qualifications

- MA BCL (Lincoln College, Oxford)
- DUniv (Honorary) (University of Central England)

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