



## Red Lion Chambers

**Klentiana Mahmutaj LLB LLM**

**Call: 2005**

### **Introduction**

Klentiana is a CPS grade 2 prosecutor and member of the C-Panel of the HSE list of Prosecutors.

### **Regulatory Reform (Fire Safety) Order 2005**

Instructed by Dorset Fire and Rescue Service. She conducted a complex case involving a large corporation and one of its employees who was prosecuted for failing to comply with obligations under Article 27. The case involved written legal arguments on statutory interpretation of Article 27, including what constituted “responsible person” and “person with responsibilities”. The case ultimately settled and the Defendant signed an undertaking.

Instructed by the Hampshire Fire and Rescue Service in a prosecution of a business that had breached fire regulations (Articles 31 and 32). She secured convictions and significant fines by way of sentence and also successfully represented HFRS upon appeal to the Crown Court.

Instructed by Hampshire Fire Service in a prosecution of a business owner who had breached fire regulations (Articles 31 and 32) but denied being the “Responsible person”, claiming that the responsibility lied with his deceased business partner or alternatively his children who had obtained Power of Attorney before his partner’s death. Klentiana secured convictions in this case which, due to its specific facts, included an understanding of company law and property law as well full fluency with the Order.

Currently instructed by South Wales Fire and Rescue Service in a prosecution involving two business owners and their obligations under Article 27.

### **Other Regulatory Work**

Klentiana has also defended cases under the Environmental Protection Act 1990 and the Trade in Goods (Control) 2003 Order. She has also prosecuted cases under the Town and Country Planning Act 1990 (including the preparation of Friskies schedules) and on behalf of DEFRA in cases concerning the Veterinary Regulations.

Klentiana has appeared in complex cases under the Licensing Act 2003 both in hearings at the local council offices and in appeals in the Magistrates’ courts. In October 2011, Klentiana was instructed as a second junior by the Environment Agency in a prosecution under the

Transfrontier Shipment of Waste Regulations 2007, which criminalise the breach of Article 36 of Council Regulation (EC) 1013/2006. All defendants, including companies and their directors were convicted for transporting or attempting to transport waste destined for recovery in a non-OECD country in contravention of the above regulation.

### **Local Authority Work**

Klentiana was instructed by Ipswich City Council in civil proceedings to seek a closure order pursuant to the Anti-Social Behaviour Act 2003 and the Home Office Guidance. She is regularly instructed by Broxbourne Borough Council in cases of benefit fraud, including advising on charge, evidence and bad character and drafting indictment.

### **Instructions in Other Substantial and Lengthy Cases**

Klentiana was instructed by HMRC in *M v HMRC* First-tier tribunal (Tax Chamber) as a third junior, led by John Black QC. This was a civil tax appeal, one of the largest and the most complex missing trader intra-Community ("MTIC") appeals ever brought. The value of the case was £25,000,000. She worked in a team with a chancery practitioner and another junior who is a member of the Attorney-General's Civil Panel. Klentiana reviewed some 200,000 pages of evidence and assisted in preparing a Reply with a series of schedules and a detailed explanatory note which had been ordered by the judge at an interlocutory hearing. She prepared several of the schedules alone and assisted another junior in drafting the explanatory note. She analysed difficult issues carefully and comprehensively and assisted with the case strategy. The case is ongoing.

Instructed by the defendant in *Serious Fraud Office v G* as disclosure counsel in a Serious Fraud Office investigation into allegations of bribery and corruption. Klentiana worked in a team with other counsel and was based at the defendant's solicitors' offices. She reviewed the sensitive material in a case involving corruption and bribery allegations by one of the biggest global multinationals.

### **Other Criminal Work of Interest**

#### Extradition

Klentiana has substantial experience in extradition law concerning Category 1 and Category 2 countries and has appealed cases successfully in the High Court. *Beretki v Romania* [2012] EWHC 336 (Admin) *Glodek v Poland* [2011] EWHC 3226 (Admin) and many others.

#### Confiscation and Civil Recovery

Klentiana has substantial experience in both defending and prosecuting confiscation hearings and civil recovery under POCA 2002. In relation to the latter, she was successful in reopening an appeal before a three-judge tribunal at the Civil Division of the Court of Appeal [2012] EWCA Civ 1830. Following leave to pursue judicial review in the same case, the case is currently pending before the Administrative Division of the High Court.

## **Publications**

'Cash Forfeiture Following Acquittal: An "Affront to Public Perception" or a Breach of A Fundamental Human Right?' [2009] Crim LR 783 (London, October 2009)

'The Death Penalty and the Jurisprudence of the European Court of Human Rights', AMICUS Journal, (London, 2008)

'The English Legal System, Some Aspects', (Jeta Juridike, Journal of Magistrates' School, Tirana, April 2007)

'Confessions: A few considerations in the case of Michael Stone', Criminal Bar Association Newsletter (London, Sweet & Maxwell, June 2005)

Various contributions to the AIRE Centre and European Human Rights Law Review, (March 2003)

## **Key Skills**

Legal prowess in varied areas of law

A flexible and innovative approach to the interpretation of case law and legislation

Consistently reliable and efficient

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