

SERGEY PROKOFIEV

sergey.prokofiev@lincolnhousechambers.com

CALLED TO THE BAR: 2004

LINCOLN
HOUSE CHAMBERS
MANCHESTER



Sergey joined Lincoln House Chambers in 2004 from a background of working for a commodities trader in the City of London and teaching law. He now has a busy practice in crime, tribunal, and prison law work. He specialises in all aspects of serious crime, including very serious violence (section 18), serious public disorder, fraud, and sexual offences. His practice allows him to act for both the Defence and Prosecution at the Crown Court.

His working week consists of conducting one or more jury trials and one prison law hearing per week. Sergey's involvement in Magistrates Court matters is limited to: defending privately instructed regulatory and road traffic offences which involve technical legal points.

Sergey is increasingly instructed in VAT Tribunals, County Court and High Court matters.

Sergey is licensed by the Bar Council to provide legal advice and representation in relation to civil matters directly to members of the public, without the need to go through a solicitor.

CRIMINAL LAW

Sergey is based in Crown Courts and Tribunals in the North: Manchester, Preston, Bolton, Liverpool, Carlisle, Burnley, Leeds, Bradford. He has experience in very serious and lengthy cases, as well as VHCCs and frauds. He conducts at least one jury trial per week and one prison law case per week. His current workload features a lot of POCA hearings, especially variations of confiscation orders because of the falling housing market, and a lot of IPP Parole hearings.

Sergey undertakes to provide solicitors with emailed attendance notes on the same day as the attended hearing.

Notable Recent Criminal Cases:

R v M and 9 others (Leeds) – junior in money laundering trial. Acted in the successful Defence of a used car dealer charged with money laundering

R v H (Preston) – complex £3m POCA. Acted in the contested POCA proceedings of a man convicted of white-collar crime where the ultimate confiscation order was reduced from £3m to a four-figure sum.

R v A (Carlisle) – trading standards prosecution. Acted for the Defendant in a seizure of 1000's of allegedly counterfeit items sold at markets in Cumbria

R v W (Bolton) – death by dangerous driving. Acted for the Defendant who was charged with causing death by dangerous driving of an ASDA lorry, a case which attracted significant publicity at the time

R v H (Preston) - eBay fraud (shortselling). Acted for a Defendant charged with selling items on ebay which he had not yet owed. Interesting arguments about shortselling not amounting to fraud.

R v R and others (Bolton)- mortgage fraud. Acted for a Defendant charged with defrauding an independent mortgage provider. The trial process revealed the mortgage provider to be dishonest, and the case collapsed.

R v V (Bolton) - Operation Perryville. Acted for the main conspirator in Operation Peryville, a drugs operation in Rochdale.

PRISON LAW

Sergey has vast experience at representing prisoners in contested adjudications, lifer reviews, IPP parole hearings, and licence recall hearings.

Notable recent prison law cases:

J.C. v Parole Board (2009). Judicial Review of a decision to withhold release from an IPP inmate who has completed his sentence plan and undertaken all available courses.

In the Matter of: G.L. (2010). Recall of a lifer who had real cause to challenge the validity of his recall procedure but was prevented from so doing due to the change in the law in 2010. Argument whether Parole Board entitled to consider propriety of recall in exercise of their discretion.

Sergey is fully conversant with the pressures put on prison law solicitors by the new LSC Prison Law Contract of July 2010.

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CIVIL LAW: TRIBUNALS

Sergey advises and represents clients in the following tribunals:

VAT Tribunal
Social Security Tribunal
First Tier Tax Tribunal
Employment Tribunal
Valuation Tribunal
High Court (Directors Disqualification)

Notable recent tribunals cases:

Tax Tribunal

S.A. v HMRC [2009] UKFTT 309 (TC). Represented an Appellant who had been wrongfully charged VAT by his solicitor upon purchasing new business premises. Having paid over the VAT to his solicitor, his solicitor, in error, passed the money to the Vendor, without checking whether the Vendor was VAT registered. The Appellant's VAT claim was rejected by HMRC. It was argued on his behalf that genuine reliance in a legal advisor such as a solicitor is enough to establish that the Vendor was a "taxable person".

Social Security Tribunal

D.S. v DWP. Represented an Appellant who had been retro-disallowed a pension claim due to assets which were recently discovered to be in his name. It was argued on his behalf that the assets were under a trust.

Criminal Injuries Appeal Panel

In the matter of: B.N. Represented an Applicant who was successful in securing a payment for a sexual injury despite the criminal proceedings against the same Defendant having been unsuccessful.

DIRECT ACCESS

The majority of barristers can only be instructed by solicitors or authorised institutions, which in some cases leads to a duplication in costs. Sergey is accredited for direct access by the public without the need to be instructed by a solicitor. This means that any member of the public can approach him directly for advice or representation. Sergey undertakes the following work upon instruction directly from the public, which includes professionals:

- Criminal Law including Road Traffic
- Judicial Review
- Employment Tribunals
- County Court claims
- Directors Disqualifications
- Tax Tribunal
- Criminal Injuries Appeals Panel
- Valuations Office Agency hearings

To instruct Mr Prokofiev without a solicitor, contact David Wright on 0161 832 5701 or by email: dwright@linolnhse.co.uk

EDUCATION/PROFESSIONAL

Sergey was educated in State School 405 in St. Petersburg, Russia, then at St. Martins College in Malta, until settling in London and attending Mill Hill School in London NW7. He then read Law (LLB Hons) at the University of Durham and graduated in 2003. He then attended BPP Law School in London.

Prior to joining Chambers, Sergey worked as a commodities contract settlement manager for a commodities broker in the City of London, a professional synchronous interpreter, and a law tutor to university and bar course students.

Sergey teaches Professional Ethics to aspiring barristers at the University of Manchester Bar Course.

Sergey is the Chambers mini pupillage administrator.

Sergey speaks Russian (fluent), French and Spanish (conversational).

PERSONAL INTERESTS

Kitesurfing, powerkiting, motocross, longbow archery, small-bore rifle target shooting, travelling, keen motorcyclist, keen amateur daytrader.