



# ST. PAULS CHAMBERS

## JEREMY BARNETT



Head of Regulatory Breach.  
Editor [www.regulatorybreach.com](http://www.regulatorybreach.com)

Criminal Practice with emphasis on 'White Collar' cases.

### Legal 500

**Jeremy Barnett heads a busy regulatory team, 2009 Legal 500**

**'establishing a strong team, which draws on the sets criminal expertise, as the market realigns', 2008 Legal 500**

**'full of flair but also one of the safest pair of hands on circuit' 'has built a solid regulatory group which is now very busy', 2007 Legal 500**

### Chambers Directory

White Collar Fraud Specialist, 2007 Chambers

### Appointments

**AADB** Board Member [Accountants and Actuaries Discipline Board ]

**Recorder** of the North Eastern Circuit (appointed 2000) - criminal and civil.

**Mediator** Accredited by the ADR Group.

**Vice Chair** of the Bar Council IT Panel.

**Elected member** of Bar Council since 2002

**Regional Director** UK India Business Council

**Visiting Professor** of Law Informatics, Court 21, Leeds University 2005 – 2010.

### Personal Details:

D.O.B: 09/10/1958 Called to bar: 01/07/1980

## **Areas of Practice**

### **Fraud**

Financial Services, Insolvency, Banking. VAT multi-level marketing cases.  
Appeared in 20 serious fraud trials in Leeds, Middlesbrough, Liverpool and London including 3 SFO cases.

#### **Recent/ current cases;**

**R v Kenyon.** Leading Junior Defence in £20m Individual Learning Account [ILA] fraud trial at Teesside. Defendant acquitted of all charges

**R v M.** Currently Leading Junior, defending director of Metamorphosis, largest ILA provider at Teesside Crown Court. Permission given to intervene by written submission to the Court of Appeal in R v Smallman.

**R v F** Defending baling and recycling of stainless steel in £20m alleged fraud where defence involves establishing the size and extent of the market for second hand beer kegs. Case running alongside £70m civil action with substantial disclosure issues.

**R v AS.** Mutli million pound VAT exemption case where submissions uncovered arrangement between HMRC and taxpayers not to prosecute.

**R v H** Partner in sole accountancy practice charged with substantial VAT reclaim fraud.

**R v M** £20m counterfeiting of sterling and euro banknotes, and coins.

### **Trading Standards**

Specialist in :

- Toy Safety , including: Safety of baby walkers, pushchair's and play-mats  
Dealing with fire retardancy burns/injuries Moving stability  
BS 6001 quality management. Due diligence defences
- Wigs and masks. Has successfully represented 6 importers and retailers in relation to flammability and other choking hazards.
- Electrical and Lighting.
- Consumer (Protection from Unfair Trading) Regulations 2008

#### **Recent cases**

**Gloucester v Gemella Plc t/a GHD** . Prosecution of early models of GHD hair irons for technical failures of creepage and clearance regulations.

**Kent v Pro Team Plc** Maidstone Crown Court. Importer of Gas Alarms fined £65k for large batch of CO2 alarms with faults which had been recalled.

**Brent v Ackerman Plc** Prosecution of toy mobile phones for exceeding 80 decibel noise limit withdrawn after technical defence case statement submitted.

**Manchester v Europium World** Importer of quad bikes prosecuted in relation to mini motos. One summons dismissed for abuse of process, fines on second £500 + costs following highly contested trial

**North East Lincolnshire Council v In the Pink and PMS Ltd**

Divisional Court 13th May 2005. Leading authority on the definition of a toy, in particular as to the intention of the manufacturer and whether an objective or subjective test is appropriate.

**DISCIPLINARY WORK**

As head of the Regulatory Group at St Pauls, this has been the main area of growth over the past 5 years in the following areas:

**A) Solicitors Regulation Authority**

Various cases involving cases brought by the SRA, including

- clients account breaches,
- conflicts of interest
- client care and FSA breaches.
- Also instructed on behalf of Law Society to prosecute allegation of acting as a solicitor without qualification.

**Recent cases**

**SDT v Shawcross** Manchester Crown Court. Leading prosecution counsel in case involving legal work conducted by unqualified lawyer under s 20(1) a Solicitors Act 1974.

**Law Society v Re S** Case concerns mishandling of complaint by the Legal Complaints Commission.

**R v B** Prosecution of senior solicitor for Clients account breaches.

**Law Society v C and others** long running series of alleged breaches of client care, fsa, client account and other conflict issues. Highly successful outcome.

**Law Society v E** regulatory issues arising out of intervention of a joint practice

**Law Society v L.** Partner in commercial firm objecting to conditions on practising certificate following criminal allegations from old firm.

## **B) Financial Services Authority**

Cases involving regulation of business (insurance and deposit taking) and Financial Services and Markets Act 2000.

### **Recent Cases**

**FSA v G** number of allegations in relation to self certification of mortgages by senior IFA. Representations in writing and then before the RDC demonstrated weakness in FSA case which was withdrawn following the hearing.

**R v Rourke** Bradford Crown Court Prosecution for FSA of accountant who ran a Ponzi property investment scheme for clients in sum of £650k.

**FSA v F** a firm of solicitors who managed an escrow account for overseas investment brokers.

## **C) Legal advisor to General Council for Social Care.**

### **ENVIRONMENTAL**

Established academic research group into Carbon Law. Member of IEA Carbon Regulators Network. Particular interests in Carbon Capture Storage technology and new legislation that is being devised to deal with:

- The ownership of CO<sub>2</sub> over long periods and monitoring
- Lack of safety standards and emission recording guidelines.
- The building of new pipelines.
- Leakage and equipment malfunction.

### **Recent cases**

**Northants v Baker Ross** alleged breach of Packaging (Essential Requirements) Regulations 2003 withdrawn following submissions.

### **HEALTH AND SAFETY**

Cases involving

- Risk assessment and general safety in residential care homes and logistics.
- Breach S2 Duty:

- Fatal accidents in respect of working at height
- Storage of Fireworks: Breach of Management and Storage of Explosives Regulations and Explosives Act 1875. By numerous Manufacturers and Retailers.
- Fatal accidents in Care Homes: Fire and cot side equipment failures. Fatal accidents caused by Slipping.

### **Recent cases**

**R v Geoff Fielden Ltd.** Derby Crown Court. Fatal accident to employee who fell from pallet racking. Issues included series of alterations to racking, risk assessments, deceased on 'frolic of his own', safety of equipment etc. Fines reduced considerably as pleas on limited basis.

**HSE v Men Shun Fireworks and Run Guang Tan** Prosecution of company and management in respect of storage of over 100 tonnes of fireworks in unlicensed temporary facility at Thorpe Arch, Wetherby. Case involved delegation of operations to logistics company.

**Brent v Popat & Popat** Harrow Crown Court. Storage of fireworks in unauthorised premises. Fines of £56k in total but claims for £180k storage costs refused.

### **INQUESTS**

A number of recent inquests including:

**January 2006 re death in custody of John McDonnell.**

6 week inquest at Nothallerton. Represented the interests of 10 officers following an arrest and violent struggle which continued through to the police station. The verdict was death due to a dependence on cocaine

**October 2007 re the death of Dorothy Robinson following a fire at the BUPA St Davids Nursing Home in Teesside.**

7 week inquest, Appeared for the Health and Safety Executive. Counsel represented the relatives, BUPA, the Employees of BUPA, and the Fire Brigade. Contentious issues included the scope of article 2 investigation into a non state body.

**February 2008. re the death of Adrian Coldwell.**

4 week inquest at Wakefield concerning a death in custody. Represented 4 custody sergeants who were facing internal discipline following the suicide of the deceased who hanged himself with a cord from his own track suit bottoms that should have been confiscated. All cleared during the inquest as the fault lay with others.

**November 2008 re the death of Mark Camm,**

6 weeks inquest Wakefield. This involved legal issues concerning arrest, treatment at the police station, a complete failure of medical diagnosis of an aneurysm, and then further medical failures at Pinderfields A& E which resulted in no treatment for 10 hours.

Represented 3 Inspectors who were on duty during the time in custody. Although the Jury criticised various aspects of police ( and medical) care Inspectors clears of any inappropriate conduct.

### **Other Leading Cases**

**R v Hussain** Leading Junior in prosecution of fashion designer to Michael Jackson

**R v Gordon** Leading Junior in SFO prosecution relating to Akrill Group PLC.

**R v Jones** Ostrich Farming Corporation & Other Pyramid selling schemes. Over £20 million raised from public.

**R v Whitaker** £26 million Leasing Fraud. Largest fraud case on the North Eastern Eastern Circuit.

**R v Harris** Defence of MD of Bank of Tokyo.

**R v Birks** Defence of Chief Planning Officer in ‘**Donnygate**’ trial.

**R v Hillier** SFO prosecution £6 million collapse of Financial Services Group.

**R v Finnegan and Braund** Two trials involving Financial Services, Advanced Fees Fraud and Banking Act – case reported as AG Ref no 1 of 1995 [1996 1 WLR 970].

**R v Montreux** Defence of Eric Valois, wanted terrorist in Canada, tried at Bradford on conspiracy to import drugs.

**R v Marsden & Klineberg** 1999 CLR 417.

**R v Kirkup** Defending in SFO prosecution in relation to an alleged advanced fee fraud.

**R v Lee** Leading Junior in relation to alleged fraud of £2m Reading Crown Court.

**R v Parker** Leading Junior for female defendant in multi-million pound long firm fraud allegation, Lincoln Crown Court.

**R v Bitton** Leading Junior conspiracy to import £2m cannabis and class A.

### **Research and Publications**

Founder of International Centre for Legal Compliance – [www.ic4lc.com](http://www.ic4lc.com)

The Legal and Political Implications of Courtroom Technology 'The United Kingdom', William and Mary Bill of Rights Journal, Vol 12 issue 3 April 2004.

'e Legal Services (2007)

With Pete Dew, Professor of Computing, Leeds University. For the Second International ODR workshop, International Association for Artificial Intelligence and Law Conference, Bologna, 2005, published by Wolf.

See [www.court21.ac.uk](http://www.court21.ac.uk).

### **Memberships**

Member of International Energy Agency Regulators network

Founder of the Court 21 Project at Leeds University.

Member of the UN Online Dispute Resolution Expert Group.

Member of the DTI Foresight Cybercrime Lawyers Group.

Member of the Association of Regulatory and Disciplinary Lawyers..