

Jeremy Barnett

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Jeremy Barnett is Head of **Regulatory** at St Pauls Chambers, with over 30 years' experience in many areas of law. He represents both companies and professionals before tribunals, and in **regulatory** and **fraud** cases.

As an experienced barrister and astute businessman, Jeremy advises businesses and professionals on matters concerning **regulatory** investigations, hearings, **trading standards**, **health and safety** and **environmental law**. With a background in advanced computing, he is currently involved in leading research and development of **Blockchain** and Smart Contracts.

Expertise

Professional Discipline

Jeremy is head of the St Pauls Chambers Professional Disciplinary team. Members of the team are recognised legal experts specialising in conduct of all professional regulation. Jeremy has particular experience in the following areas of work:

- Solicitors Disciplinary
- Interventions
- Accountants / Actuaries Disciplinary
- HMRC Tribunals
- Financial Conduct Authority
- Claims Management Regulator
- Healthcare Professional Disciplinary

Solicitors Disciplinary

Jeremy represents a number of firms of solicitors and individual partners and other members of staff faced with investigations by the Solicitors Regulation Authority [SRA]. Advice has been given to major law firms, medium size practices and sole practitioners on a range of issues that include acting with integrity, acting in the best interests of clients, and various compliance including conflicts of interest, self-reporting, mortgage fraud and financial services.

Jeremy is currently instructed in 4 separate cases before the SDT. In two of these he represents a number of solicitors as a specialist disciplinary lawyer, who face allegations in respect of non-payment of the Assigned Risks Pool premium [ARP] and associated run off cover, following the administration of their solicitors practice. He is also advising a number of firms Referral Fees, new CFA and DPAs and projects to set up an ABS.

HMRC Tribunals

Has represented a number of taxpayers on licensed access instructions from Chartered Accountants in respect of appeals against assessments to the First Tier (Tax Chamber).

Notable HMRC Tribunals cases

Assessment following Court of Appeal decision re international phone card reclaims business.

Claim for cost of HSE prosecution costs as taxable expense.

Assessment against a director for company's non-payment of VAT.

Financial Conduct Authority

Jeremy has advised and represented professionals on collective Investment Schemes, fit and proper person rules for scheme members and advice regarding unregulated investments.

Jeremy has also advised on Client Account Rules for P2P Crowdfunding Platform [Article 36H of the Regulated Activities Order] & CASS 7 [Client Account Sourcesbook].

Claims Management Regulator

Leading counsel in the First Tier Tribunal Regulatory Chamber Appeal against £850,000 fine in Zahier Hussain v MOJ. Investigation under Compensation (Claims Management Services) Regulations 2006.

Provided substantial advice re PPI fees in respect of Conduct of Authorised Persons Rules 2013 [Re Direct Assist].

Advice provided to numerous firms in respect of Referral Fee ban [LASPO 2012].

Healthcare Professional Discipline

Jeremy has conducted cases before both the Interim Orders Panel [IOP] and the Fitness To Practise [FTP] tribunal. These include highly contested hearings involving allegations of dishonesty and clinical under performance where the panel has drawn back from erasure following detailed representations. Jeremy is currently representing a number of specialists who are facing differing issues before the GMC.

Jeremy is a Legal Advisor for Nursing and Midwifery Council (NMC), General Dental Council (GDC) and General Social Care Council (GSCC).

Product Safety

Jeremy's particular area of expertise includes compliance and corrective action in Product Recalls. He has conducted numerous product safety defence cases regarding dangerous products (baby products, wigs masks, GHD hair straighteners). In one case damages for loss of profits of approximately £100,000 were recovered from the Trading Standards.

For over 20 years Jeremy has acted as a Trading Standards Lawyer, advising importers, distributors, manufacturers of products who face allegations around the country. He has unparalleled experience in defending cases involving a vast array of consumer goods, including babywalkers, pushchairs, fireworks, pharmaceuticals, Hair Straighteners and other electrical goods.

For a number of years, Jeremy represented the manufactures of wigs masks and gowns who faced prosecution and product recalls over allegations that Halloween masks and clothing could catch fire. On every occasion, the prosecution was successfully defended and on one occasion, over £200k damages were recovered where a product suspension order was wrongly imposed.

Jeremy has acted as a Trading Standards lawyer in approximately 100 companies and individuals in trading standards prosecutions, including international manufacturers and importers, major retail chains and SMEs who source their own products from the Far East, in particular China.

Food Safety Law

Jeremy has provided advice to Trading Standards re Food Labelling prosecutions against manufacturer and supermarket. He has provided regulatory advice regarding Food Safety cases relating to Dioxins & Furans in Pig gilts.

Jeremy Barnett regularly advises in Food Crime cases, both for the Prosecution and the Defence. Cases concern selling food which is damaging to health, not of the quality that consumers expect or mistakes in the way in which the food is labelled, advertised, packaged and presented, which result in allegations that the labelling is false or misleading.

The majority of cases turn on whether or not the Defendant company has a defence that he took all reasonable steps in Due Diligence. There is a great deal of case law on this subject, but it is clear that modern manufacturing techniques make many of the decisions of the courts obsolete. It is a question of fact and degree in each case which often turns on highly specialist expert evidence.

Environmental Law

Jeremy Barnett is an Environmental lawyer, specialising in carbon, global climate change, energy storage and waste packaging. He is a leading UK Climate Change Lawyer and has a special interest in the Circular Economy, Energy Storage biofuels, algae fuel (oilgae), carbon fertilisers produced from biomass (biochar) and other carbon technologies. He has recently advised a national government on legal and regulatory issues relating to COP 18 in Qatar.

In 2012, together with research scientists and economists, he formed Resilience Partners Ltd, a consultancy in Climate, Technology and Energy Issues for Business and Policy makers. Resilience specialises in economic and policy issues around Energy Storage, Resilient networks and Shale Oil and Gas.

He is part of the Sino UK Energy Storage research team by the Royal Academy of Engineering and the Chinese Academy of Sciences. He also has been instructed on a number of issues by the Centre for Low Carbon Futures, the UK's leading 'Green Think Tank', based at York. CLCF is an academic joint venture between the Universities of Leeds, York, Sheffield and Hull. Jeremy was invited as an environmental lawyer to a seminar at Chatham House, in May 2012 on the Localism Act and funding for Green Infrastructure projects.

Jeremy has experience advising on the Producer Responsibility Obligations (packaging waste) Regulations 2007 and the Transfrontier Shipment of Waste Regulations 2007. The use of the National Waste Packaging Database and electronic PRNs and PERNS (for export) is a complex issue that requires a detailed knowledge of the terms and conditions of the database.

Notable Environmental Law cases

Prosecution for ePRN Transfrontier Shipment of Waste Regulations. Successful defence of database regulations.

Prosecution under Environmental Protection Act, depositing inert and non- inert waste.

Advice on climate change law, regulation policy to a national government.

Environment Agency Flood Control enforcement where Planning Permission granted in form of Certificate of Lawfulness.

Complex EU procurement, planning and general contractual issues for Carbon Capture Storage Research programme.

Enforcement under Flood and Water Management Act 2010 and Lawful Development Certificate, Town and Country Planning Act 1990, s191 (as amended).

Issue of Temporary Stop Notice Section 171E of the Town and Country Planning Act 1990 in relation to Recycling Plant.

Part of leading research in energy storage and smart cities.

Health & Safety

Jeremy Barnett is a specialist Health and Safety Lawyer, having represented a number of companies who have been investigated and prosecuted for offences under the Health and Safety At Work Act 1974 [HSWA].

All companies need to ensure that their undertaking complies with the obligations imposed by the HSAW to their employees, neighbours, visitors to site and others. Most cases involved consideration of risk assessments. In particular, Jeremy has acted as a health and safety lawyer in cases involving:

- Fatal accidents to employees
- Medical Devices including cot sides
- Storage of explosives and fireworks
- Working at height regulations
- Storage of Flammable Liquids
- The Dangerous Substances and Explosive Atmospheres Regulations 2002 [DSEAR]
- The Provision and Use of Work Equipment Regulations 1998 [PUWER]
- The Hazardous Waste (England and Wales) Regulations 2005

Jeremy has represented the HSE and companies involved in Care Homes, textiles and soft furnishings, the manufacture of chemicals and Fireworks. Cases where he has appeared as a lawyer in the Crown Court and at Coroners inquests include a major explosion and fire at a chemical production site, a fire at a care home where 60 aged and infirm patients were evacuated at night with one fatality, a death to a patient at a care home who became entangled in a cot side and a fatal accident to an employee who was climbing in racking without permission.

The storage of fireworks by retail outlets and also importers and manufacturers has also been the subject of a number of prosecutions around the country. There are prescribed regulations governing the sale of fireworks and their storage and display by retail outlets. Also, the storage of huge quantities of fireworks that have been imported from China is closely regulated by the fire brigade, trading standards, planning authorities and health and safety executive.

Financial & Corporate Crime

Jeremy has defended hundreds of people and companies accused of fraud around the county. He is an expert fraud lawyer who has represented people charged with the following types of offences:

- Pyramid Selling, including money circulation schemes such as Alchemy and Ostrich Farming £20m
- Bayling and recycling of stainless steel in £20m alleged fraudulent scheme.
- ILA [Individual Learning Account] distant learning schemes]. £20m
- Financial Services – collective investments, deposit taking, self certification mortgages £10m

- VAT reclaim schemes by accountants, and entrepreneurs.
- Advance Fee Frauds £10m
- Securitised borrowing by Mercedes main agent £30m
- Counterfeiting and money laundering £20m
- Corruption of Chief Planning Officer, Doncaster
- Asian bank breaching banking regulations and unauthorised investments.

Jeremy has also represented a number of directors who have been made subject to Directors Disqualification proceedings in the High Court by the DTI and BIS. In many cases, the Director is involved with the running or management of other companies that are solvent, so an application is made for leave to act under s17 of the Company Directors Disqualification Act 1986.

His experience in dealing with huge data sets as a fraud lawyer resulted in him being appointed as a visiting professor of Law Informatics at Leeds University, where he specialised in IT systems for major trials and dispute resolution.

Directors Disqualification

Jeremy has had considerable experience in cases involving the Company Director Disqualification Act 1986 (CDDA). Much of Jeremy's involvement in these matters have either forced the Insolvency Service to halt court proceedings, settle the dispute, or win at Court.

Notable Directors Disqualification cases

Successful application for interim and final Permission to Act as a Director following 7 year Disqualification for serious breaches.

Currently representing principal defendant in 'Pensions Liberation' CDDA proceedings.

Recent decision in *Sec State v PP* [2015] EWHC 2626 (Ch). Rare case under s8 Company Director Disqualification Act.

Chairman of Luton Town FC.

Large private company where representations resulted in withdrawal of proceedings.

Business Regulation

Jeremy was visiting Professor of Law Informatics at Leeds University for 5 years. He is currently leading on the research and development of Blockchain and Smart Contracts for Construction, Data Protection and Recruitment through Resilience Partners Limited and UCL.

By instructing Jeremy to act or manage the case/transaction in this way, the client receives a top quality service, often making significant savings on the fees that have been quoted elsewhere.