

## Nicholas Yeo



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NICHOLAS YEO



### Details of criminal practice

Nicholas Yeo is a leading criminal practitioner with particular expertise in financial crime, the proceeds of crime and investigative powers.

He is the Legal 500 **Criminal Junior of the Year 2018**.

Recent serious fraud cases include representing a company director accused of insider dealing and money laundering in the FCA "Operation Tabernula" trial, acting for a former Goldman Sachs banker accused of money laundering in the Ibori litigation, acting for a former chief executive in the Torex Retail fraud prosecution, and advising suspects pre-charge in the Unaoil investigation.

Recent investigative powers matters include acting for the wife of the former Deputy Chief of Mission for Chad in the USA in her appeal against the refusal to discharge a £4.4m freezing order in *Serious Fraud Office v Saleh* (CA) [2017] Lloyd's Rep. F.C. 177, assisting the FBI in a billion dollar global anti-corruption investigation and acting for the British Airline Pilots Association in connection with the Shoreham Air Crash.

Recent Proceeds of Crime work include representing a senior New York based Barclays trader in confiscation proceedings following the Libor fraud trial, acting for a Nigerian Limited Company in a \$1bn corruption investigation (*Malabu Oil and Gas Ltd v DPP* [2016] Lloyd's Rep. F.C. 108) and representing a car salesman in an appeal against confiscation in a leading confiscation case *Scott King* [2014] 2 Cr. App. R. (S.) 54.

Recent judicial review instructions include *R (Hewson) v Commissioner of Police for the Metropolis* regarding harassment notices and *R (O) v Commissioner of Police for the Metropolis* re time limits on police bail.

He is said to be "a very calm and calculating advocate" (**Legal 500** 2017) and to have "exceptional legal skills and knowledge" (**Chambers UK** 2018).

He is currently acting for the former chief executive of Barclays wealth and investment management in the Barclays-Qatar capital raising trial.

He is an author of **Money Laundering Law and Regulation: A Practical Guide** (OUP (2<sup>nd</sup> Edition 2018) with Simon Farrell QC, Robin Booth and Guy Bastable) and **Blackstone's Guide to the Fraud Act 2006** (OUP (2007) with Simon Farrell QC and Guy Ladenburg).

He has particular expertise in the following areas:

- **Anti-money laundering:** he appeared for the Crown in the leading case on particularity of conduct in money laundering (*Anwoir* (CA) [2009] 1 WLR 980 (Archbold [26-11])). He regularly advises companies on their obligations under the Proceeds of Crime Act 2002 and the Money Laundering Regulations.
- **Cash Forfeiture:** He was in the leading case of *Perinpanathan* (CA) [2010] 1 WLR 1580. He regularly acts for businesses affected by cash forfeiture.
- **Civil recovery:** *Serious Organised Crime Agency v O'Docherty* (Court of Appeal (Civil Division) [2013] EWCA Civ 518) and *Serious Fraud Office v Saleh* (CA) [2017] Lloyd's Rep. F.C. 177.
- **Criminal matters arising in civil litigation:** *Cherney v Deripaska* - \$4bn civil claim between Russian businessmen (part of D's counsel team)
- **Contempt:** *Serious Organised Crime Agency v O'Docherty* (Court of Appeal (Civil Division) [2013] EWCA Civ 518)
- **Company prosecutions:** experienced in defending businesses accused of wrongdoing in respect of Companies House and Department of Business prosecutions.
- **Data Protection Act 1998 and General Data Protection Regulation (GDPR)** Advising on data protection aspects of criminal, professional discipline and investigations cases
- **Drugs offences:** *Flook* (CA) [2010] 1 WLR 980 involving many container loads of cocaine (which is a leading case on third party disclosure (Archbold [12-51])), particularly in the context of material held by foreign non-EU agencies (Archbold [12-100])); *R v Herbert Austin*: massive cocaine smuggling;
- **Investigatory Powers Act 2016**
- **Mutual legal assistance** He has made numerous applications on behalf of the CPS and subjects of applications including *CPS v Mubarak* (Foreign confiscation order against son of former head of state).
- **Private prosecutions:** acting for the prosecution in private prosecutions.
- **Sexual Offences:** including historic allegations and indecent images.
- **Trading Standards:** *R (Donnachie) v Cardiff Magistrates' Court* [2007] 1 WLR 3085 (the leading case on time limits in trading standards cases) and *R (Donnachie) v Cardiff Magistrates' Court* [2009] EWHC 489 (Admin)

- **VAT and tax cases:** He has been instructed in many cases before the First Tier (Tax) Tribunal including the David Jacobs litigation, one of the largest ever VAT cases.

## Other Practice Areas

### Professional Discipline and Police law:

Nicholas Yeo is a leading police law barrister and much sought after to represent police officers nationwide in disciplinary proceedings and in criminal proceedings before the Crown Court. He has acted for over 100 police officers in the last few years.

He has particular knowledge of the application of Article 8 of the European Convention on Human Rights as applied to the private life of police officers. He recently represented a former police inspector in *R (Chief Constable of Cleveland Constabulary) v Police Appeals Tribunal [2017] I.C.R. 1212* which is now the leading case on the topic.

He recently acted for a custody sergeant accused of lying about the circumstances of a death after recent contact with police.

He regularly acts for the MPS Commissioner in search and seizure matters.

### Inquests

Nicholas Yeo acts for police services and other interested parties in inquests. Recent work includes the Inquest touching upon the deaths of Zohra Amrani and Hassan Amrani, on behalf of a police sergeant who granted bail to a man who went on to murder his mother and father before killing himself. He is currently instructed by the Metropolitan Police Service in the inquest touching upon the death of Jermaine Baker who was shot by specialist firearms officers as he and his accomplices were attempting to assist the escape of Izzet Eren whilst on his way to Wood Green Crown Court.

### Extradition and International:

Nicholas Yeo acts for the person sought, the judicial authority and the requesting state in extradition cases, at first instance and on appeal. He advises on cross-border evidence gathering and mutual legal assistance. He has written various articles on extradition and lectures on the subject.

Recent cases include acting for a British man sought by USA in relation to a payment card fraud commenced in the Netherlands, and a Turkish national sought by Germany for offences for which he had already been prosecuted and effectively pardoned in Turkey.

### Public and Administrative:

Nicholas Yeo acts for claimants and respondents in judicial review proceedings. He has particular experience in matters arising out of due criminal process, professional discipline and licensing decisions.

Recent cases include acting for the CPS in a judicial review and habeas corpus application relating to the legality of magistrates' decision to remand in absence, a judicial review of a decision to extend custody time limits

### Licensing:

Nicholas Yeo acts for applicants, responsible authorities and licensing authorities in all areas of licensing.

Recent cases include acting for the Metropolitan Police in a variety of applications to review premises licences and for the applicant in a judicial review of a decision of Westminster City Council to refuse to renew a licence.

Regularly appears before licensing sub committees and magistrates courts, and has acted in the High Court on behalf of clients bring judicial review claims.

### Regulatory Enforcement:

Nicholas Yeo has particular experience of trading standards matters and criminal offences arising out of licensing matters.

He recently acted for an individual who operated a household maintenance firm accused of gross over charging and "rogue trading" in one of the largest local authority prosecutions ever brought.

## Directory recommendations

*"On POCA and anti-money laundering there is no one like him. When I don't understand exactly what is going on with POCA I phone him and he gives me practical advice that makes me look good."*

*"Extremely promising, and someone with exceptional legal skills and knowledge."* **Chambers UK 2018: Financial Crime**

*"We can rely on him to have expert knowledge of all the recent authorities. He is very thorough and easy to work with."* **Chambers UK 2018: POCA**

*"A very calm and calculating advocate, and a good strategist, who takes a very pragmatic approach to his cases"* **Legal 500: Fraud (2017)**

*"He can be trusted to always have the salient evidence at his fingertips"* **Legal 500: Police (2017)**

*"He knows POCA backwards and can take on cases of factual complexity at very short notice."*  
**Chambers UK 2016: POCA Work**

*'He is incredible. He knows all the latest legal updates and developments in the field.'* **Chambers UK 2015: Financial Crime**

*A very capable advocate who is very strong under pressure.'* **The Legal 500 2014: Crime**

*"Very talented and dynamic"* **The Legal 500 2012**

## Selected Publications

### Books

- **Money Laundering Law and Regulation: A Practical Guide** (OUP (2011) with Simon Farrell QC, Robin Booth and Guy Bastable)
- **Blackstone's Guide to the Fraud Act 2006** (OUP (2007) with Simon Farrell QC and Guy Ladenburg)

### Book Chapters

- **Competition regime: UK Procedure, negotiation and enforcement** (Practical Law Company (2013) with George Peretz and David Whitehouse QC)
- **Serious Economic Crime** – a boardroom guide to prevention and compliance: Chapter 14 – "The Main Fraud Offences Prosecuted by the SFO" (SFO (2011) with Harry Travers and Shaul Brazil of BCL Burton Copeland)
- **Fraud and Regulatory Offending** chapters for Hannibal & Mountford (OUP)

### Articles

- **"Bull's-eye"** – an introduction to the Fraud Act 2006 [2007] NLJ 212 and [2007] NLJ 418
- **"A little less confiscation a little more action"** – confiscation after the case of *Waya* and others (The Benchmark Magazine)
- **"Recurring delays"** – extradition after *Dabas* in the House of Lords [2007] NLJ 806

### Lectures, Seminars and Webinars

- **Confiscation Masterclass** (MBL, annually)
- **Confiscation and the Proceeds of Crime** – confiscation after the case of *Waya* in the Supreme Court (Webinar) (London Criminal Court Solicitors Association)
- **'Waya' in the Supreme Court** – (Stephenson Harwood)
- **White Collar Crime, "Foundations of Confiscation Law" and "The Latest on Confiscation - A Master class"** seminars for MBL on a regular basis
- **The Fraud Act 2006 – Practical Lessons Learned and Fraud Sentencing Update** (MBL Webinars)
- **Key Issues in Confiscation** Butterworths Proceeds of Crime Conference  
**Crime – Fraud Act 2006** and **Crime – Youth Justice** for Legal Network TV

## Direct access

Nicholas Yeo is qualified to accept instructions direct from clients under the Bar Council's Public Access Scheme. This means that members of the public who seek specialist advice can come direct to him. In addition, he welcomes instructions from solicitors, in-house law departments, qualified foreign lawyers, and clients licensed by the Bar Council to give instructions direct to barristers under the Bar Council's Licensed Access Scheme.

For further information please contact our Clerks.

## Notable cases

### Crime

#### **R v Perkins**

(Southwark Criminal Court (2017))  
Representing the director of a public relations firm accused of a £700,000 tax fraud.

#### **R v Nathaniel Navaratnam**

(Southwark Crown Court (2017))  
Representing a Sri Lankan owner of a bureau de change, accused of money laundering through his stall in Paddington.

#### **R v Goonatilaka**

(Harrow Crown Court (2017))  
Representing a man accused of historic sexual offences.

#### **R v Prasad**

(Lewes Crown Court (2017))  
Representing a man accused of possession of class A drugs and perverting the course of justice by framing his girlfriend and colleagues

**R v Cox**

(Central Criminal Court (2017))

Representing a member of the Metropolitan Police Service Diplomatic Protection Command accused of encouraging attempted child grooming online.

**R v Murfitt**

(Inner London Crown Court (2017))

Representing a company director accused of defrauding an investor in Kenyan property.

**R v Boorman**

(Southwark Criminal Court (2017))

Representing a company director accused of a £2.6 million fraud relating to mobile phone contracts.

**R v Couzens**

(Central Criminal Court (2016))

Representing company director accused of abusing his position in a large City firm by taking a cut of each of his team's fees.

**R v Anton Marianayagam**

(Snaresbrook Crown Court)

Representing a Sri Lankan businessman and director of a money service bureau, accused of tax fraud and the laundering of over £7m through his business.

**R v Mayuran Kuhathasan**

(Southwark Crown Court)

Representing an account director of a leading international telecom airtime provider accused of laundering £10.5m of cash through payments for airtime.

**SFO v Moore** (the Torex Retail Plc litigation)

(Oxford Crown Court)

Advising and representing (with Hugo Keith QC) a former CEO of this Public Limited Company in a prosecution for falsely inflating the company's interim results.

**R v Preko** (the Ibori Litigation)

(Southwark Crown Court)

Representing a former Goldman Sachs investment manager accused of laundering the assets of a corrupt Nigerian State Governor through London.

**R v Mintchev**

(Court of Appeal ([2011] Crim LR 483))

(*Archbold* [5-1267])

Grievous bodily harm. A leading case on the automatic deportation provisions.

**R v Flook**

(Court of Appeal ([2010] 1WLR 980))

(*Archbold* [12-51] and [12-77])

Allegation of £113m Drug smuggling. In the Court of Appeal and retrial. A leading case on third party disclosure.

**R v Anwoir**

(Court of Appeal ([2009] 1 WLR 980))

(*Archbold* [26-11]) (with Simon Farrell QC)

Particularity of conduct in money laundering.

**R v Flynn**

(Court of Appeal ([2008] 2 Cr App 20))

(*Archbold* [14-71]-[14-74])

Robbery with a firearm. A leading case on identification by voice.

**Operation Alpine**

First prosecution of Internet Service Provider for providing access to indecent images of children.

**Professional Discipline and Police****R (Chief Constable of Cleveland Constabulary) v Police Appeals Tribunal**

[2017] I.C.R. 1212

Representing a police inspector accused of breaching professional standards by lying to fellow senior officers about a private illicit relationship in order to protect other parties involved. The Inspector was reinstated by the PAT and successfully resisted a judicial review of that decision on the basis of the violation of his right to a private life.

**Inner Circle**

Representing eight police officers accused of sending inappropriate text messages in two week-long discipline hearings.

**R (X) v IPCC**

Advising firearms officers of Northumbria police on the IPCC investigation into a fatal shooting.

**Cyril Dyke**

Representing a sexual offences officer accused of forming an inappropriate sexual relationship with a former teenage victim. The case involved an analysis of what was proscribed by the MPS in this regard and the right of free association between the two parties.

**PS Sheppard**

Acting for one of four police officers accused of systemically abusing the MPS overtime policy within the TSG group.

## Inquests

### **Inquest touching upon the deaths of Zohra Amrani and Hassan Amrani**

Inquest representing a police officer who granted bail to a man who went on to murder his mother and father before killing himself.

### **Inquest touching upon the death of Anthony Coughtrey**

Acting for a custody sergeant who was said to have filed adequately to record relevant risk factors.

### **Inquest touching upon the death of Jermaine Baker**

#### **On behalf of the Metropolitan Police Service**

Representing the MPS in an inquest into the death of Jermaine Baker who was shot by an officer of the Metropolitan Police Service Specialist Firearms as he and his accomplices were attempting to assist the escape of Izzet Eren, who was being held on remand at HMP Wormwood Scrubs accused of gun offences, from a prison van going to court.

### **Inquest touching upon the death of Sean Cunningham**

Acting for the police in an inquest into the death of a Red Arrows pilot when his ejector seat malfunctioned.

## VAT & Missing Trader Intra Community Fraud

### **R v John Nsimbi**

(Croydon Crown Court (2013))

Representing a Ugandan businessman accused of setting up a web of fraudulent companies for the purpose of defrauding HMRC of VAT.

### **Demazda International UK Limited v The Commissioners for Her Majesty's Revenue & Customs**

[2012] UKFTT 615 (TC)

Advising and representing the taxpayer in an appeal against a direction given under Schedule 11 to the Value Added Tax Act 1994

### **Roohop Ltd v HMRC**

Acting for an alcohol wholesaler before the First Tier Tribunal in an appeal against refusal of approval under the Alcohol Wholesaler Registration Scheme in the *Alcoholic Liquor Duties Act 1979*.

## Civil

### **Cherney v Deripaska**

\$4bn claim in the Commercial Court, which settled in 2012 (D's counsel team led by Tom Beazley QC)

### **Serious Fraud Office v Saleh** (CA) [2017] Lloyd's Rep. F.C. 177

Acting for the wife of the former Deputy Chief of Mission for Chad in the USA in her appeal against the refusal to discharge a £4.4m freezing order

**Re ABC** Acting for a stationery company in an allegation of fraud.

## Civil Recovery and Asset Forfeiture

### **Serious Organised Crime Agency v O'Docherty**

(Court of Appeal (Civil Division) [2013] EWCA Civ 518)

Representing a Spanish Property developer in civil recovery and associated contempt proceedings before the High Court and the Court of Appeal.

### **Serious Organised Crime Agency v OO**

(High Court)

Civil recovery proceedings following acquittal in the Crown Court

## Extradition

### **Jethwa v United States**

(High Court ([2012] EWHC 31 (Admin))

Representing a British resident accused of stealing credit card details in the Netherlands for use in USA (Particulars of conduct).

### **Germany v Altun**

[2011] EWHC 397 (Admin)

Representing a Turkish national who had been prosecuted in Turkey for robbery with a firearm offence committed in Germany (Double Jeopardy).

### **R (Atkinson) v Commissioner of Police and Others**

(High Court) (2010) – Judicial Review of decision to extradite.

### **Bogdani v Albania**

(High Court [2008] EWHC 1550 (Admin))

Representing an Albanian national sought for drug trafficking offences for which he had been tried and convicted in his absence.

### **Germany v Brenchley**

Representing an Englishwoman accused by Germany of murder on the high seas many years ago.

## Public and Administrative Law

### **Hillman v Governor of Bronzefield Prison**

(Divisional Court), 24 May 2013

Representing the CPS in a judicial review of a decision to remand in absence under section 129(1) of the Magistrates' Court Act 1980.

### **Re La Pigalle (2013)**

Judicial Review of a refusal to transfer a premises license.

### **R (Perinpanathan) v Commissioner of Police**

[2010] EWCA Civ 40

Costs in cash forfeiture proceedings

### **R (Flook) v Crown Court at Isleworth**

[2010] EWHC

Judicial review of decision to extend custody time limits

### **R (Donnachie) v Cardiff Magistrates' Court**

[2007] 1 WLR 3085

Time limits in trading standards cases

### **R (Balla) v Greenwich Magistrates' Court**

PACE Detention

## Licensing

### **The Ivy Grill, Wimbledon Village**

Acting for a residents association in opposing the grant of a new licence for this well-known restaurant group. The application involved the application of the Merton Borough Council stress area policy.

### **Essence**

Judicial review of the refusal by RB Kingston Licensing Committee to renew a nightclub licence due to allegations of serious disorder. Judicial review on the basis of apparent bias by the legal adviser and on the basis of fundamental procedural error in the submission of the application under section 53A of the Licensing Act 2003.

### **Re La Pigalle**

Judicial Review of refusal to transfer a premises license.

### **Re Flex Nightclub**

Closure order

### **R (Lule T/A Pier One Night Club) v Commissioner of Police for the Metropolis**

Legality of closure orders under the Licensing Act 2003

### **R (Cummings) v Cardiff County Council**

(Court of Appeal)

Judicial Review of decision to refuse the grant of a Hackney carriage licence

### **R (Leicester City Football Club) v Leicestershire Justices**

Interpretation of the Sporting Events (Control of Alcohol etc) Act 1985

## Regulatory

### **R v Joseph Henry Lee**

(Cambridge Crown Court (2012))

Advising and representing the first defendant in one of the largest 'rogue trader' prosecutions ever brought by a local authority.

### **R (Donnachie) v Cardiff Magistrates' Court**

[2007] 1 WLR 3085

Time limits in trading standards cases

### **R (Donnachie) v Cardiff Magistrates' Court**

[2009] EWHC 489 (Admin)

Territorial limit of local authorities' enforcement power

### **R v Hutchins (Sabrewatch)**

Long running SIA prosecution