

Stuart Biggs



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Details of practice

Stuart's practice focuses on matters involving allegations of fraud, bribery and other misconduct by companies, directors and financial professionals.

The predominance of his financial crime practice is in the defence of cases brought by the SFO, FCA and following HMRC investigation, but he has a wealth of prosecution experience to draw upon and maintains a specialist prosecution practice, including private prosecutions. He also advises corporate victims of crime.

His work in non-financial regulation includes health and safety, retail and advertising regulation, brand and content protection. He has substantial experience advising the creative industries on criminal copyright infringement.

Financial Crime

Recent matters include:

- Defence of a director of a Hong Kong fiduciary services company in respect of allegations of money laundering put at \$120m.
- Defence of sales director in £160m financing fraud
- Defence of Director of Corporate Finance and Investment Firm charged with FSMA offences
- Defence of Director of hospitality industry companies accused of multi-million pound tax fraud
- Prosecution of international bribery case
- Representing a company in negotiation in respect of a potential DPA

Stuart is experienced in providing advice for commercial clients where companies and other organisations are confronted by fraud and/or come into contact with regulators or with the Criminal Justice System. This includes acting in the civil jurisdiction for victim companies, as well as advising them on the mechanics of the criminal jurisdiction. He has spoken at seminars with City firms, banks and commercial clients on the Bribery Act and drafted anti-bribery and corruption policies.

Stuart has complementary experience of advising and acting in respect of individual and company insolvency and has acted for a director in contested company director disqualification proceedings and in cases before the tax tribunals as leading junior, led junior and alone. Most recently he appeared as leading junior in the Upper Tribunal in **AC Wholesale v HM Revenue and Customs** [2017] UKUT 191.

Since co-authoring the Butterworths' Guide to the Proceeds of Crime Act 2002 Stuart has maintained a keen interest in this area, conducting many confiscation, restraint and enforcement hearings; acting for prosecution, defendants and third parties. He has also appeared several times in the Court of Appeal on confiscation matters.

Stuart has provided training on POCA for the Security Industry Authority and the CPS Proceeds of Crime Unit. He has experience of judicially reviewing the decision to commit for non-payment.

Stuart has considerable experience in cash forfeiture cases, most recently acting for an individual in a matter that saw the return of circa £150,000.

Stuart has been instructed by the Home Office in respect of Mutual Legal Assistance requests from a foreign state conducting a fraud investigation.

Stuart has a longstanding specialism in Intellectual Property Crime. He is instructed by BPI (British Recorded Music Industry) and IFPI (International Federation of the Phonographic Industry) as well as by other rightsholders and law enforcement and provides detailed advice on the substantive law and on investigations and procedure. He has regularly been instructed to work in this field with eminent Queen's Counsel from both civil and criminal jurisdictions. In particular, he has expertise in the law in respect of internet piracy and its development worldwide. He has spoken on this subject at the Cambridge Symposium on Economic Crime.

Professional Discipline

Stuart acts for clients in proceedings before a diverse range of disciplinary tribunals; past examples include those governing accountants, the health professions and a political party.

Public Law

Stuart has conducted Judicial Review proceedings in respect of a range of topics relating to criminal practice:

R (on the application of S) v Chief Constable of Thames Valley [2013] EWHC 1561 (Admin) – acted for the claimant in judicial review proceedings successfully challenging a simple caution.

R v Dover Justices, ex parte Ilyas – successful judicial review of a decision to impose default sentence for non-payment of a confiscation order.

R (on application of Harper and Johncox) v Aldershot Magistrates' Court [2010] EWHC 1319 Admin – relating to the disclosure of the identity of serving police officer defendants.

Regulatory Enforcement

Stuart is on a panel of counsel used by a leading national retailer for its non-financial regulatory work.

He is currently instructed to defend prosecutions for consumer protection offences and fraud in respect of a services company. Previous cases include defence of a Soho production company for alleged breaches of advertising regulations.

He has been on the List of Specialist Regulatory Advocates in Health and Safety and Environmental Law for several years and has acted for many London local authorities in criminal courts and in the High Court (QBD) in applications for injunctions to prevent nuisance. He has acted and advised in many cases brought by the Security Industry Authority.

Stuart provides advice on intellectual property crime to diverse rights-holders, with a particular expertise in on-line sales and distribution.

Directory recommendations

"Extremely clever, knowledgeable and hard-working and someone who always sees the bigger picture. He has a lovely calm, reassuring manner and always wants to go the extra mile." "A technically brilliant and thoroughly charming advocate." **Chambers UK 2019**

'Extremely diligent and very bright – he also cross-examines exceptionally well.' **The Legal 500 2019**

Education/professional qualifications

MA (Cantab) (law), Fitzwilliam College

Publications

The Proceeds of Crime Act 2002 (Butterworths 2003)

Notable cases

Crime

R v H
[2012] EWCA Crim 1113
Arms trafficking

R v May
[2008] UKPC 36
Successful Privy Council appeal

R v Golizadeh & Others
[2008] 2 Cr App R (S) 47

Financial Crime

R (SFO) v S & F
Defence of a director of a Hong Kong fiduciary services company in respect of allegations of money laundering put at \$120m.

R (SFO) v A & others
Defence of sales director in £160m financing fraud

R (FCA) v B & others
Defence of Director of Corporate Finance and Investment Firm charged with FSMA offences

R v D & others
Defence of Director of hospitality industry companies accused of multi-million pound tax fraud

R v A & others

Defence of Director of services companies charged with conspiring to defraud consumers

R v Skansen Interiors Ltd

Representing a company in negotiation in respect of a potential DPA

Operation Elveden including **R v Anthony France**

[2016] 4 WLR 175; [2017] 1 Cr App R 19 and

R v Chapman & Others; R v Sabey & Brunt

[2015] 3 WLR 726

R v Darren Thompson

[2015] EWCA Crim 1820

R v Matthew Ames

(Unreported 2014, Isleworth Crown Court and Court of Appeal – £1.6m carbon credit investment scheme fraud)

R v Sevket

(Unreported 2013, Central Criminal Court and Court of Appeal – £1.5m film loan fraud)

R v Aston Shim

[2016] EWCA Crim 576

R (Virgin Media Ltd) v Zinga

[2015] 1 Cr App R 2

AC (Wholesale) Ltd v Revenue & Customs Commissioners

[2017] UKUT 191 (TCC)

MBG Associates v Revenue & Customs Commissioners

[2012] UKFTT 723 (TC)

Secretary of State for Trade and industry v Swan and Others

[2005] BCC 596

Public**R (on the application of S) v Chief Constable of Thames Valley**

[2013] EWHC 1561 (Admin)

R v Dover Justices, ex parte Ilyas, unreported**R (on application of Harper and Johncox) v Aldershot Magistrates' Court** [2010] EWHC 1319

Admin

Inquests & Inquiries**Peat/Lawson**

Inquiry into various aspects of the conduct of members of the household of St James's Palace; junior counsel to Edmund Lawson QC