

Simon Farrell QC

Call: 1983 / QC: 2003



Much of Simon Farrell QC's work is now international, concerning bribery, corruption, money laundering and the proceeds of crime.

Simon is an excellent advocate and trial lawyer, inspirational team leader and skilled case strategist. He is one of the UK's leading money laundering, proceeds of crime, fraud and corruption QC's. He has appeared in defining cases in these areas in the Court of Appeal and the Supreme Court.

Simon is experienced in both commercial and criminal litigation and frequently advises banks and corporates during investigations particularly when fraud, bribery, corruption, money laundering, conspiracy, misfeasance, breach of contract and misrepresentation are involved. Simon also has extensive experience of dealing with criminal and civil tax cases.

He has worked in Dubai, Gibraltar, the Isle of Man and the Sultanate of Brunei where he was called to the Bar in 2019 to represent two High Court Judges accused of corruption and money laundering.

Recent cases include securing the successful acquittals of a commercial property developer accused of fraud and corruption, a City Broker who faced charges of tax cheat arising out of his alleged involvement in a film partnership tax relief scheme, and a solicitor who was alleged to have been dishonestly involved in a £50 million commercial property mortgage fraud.

Simon has been appointed to sit as a Recorder at the Central Criminal Court (Old Bailey) and as a Deputy Deemster (judge) by the Lieutenant Governor of the Isle of Man.

He is the co-author of several books concerning fraud, the Fraud Act 2006, money laundering and confiscation published by Oxford University Press.

Money Laundering

Simon is one of the UK's leading QCs in the field of money laundering law as acknowledged in the Chambers Guide to the UK Bar. He has appeared in many important criminal cases in the Court of Appeal which have defined the law. He has written two books, published by Oxford University Press and Butterworths, entitled 'Money Laundering Law and Regulation' (OUP 2011) and 'The Proceeds of Crime Act 2003 (Butterworths 2003)'. Simon has also provided expert testimony in both domestic and foreign proceedings. Simon is one of the most experienced and knowledgeable lawyers in the UK dealing with money laundering cases.

Simon provides exceptional support and expertise to banks, financial institutions and professionals who face investigation for fraud, money laundering and Proceeds of Crime Act issues such as failing to report suspicious activity. He provides hands on advice from the outset through to the end of the case. This has considerable advantages in terms of case strategy and cost savings. It is crucial that the correct decisions are made at an early stage so that the best result is achieved as soon as possible.

If you have a money laundering problem Simon is the QC of choice.

Notable Money Laundering cases

- **PP v RR & NB [2019]**

Simon is instructed for the defence in a corruption case involving High Court Judges before the Brunei Supreme Court.

- **R v Pace & Rogers [2014] EWCA Crim 186 CA**

Court of Appeal judgement concerning the requisite mens rea in a case of attempted money laundering when the commission of the full offence is impossible.

- **R v Akhtar [2011] 1 Cr App R 37 CA**

Money laundering convictions of a mortgage broker quashed by the Court of Appeal because no money laundering offences had been committed as there was no predicate offending.

- **R v Kausar [2009] EWCA 2242 CA**

Money laundering convictions quashed as the Crown Court had failed to deal with the issues of adequate consideration and possessing criminal property.

- **R v Meghrabi [2009]**

£50 million of criminal cash laundered in a bureau de change.

- **R v Anwoir [2008] EWCA 1354 CA**

A seminal case in which the Court of Appeal adopted Simon's definition of criminal property in money laundering offences when the original criminal conduct is unknown.

- **R v Uddin [2007]**
(2007) Ipswich Crown Court.
Money laundering £114 million.
- **R v Ali, Bhatti & Khan [2006]**
(2006) Leeds Crown Court.
Money laundering £170 million.
- **R v Wahid [2006]**
(2006) Leeds Crown Court.
Successfully obtained dismissal of charges in a case in which W was alleged to have laundered £150 million.
- **R v Larcenko [2005]**
(2005) Snaresbrook Crown Court.
Human trafficking and money laundering.

Bribery & Corruption

In recent years, Simon has been involved in some of the most complex international bribery and corruption cases concerning criminal conduct in India, Africa, Europe, the USA and the Middle East. He successfully took an important case to the Court of Appeal in which it was established that it was a criminal offence of bribery in the UK to corrupt the agent of a foreign principal prior to the UKBA (AIL [2016] EWCA Crim 2). In 2019 he again succeeded in the Court Appeal in the Alstom case in which the Court dealt with the issue of corporate attribution. If you are facing a bribery investigation or case Simon has the experience and the expertise to help.

Notable Bribery & Corruption cases

- **R v Alstom Network UK Ltd (2019) EWCA Crim 1318**
Seminal case in the Court of Appeal in which Simon successfully argued that there could be a fair trial of a corporate defendant for conspiracy to corrupt where its guilt depended on the guilt of an individual – its directing mind and will – in circumstances where the individual was neither indicted as a co-conspirator nor otherwise available to give evidence at the trial.
- **PP v RR & NB [2019]**
Brunei Supreme Court.
Simon is instructed for the defence in a corruption case involving High Court Judges before the Brunei Supreme Court.
- **R v MA Birmingham Crown Court [2017]**
Simon successfully secured the acquittal of MA, a commercial property developer, who faced charges alleging his involvement in dishonest and corrupt property purchases from STW and onward sales.

- **R v A Ltd [2016] 4 WLR 176**

Simon successfully argued on an interlocutory appeal that the judge had been wrong to exclude evidence in a bribery and corruption trial. The case raises important issues concerning corporate criminal liability via its Directors under English law.

- **R v Sale [2013] EWCA CA**

Leading confiscation case in the Court of Appeal on the issues of proportionality (AIP), piercing the corporate veil and the proceeds of crime in cases of commercial corruption and bribery.

Confiscation & Asset Recovery

Simon has years of experience of advising clients who face issues arising under the Proceeds of Crime Act 2002. He is rated by the Chambers UK Guide to the Bar as one of the top Silks in this area of law in the UK. Simon frequently helps clients deal with search and seizure orders, Account Freezing Orders, restraint orders, confiscation, third party rights, and enforcement of confiscation orders, civil recovery, Unexplained Wealth Orders and cash seizure. His advice, support and expertise is best sought from the outset of a case or investigation so that the best results can be achieved for the client at the earliest possible time.

Notable Confiscation & Asset Recovery cases

- **R v Guraj (Lodvik) [2017] 1 WLR 22**

A leading UK case in the Supreme Court regarding whether in confiscation proceedings jurisdiction was lost when there had been excessive delay in the Crown Court.

- **R v Ali (Salah) [2014] EWCA Crim 1658**

Significant case concerning planning enforcement notices and the statutory confiscation regime. The Court of Appeal quashed a confiscation for £1.438 million as rents received prior to enforcement notices were not the proceeds of crime.

- **R v Ahmad Fields & Others [2014] UKSC 2012/0082 & UKSC 2013/0271**

[2014] Supreme Court UKSC 2012/0082 and UKSC 2013/0271.

Important linked Supreme Court cases regarding whether the proceeds of crime jointly obtained should be apportioned in a multi handed confiscation case.

- **R v Lambert & Walding [2012] EWCA Crim 421 CA**

Leading case in the Court of Appeal on the issue of whether benefit should be divided between defendants in confiscation cases when each has the means to pay.

- **R v McIntosh [2011] EWCA Crim 1501CA**

Leading case in the Court of Appeal on how the Crown Court should approach the question of hidden assets at a confiscation hearing.

- **R v Raykanda [2011] EWCA Crim 1896 CA**
£3.8m confiscation order quashed by the Court of Appeal in a VAT (MTIC) fraud case.
- **RCPO v Iqbal [2010] EWCA Crim 376 CA**
Leading case in the Court of Appeal on the issue of when postponement in confiscation proceedings deprives the Court of jurisdiction.
- **R v Shabbir [2010] EWCA 2010 CA**
The Court of Appeal quashed a confiscation order as the statutory assumptions had been wrongly applied.
- **R v Nelson, Pathak & Paulet [2009] EWCA Crim 1573 CA**
Leading case in the Court of Appeal, the Lord Chief Justice giving guidance as to when confiscation proceedings should be stayed as an abuse of the process.

Civil & Criminal Tax Cases

If you're being investigated or prosecuted by HMRC, honest legal advice and expert representation is essential to save time and money. Simon has considerable experience of HMRC investigations, civil tax enquiries, and tax planning schemes, cases before the First Tier Tax Tribunal (FTT), and the Upper Tax Tribunal (UTT) and criminal prosecutions for cheating the revenue in the Crown Court. Simon has defended in some of the most serious VAT and tax frauds prosecuted over the last decade involving tax losses of over £500 million. His expertise in this area straddles both the civil and criminal law. It is crucial that the correct decisions are made at an early stage so that the best result is achieved as soon as possible. The aim is to get the case to go away quickly rather than racking up legal costs. Recently Simon has been successful in persuading HMRC not to bring charges of serious VAT fraud and tax cheating against clients facing separate investigations. He is currently acting for a number of clients who are being investigated for fraud and money laundering by HMRC and the police.

Notable Civil & Criminal Tax Cases cases

- **Synectiv Ltd v HMRC [2018] FTT TC 2010 0699**
Simon successfully acted for a company before the FTT concerning its claim for £1.4 m of VAT in respect of mobile phone exports which had been wrongly denied by HMRC.
- **Synectiv Limited v HMRC (Upper Tax Tribunal) [2017] UKUT 0099 (TCC)**
An important case in which the Upper Tax Tribunal quashed the decision of the First Tier Tribunal (Tax) for inadequate reasoning in its judgement.
- **PC v HMRC-[2017] TC/2016/02491**
Simon successfully acted for a senior barrister in the First Tier Tax Tribunal who HMRC had wrongly found guilty of deliberate tax evasion. The penalties imposed by HMRC for deliberate tax evasion were quashed.

- **R v E & Others [2015]**
(2015) Southwark Crown Court.
Simon successfully defended a City broker who faced charges related to a tax avoidance scheme. It concerned tax reliefs claimed in respect of an “active” film production partnership.
- **Synectiv Limited v HMRC [2013] TC 2010/06699 First Tier Tax Tribunal**
Whether trader knew or should have known that its transactions were connected to a fraudulent tax loss.
- **R v Ahmed [2013] EWHC (Admin)**
Leading case in the High Court on the issues of civil recovery, cash forfeiture, tax fraud and proportionality.
- **Data Select Limited v Commissioners RCPO [2012]**
UTT Upper Tax Tribunal case on time limits FTC/19/2011 considering when to permit appeals out of time.
- **HT Purser Ltd v HMRC [2011] FTT (LON/1008/1273)**
Successfully obtained approximately £900,000 for a mobile phone trader before the Tax Tribunal.
- **R v Khan [2011]**
(2011) Southwark Crown Court.
Defended in a £45m VAT fraud (Operation Euripus).
- **R v Jeyakumar [2007]**
(2007) Northampton Crown Court.
MTIC VAT fraud £40 million operation Devout.
- **R v Mehmet [2007]**
(2007) Northampton Crown Court.
MTIC VAT fraud £12 million.
- **R v Karagozlu, Yiannakis & Others [2005]**
(2005) Kingston Crown Court.
Criminal confiscation hearing VAT fraud mobile phone industry global benefit £86million.
- **R v Coate [2005]**
(2005) Bristol Crown Court.
£1million VAT fraud involving the Agricultural Flat Rate Scheme.

Criminal Litigation & Appeals

Simon acts for those accused with fraud, money laundering and corruption offences and also prosecutes for the Serious Fraud Office (SFO). He is ranked in the Chambers UK Guide to the Bar as a leading QC in these areas. In recent years Simon has focused on cases involving allegations of conspiracy to commit fraud, corporate and commercial fraud, tax and

VAT fraud, bribery, corruption and money laundering cases. His cases are frequently cross-jurisdictional. Simon is also an expert in preparing and conducting criminal appeals against conviction, confiscation orders and sentence. He has appeared in the Court of Appeal on numerous occasions. Many of his cases are reported in the law reports. He has written a 'Guide to the Fraud Act 2006' (Blackstone's) and co-authored 'Money Laundering Law and Regulation: A Practical Guide' published by Oxford University Press.

Notable Criminal Litigation & Appeals cases

- **PP v RR & NB [2019]**

(2019) Brunei Supreme Court

Simon is instructed for the defence in a corruption case involving High Court Judges before the Brunei Supreme Court.

- **R v AIL & Others [2018]**

(2018) Southwark Crown Court

Simon acted as Lead Counsel for the Serious Fraud Office in successfully prosecuting a company in the Alstom Group for a criminal conspiracy to bribe and corrupt public officials in Tunisia connected to Alstom securing a valuable tram contract in the City of Tunis.

- **R v RJ [2017] EWCA Crim 1943**

Simon successfully argued in the Court of Appeal that RJ's conviction for importing 650 kilos of cannabis should be quashed on the grounds that inadmissible bad character evidence had wrongly been presented to the jury. Simon had not appeared at trial.

- **R v Bala (Yilkes) [2016] EWCA Crim 560**

A landmark case in the CA concerning whether parties to a polygamous marriage recognised by English law could enter into a criminal conspiracy.

- **R v Colston Hayter & Others [2014]**

[2014] Southwark Crown Court

Successful prosecution of a cyber-gang responsible for stealing millions from leading banks.

- **R v Lord Rodley & Others [2012]**

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Successfully prosecuted a multi-million pound boiler room fraud involving the dishonest miss-selling of worthless shares to hundreds of investors.

- **R Bala (2014)**

Successful prosecution of a number of defendants who were convicted of illegally employing staff in the security industry contrary to the Immigration rules and having secured false UK passports from a dishonest employee at the Home Office.

- **R v Lord Rodley & Others [2009]**

(2009) Snaresbrook Crown Court

Successful prosecution of a gang who attempted to steal £229 million from a leading bank in the City of London by taking over their computers.

- **R v Avery & Others [2008]**

(2008) Winchester Crown Court

Simon Successfully argued that there was no case to answer against an animal rights activist who was allegedly involved in major conspiracy to blackmail in connection with the SHAC campaign.

Civil Litigation

Simon has experience in a wide range of commercial and civil cases including arbitrations. Recently he has been involved in a number of claims concerning the miss-selling of derivative products (IRHPs) to small and medium sized businesses by the leading banks. He was part of a legal team in a multi-jurisdictional commercial dispute regarding the ownership of a Kyrgyzstan mobile phone company. He has also been involved in an arbitration in Dubai regarding a construction dispute concerning the Meydan race track. Simon's expertise is particularly useful where fraud, money laundering, corruption, misrepresentation and breach of contract are alleged in civil proceedings. In addition, he has recently acted in a number of property disputes concerning noise nuisance, beneficial and legal interests.

Extradition

Simon provides advice and assistance to those who need advice regarding mutual legal assistance and extradition.

Notable Extradition cases

- **United States v Dempsey (2018) 4 WLR 110**

Important High Court extradition case concerning dual criminality and the relationship between the US offence of obstruction of justice and the English offence of perverting the course of justice.

- **SD v Netherlands [2012] EWHC 697 (Admin)**

Successfully obtained the quashing of a European Arrest Warrant for a senior banker as it lacked particularity and failed the dual criminality test.

Notable Cases

Money laundering

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Criminal litigation and appeals

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(2018) 4 WLR 110

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obstruction of justice and the English offence of perverting the course of justice.

SD v Netherlands

[2012] EWHC 697 (Admin)

Successfully obtained the quashing of a European Arrest Warrant for a senior banker as it lacked particularity and failed the dual criminality test.

Education

- BA (Hons) (Cantab),
- MA (Cantab) Gonville and Caius College,
- Cambridge University
- Diploma in Law (City University)
- Hardwicke Scholar Lincolns Inn
- Thomas Moore Award, Lincolns Inn
- Kings School, Canterbury

Publications

- Money Laundering Law and Regulation (OUP) (2011)
- Guide to the Fraud Act 2006 (OUP 2007)
- Co-author “Asset Recovery: Criminal Confiscation and Civil Recovery” ed Owen and Smith (Butterworths 2004 and 2nd Edition 2007)
- The Proceeds of Crime Act 2002 (Butterworths 2003)
- CBA response to Government proposals for new law of fraud 2005
- Article European Lawyer Magazine June 2005 Implementation in European states of the EC Money Laundering Directives
- Assisted in drafting the Criminal Bar’s response to government proposals for civil seizure of criminal assets in the High Court

Appointments

- Crown Court Recorder (2007)
- Member of Serious and Organised Crime Agency (SOCA) Asset Recovery Committee (2008)
- Attorney General’s A list of prosecuting counsel in serious fraud cases (2002)
- Serious Fraud Office list of approved Queen’s Counsel (2009)
- Appointed part-time Deemster, Isle of Man (2012)

- Appointed to the SFO Prosecution List (2013)
- Appointed to the SFO PoCA List (2013)

Other Information

Assists the Criminal Bar Association in its preparation of responses to government legislation.

Regularly gives lectures on the law of criminal fraud, confiscation and money laundering for and on behalf of major law firms and legal publishers

Chair of the CBA's working party on the law of Corruption. Gave evidence to Parliamentary Committee on Corruption
Chaired by Lord Slynn on behalf of CBA in 2004

Chair of the CBA working party on the radical reform to the law of fraud in 2005.

Accreditations

