

Stuart Biggs

Call: 1999



Stuart Biggs's practice focuses on matters involving allegations of misconduct by companies, directors, public officials and financial professionals.

He acts for individuals and corporates investigated and prosecuted by the SFO, FCA and HMRC and advises corporate victims of crime. He has considerable experience in Proceeds of Crime Act proceedings.

Stuart advises on a range of matters affecting companies including brand and content protection, health and safety, consumer protection and advertising regulation.

Financial Crime

The predominance of Stuart's 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 in respect of corruption and fraud matters and maintains a specialist prosecution practice, including private prosecutions. He also advises corporate victims of crime.

Recent matters include:

- Pre-charge advice to persons under SFO investigations into Rolls Royce and London Capital Finance
- 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

- Advising on prosecution of an international bribery case
- Representing a company in negotiation in respect of a potential DPA
- Defence of a Director of a services company against allegations of defrauding consumers.

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 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. He is Treasurer of the Private Prosecutors' Association and takes a lead role in that organisation's work.

Stuart has complementary experience of advising and acting in respect of individual and company insolvency, 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.

Since co-authoring the Butterworths' Guide to the Proceeds of Crime Act 2002 Stuart has maintained a keen interest in this area, conducting 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. Recently, he was invited to contribute to the Law Commission's work on suggested reform the law of confiscation.

Stuart has considerable experience in account freezing and cash forfeiture cases. Recent matters have seen the release of over £1m frozen in the accounts of a bitcoin brokerage and the return of circa £150,000 in cash relating to a club event in foreign jurisdiction.

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 and content protection. 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 is regularly instructed to work in this field with eminent Queen's Counsel from the civil jurisdiction. He has spoken on IP crime at the Cambridge Symposium on Economic Crime.

Notable Financial Crime cases

- **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**
Football investment fraud.
- **R v Matthew Ames (Unreported, 2014)**
£1.6m carbon credit investment scheme fraud.
- **R v Sevket (Unreported, 2013)**
£1.5m film loan fraud.
- **R v Aston Shim**
[2016] EWCA Crim 576, Security Industry prosecution
- **R (Virgin Media Ltd) v Zinga**
[2015] 1 Cr App R 2, intervening on behalf of the film and music industries
- **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

Crime

Stuart has represented and prosecuted defendants charged across the full range of crimes including murder, arms trafficking and largescale drug importations.

Notable Crime cases

- **R v P (2019)**
Southwark Crown Court, 2019: Acquittal on allegation of attempted murder.
- **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**
- **R v Joseph (2007)**
Acquittal of murder.

Professional Discipline

Stuart acts for clients in proceedings before a diverse range of disciplinary tribunals and regulators.

Past examples include:

- Acting for a chartered accountant in ICAEW proceedings
- Acting for a Member of Parliament in an Electoral Commission investigation
- Representing the General Optical Council in High Court proceedings and advising on general practice and procedure
- Acting for a prospective parliamentary candidate before the disciplinary committee of a political party
- Advising a local councillor on an investigation in alleged electoral irregularities
- Representing a dentist in GDC proceedings
- Advice and representation for the Security Industry Authority

Public Law

Stuart has conducted Judicial Review proceedings in respect of a range of topics relating to criminal practice. He acted for the claimant in judicial review proceedings successfully challenging a simple caution and conducted the successful judicial review of a decision to impose default sentence for non-payment of a confiscation order.

Notable Public Law cases

- **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**

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 and defence of retailers for health and safety and consumer protection breaches.

He has been on the B 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.

Inquests & Inquiries

Notable Inquests & Inquiries cases

- **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.

Notable Cases

R v H
[2012] EWCA Crim 1113

Arms trafficking

R v May

[2008] UKPC 36

Successful Privy Council appeal

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[2008] 2 Cr App R (S) 47

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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

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Inquests & Inquiries

Peat/Lawson

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Education

- MA (Cantab) (law), Fitzwilliam College

Publications

- The Proceeds of Crime Act 2002, Butterworths (2003)

Appointments

- Specialist Advocates' B panellist for Health & Safety and Environmental Law

Accreditations

