



Thomas Bushnell

Call: 2013

Thomas Bushnell practises across Chambers' main areas of expertise, with particular experience in financial crime/financial services regulation and licensing. His most significant case to date has been as prosecution junior for the FCA in its landmark investigation and prosecution of NatWest Bank Plc for breaches of the Money Laundering Regulations 2007. Tom advised throughout the investigation and eventual prosecution (led by two silks), which culminated in guilty pleas and what is believed to be the largest ever fine imposed by an English criminal court upon conviction.

Financial crime and financial services regulation

Tom's extensive background in white collar crime and regulation has seen him continue to receive instructions in these areas. Most significantly, he was sole prosecution junior (led by two silks) on the FCA's landmark, successful prosecution of NatWest for breaches of the Money Laundering Regulations 2007.

He prosecutes and defends insider dealing cases. At the moment he is acting for a defendant charged with insider dealing (trial fixed for April 2022 at Southwark Crown Court) and also advising the FCA on an ongoing investigation.

Tom is regularly instructed in cash and account freezing/forfeiture applications under POCA, and appears in the magistrates' and Crown Court. He recently advised the Metropolitan Police Service on resisting a costs application, following the MPS's decision to return a significant amount of detained cash.

In 2018-2019, Tom spent six months as a part-time consultant to the regulatory and investigations group of a large international law firm, assisting on a number of its ongoing SFO and FCA cases. His advice spanned:

- Fraudulent trading in India;

- An internal investigation into South American bribery and corruption;
- Money laundering in the insurance industry;
- LPP;
- Various aspects of FCA regulation, including in relation to SUP15 notifications and ongoing investigations by Supervision and Enforcement.

Tom was also heavily involved in representing a corporate witness to a long running SFO investigation, liaising directly with the SFO case team and advising on responses to complex s. 2 notices.

In 2018, Tom completed a secondment at the Financial Conduct Authority, within the Criminal Prosecutions Team. During and after his secondment, Tom primarily assisted on the preparation for trial of a major insider dealing prosecution of Fabiana Abdel-Malek and Walid Choucair.

In 2017 he assisted the defence team for one of the three former Tesco executives charged with fraud and false accounting relating to Tesco's statements to the market in 2014.

Notable Financial crime and financial services regulation cases

- **FCA v NatWest**

Instructed by the Financial Conduct Authority as prosecution junior in its successful investigation and prosecution of NatWest for breaches of the Money Laundering Regulations 2007.

Tom advised the FCA throughout the complex and large investigation, on the charging decision, throughout the plea discussions (conducted under the AG's guidelines for cases of serious or complex fraud) and the eventual criminal proceedings. He was led by Clare Montgomery QC and Matthew Butt QC.

NatWest pleaded guilty and was sentenced to a fine of over £264m, thought to be the largest fine ever imposed in this country upon conviction.

The case was extensively reported, and represented the first time that the FCA has prosecuted anyone under the Money Laundering Regulations, and the first time it has prosecuted a large bank. The case has been described by commentators as a "milestone for the FCA," "sending shockwaves through the City and Canary Wharf

- **FCA v B and S (Southwark Crown Court, April 2022)**

Representing second defendant, charged with insider dealing (led by Guy Ladenburg).

- **FCA v X**

Advising the FCA on an ongoing insider dealing investigation.

- **FCA v Abdel-Malek and Choucair**

Substantial insider dealing case.

- **The Financial Regulators Complaints Commissioner (2017)**

Advised a complainant to the Complaints Commissioner, who had been investigated by the FCA for alleged interest rate manipulation and whose case was dismissed by the RDC. The complaint was upheld, with the Complaints Commissioner finding "serious shortcomings" in the way that the FCA had handled the case.

- **SFO v Bush, Rogberg & Scouler**

Assisted the defence team for one of the three former Tesco executives acquitted of fraud and false accounting.

Sanctions

Tom is developing a busy sanctions practice, complimenting his wider expertise in financial crime.

Much of the work is confidential. His advice has included investigations by the NCA and OFSI, and to a law firm regarding representation of an individual designated overseas.

Notable Sanctions cases

- **A company services provider**

Advised a company services provider and senior individuals within it on an investigation by the NCA into alleged breaches of Ukraine/Russian sanctions. Led by Rachel Barnes.

Inquests & Inquiries

Tom acts on behalf of IPs in inquests. He has recently represented the Metropolitan Police Service in two inquests following multi-officer restraint.

Notable Inquests & Inquiries cases

- **Inquest touching the death of IK, Inner West London Coroner's Court**

Tom acted alone for the MPS. The deceased had been killed by a relative suffering from schizophrenia following his release from being sectioned under the Mental Health Act.

- **Inquest touching the death of DC, Central Criminal Court**

Tom acted for the MPS (led by Edmund Gritt) in one of the first inquests held at the Old Bailey. The deceased died following the ingestion of cocaine during a search warrant executed by a large number of officers from the Trident and Haringey Gangs units. All the officers concerned were granted anonymity during the inquest. The MPS and its officers were not criticised in the jury's conclusions.

- **Inquest touching the death of DB, South London Coroner's Court**

Tom acted alone for the MPS regarding a death following police contact. Nine MPS officers were called to a suspected burglary in progress in South London. Following restraint and unsuccessful CPR by the officers and the London Ambulance Service, the deceased died of acute cocaine toxicity. Eight of the MPS officers gave live evidence in the inquest. The MPS and its officers were not criticised by the jury in its conclusions.

Crime

Tom regularly appears in Magistrates' Courts and the Crown Court, mainly for the defence. He has defended individuals charged with a range of offences, including assault, burglary, forgery, motoring offences and drug offences.

Tom has experience prosecuting for the Crown Prosecution Service, Transport for London and the National Probation Service.

Notable Crime cases

- **R v H (Central Criminal Court)**
Represented serving police officer charged with terrorism and fraud offences (led by Ailsa Williamson)
- **R v C**
Successful defence of an 85-year-old man charged with criminal damage of a neighbour's fence. Crown offered no evidence after legal argument on "fixtures" as a matter of land law.
- **R v X**
Successfully represented a notable nightclub boss at risk of a "totting" ban.
- **R v S**
Represented a former FCA approved person charged with using a fraudulent instrument. Successfully invited the imposition of an absolute discharge.

Licensing

Tom has a broad practice in licensing matters, advising and acting for licensees, applicants, the police, local authorities and local residents. Highlights include a successful review for the Metropolitan Police of the licence of Club Aquarium, a major nightclub on Old Street.

Tom regularly speaks and writes about topical licensing issues. He delivered lectures at the National Pubwatch Conference 2019 (with Stephen Walsh QC and Gary Grant), and in July 2018 delivered an "update on licensing law" to the Licensing Committee of a large London Borough (with Matthew Butt). He co-edits a number of Westlaw "Topic" articles on the licensing of alcohol and gambling (with Sarah Le Fevre).

Tom also represents Transport for London in licensing appeals in the Magistrates' and Crown Courts.

Notable Licensing cases

- **An off-licence v Wandsworth Borough Council, Wimbledon Magistrates' Court**

Represented the respondent local authority in a contested appeal against a decision by the LSC to revoke the licence of a convenience shop in Roehampton.

- **An off-licence, Camden**

Successfully represented the applicant for a new off-licence within one of Camden's cumulative impact zones, with representations opposing the application submitted by the Metropolitan Police, the licensing authority and two local residents' associations.

- **Club Aquariam, Old Street**

Represented the Metropolitan Police Service in a successful review before the Licensing Sub-Committee of Islington Borough Council. The licence of this large and famous nightclub was revoked following a string of criminal offences associated with the premises, and the operating hours on the shadow licence were reduced.

- **Giovanni, Knightsbridge**

Represented the Metropolitan Police Service in review proceedings before the Licensing Sub-Committee of the Royal Borough of Kensington & Chelsea. Reported in the London Evening Standard.

- **Juju, King's Road**

Represented the Metropolitan Police Service in successful summary review proceedings before the Licensing Sub-Committee of the Royal Borough of Kensington & Chelsea. Reported in the London Evening Standard.

- **Wagamama, Canterbury**

Represented a branch of the popular restaurant chain in a successful application for planning permission to allow chairs and tables outside.

Civil Orders

Tom regularly advises and represents the Metropolitan Police in applications for various civil orders in the criminal courts. These include sexual harm prevention orders, closure orders and orders for cash forfeiture, both at first instance and on appeal.

Tom's experience both in applying for civil orders and in criminal law generally means he is well placed to advise individuals responding to applications, including when there are concurrent criminal proceedings.

Notable Cases

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SFO v Bush, Rogberg and Scouler

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FCA v M and C

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Professional Memberships

- Institute of Licensing
- Criminal Bar Association
- Young Fraud Lawyers Association

Education

- Bar Professional Training Course (Outstanding), Kaplan Law School
- MA (Cantab) Law (First), Trinity Hall, Cambridge
- Baron Dr Ver Heyden de Lancey Prize, Middle Temple (2014)
- Certificate of Honour, Middle Temple (2013)
- Astbury Scholar, Middle Temple (2012)
- Dr Cooper Law Studentship, Trinity Hall (2012)
- Trinity Hall Law Studentship (2012)
- The Ellis Lewis Prize for English Law, Trinity Hall (2012)
- Elected Bateman Scholar, Trinity Hall (2012)
- Alan King-Hamilton Bursaries, Trinity Hall (2010 & 2012)
- Lovells Prize, Trinity Hall (2010)

Appointments

- Serious Fraud Office Prosecution C Panel
- Security cleared to SC Level

Other Information

Before starting pupillage, Tom worked as a paralegal in the corporate crime team at Hickman & Rose. He assisted on

some of the firm's most significant criminal and regulatory matters for individuals and corporates, with a focus on LIBOR manipulation. In particular, he was heavily involved in the defence of the first trader and manager exonerated by the FCA's Regulatory Decisions Committee for alleged LIBOR manipulation.

Privacy Statement

I, Thomas Bushnell, am a data controller and can be contacted at 3 Raymond Buildings, Gray's Inn, London WC1R 5BH or by telephone on 020 7400 6400 or by email at thomas.bushnell@3rblaw.com. My Data Protection Policy can be found [here](#).

All personal data that I process is for the purposes of providing legal services, conducting conflict-checks, marketing, defending potential complaints, legal proceedings or fee disputes, keeping anti-money laundering records, training other barristers and pupils and when providing work-shadowing opportunities, and/or exercising a right to a lien. The types of data I process vary upon the nature of the legal matter in relation to which I am engaged to advise, but can include names, contact details, biographic details and 'special category personal data' (such as details of racial or ethnic origin, political opinions, religious or philosophical beliefs, health, sex life and criminal convictions and proceedings).

Depending upon the circumstances of the case, the legal bases upon which I process personal data are (i) the performance of a contract to which the data subject is a party or in order to take steps at the request of the data subject prior to entering into a contract, (ii) the processing is necessary to comply with legal obligations to which I am subject, or (iii) the processing is necessary for the legitimate interests set out above, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subjects which require protection of personal data, in particular where the data subject is a child. When I rely on (iii) legitimate interests, my 'Legitimate Interests Assessment' can be found [here](#). When I process data which has not been obtained directly from the data subject (e.g. personal data contained in evidential materials), it will have been supplied to me as part of my instructions in circumstances covered by legal professional privilege.

Depending upon the circumstances of the case, I may share the personal data with:

1. my Chambers, which supplies professional and administrative support to my practice;
2. Courts and other tribunals to whom documents are presented;
3. my lay and professional clients;
4. potential witnesses, in particular experts, and friends or family of the data subject;
5. solicitors, barristers, pupils, mini pupils and other legal representatives;
6. ombudsmen and regulatory authorities;
7. current, past or prospective employers;
8. education and examining bodies;
9. business associates, professional advisers and trade bodies.

I retain personal data for no longer than 7 years after the case has come to an end or as otherwise required by law.

I do not intend to transfer data to any country which is not either within the European Union, 'white listed' by the EU or

otherwise permitted by EU law (e.g. to the USA under the provisions of the 'Privacy Shield').

Under the GDPR, data subjects whose personal data I process have the right to request from me access to, and rectification or erasure of, their personal data, the right to the restriction of processing concerning them, the right to object to processing as well as the right to data portability. Data subjects also have the right to lodge a complaint with the Information Commissioner's Office (ico.org.uk).

In cases where there is a contract between me and the data subject, the provision of personal data is a contractual requirement and the data subject is obliged to provide the personal data in order that I can supply legal services. A failure to provide such data may mean that I will not be able to provide the legal services.

Rev 1.0 – 18.05.2018

Direct Access

Tom 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](#).