

## Gavin Irwin

"A criminal barrister with the finesse and smoothness to switch very easily to the corporate or commercial context...a skilled negotiator...he understands a case from the technical, commercial and human angles"

Chambers UK



Year of Call: 1996

020 7353 5324

Gavin Irwin is a specialist advocate in: business crime and financial services; and, professional conduct and discipline. He has a wealth of experience across complementary disciplines.

Gavin regularly advises individuals and businesses:

- in matters concerning fraud, money laundering, corruption and sanctions breaches (in corporate investigations and before the criminal courts)
- on risk-management issues, including: money laundering; export licensing; and, data protection
- on extradition and Interpol Red Notices
- on conduct and discipline issues in proceedings before professional regulatory authorities and at Coroner's Inquests

At present, Gavin is:

- advising individuals in relation to ongoing SFO investigations into fraud and overseas bribery and corruption
- advising in sensitive disputes involving financial and trade sanctions for individuals and entities with business and property interests in Russia and Ukraine
- representing individuals charged with fraud, counterfeiting and money laundering before the criminal courts
- representing individuals whose assets are restrained and/or accounts frozen under new legislative powers

### Location

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- representing medical professionals in discipline proceedings brought by the GMC and GDC
- representing medical professionals and entities in a number of high-profile Inquests

## Sanctions and Export Licensing Experience

In the recent past, Gavin has advised:

- a non-UK national on Russia sanctions and the proceeds of sale of Russian corporate interests
- a UK national on Russia sanctions issues relating to the ownership and management of property in Crimea
- a UK company in criminal proceedings brought by HMRC for breaches of the Chemical Weapons Convention
- an Iranian national with business interests in the UK on sanctions and export licensing issues arising from the withdrawal of the United States from the JCPOA and the United Kingdom from the European Union
- a UK manufacturing company on export licensing issues with Turkey, arising from recent inclusions on the US Bureau of Industry and Security's 'Entity List'
- a UK based oil and gas services company on sanctions relating to projects in West Kurdistan / Northern Syria
- a UK based manufacturing company on export licensing issues arising from end-user concerns for dual-use goods in UAE and Pakistan
- a UK based tech company in an Export Control Joint Unit investigation into the export of cryptographic software to Russia
- a UK based company with a global presence in the oil and gas services industry in an HMRC investigation arising from the export of high performance machine parts to Iran

In addition, Gavin represented a defendant in proceedings at the Central Criminal Court (brought under the Customs and Excise Management Act 1979) for exporting cobalt aluminate to Iran via the Czech Republic. The security and intelligence services are concerned that CoAl may be the critical ingredient in a 'suitcase dirty bomb' – a small, portable, nuclear device.

Gavin accepts **direct access** instructions.

"A very effective and charming advocate, whom juries find very engaging: if, like him, you cross-examine with a smile on your face, you get a lot more information and the jury will listen." "He's very dignified and intelligent." (Chambers UK 2020)

"He prepares well and knows his topic." (Legal 500, 2020)

"Incredibly good tactical barrister, particularly in fraud cases ... extremely knowledgeable both on financial crime and regulatory crime" (Chambers UK, 2019)

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commercial context...a skilled negotiator...he understands a case from the technical, commercial and human angles” (Chambers UK 2018)

“An advocate who is clear and polite in court, and a skilled manager of challenging personalities ... an intelligent, sensible advocate who is direct with the judge ... [h]is tactical awareness is very good, and he has excellent knowledge of the law.” (Chambers UK, 2017)

“... has a tremendously good manner with prosecutors, judges and clients.” (Chambers UK, 2016)

“Very good indeed, he gets stuck in and does the work ... very clued-up and switched on.” (Chambers UK, 2015)

“knows the law, and is very user friendly ... obvious commitment to clients ... very responsive” (Chambers UK, 2014)

“an expert on corporate investigations” (Chambers UK, 2013)

## Business Crime & Financial Services

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Gavin advises corporates, as external counsel:

- on the impact of the money laundering regulations – recent instructions relate to: estate agents; intellectual property portfolios; and, those wishing to establish interests in lawful cannabis businesses
- on breaches of financial sanctions and breaches of the export licensing regime – recent instructions relate to: dual-use goods and services in the manufacturing sector, where end-user concerns and WMD proliferation risks have been identified; and, the sale of cryptographic software to designated jurisdictions

Gavin also undertakes restraint and asset freezing work. He acted for Raymond May in the seminal House of Lords case on the definition of ‘obtaining’ benefit. He has a wealth of experience in applying for injunctions on behalf of prosecuting authorities and in resisting them on behalf of individuals and other legal entities. Gavin advises and represents individuals in enforcement proceedings and has recently assisted the proprietor of the London Fields Brewery in proceedings before the Westminster Magistrates’ Court

In the recent past, Gavin has:

- represented a globally recognised principal researcher in space technology for alleged involvement in a fraud on an academic institution
- advised on criminal and professional conduct issues in a high profile property dispute in the High Court
- advised an individual in relation to an SFO investigation into alleged corruption between UK companies and Indonesian state actors

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- represented a company in the first proceedings brought by the Pensions Regulator for failure to implement the Workplace Pension
- advised a company director in relation to proceedings brought by the Information Commissioners Office for offences under section 55 of the Data Protection Act 1998 (obtaining and disseminating personal information)
- represented the principal defendant in complex fraud proceedings arising from breaches of the Consumer Protection from Unfair Trading Regulations 2008. (And, separately, advised a number of web-based businesses on compliance matters arising under the 2008 Regulations re: ‘copycat websites’)
- advised in a dispute involving two sets of Russian interests in a mobile telephone company. The case involved LCIA arbitration, proceedings in the Commercial Court, the BVI, Isle of Man, Kyrgyzstan and the Seychelles
- appeared in the Family Division for a BVI company whose assets were frozen pursuant to ancillary relief proceedings after a ‘big-money’ divorce. Since then, he has assisted a number of litigants in matrimonial finance proceedings

## Criminal Defence

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Gavin has appeared for the defence in numerous homicide cases before the Central Criminal Court. In recent years he has represented individuals charged with rape (disclosure of multi-agency records and the controversial statistical analysis of DNA), causing non-accidental harm to children (numerous paediatric, medical experts), arson and firearms offences (expert DNA and cell-site evidence) and substantial drug trafficking (covert probe intercept evidence and evidence obtained under letters of request).

Gavin is currently representing an individual charged with conspiracy to counterfeit currency – £5million of £20 notes.

In the recent past, Gavin has represented:

- a Zimbabwean national charged with the gross negligence manslaughter of the elderly woman for whom she was caring, in her home
- a UK national charged with murder in the course of an aggravated burglary
- a Chinese national in proceedings for money laundering involving the misuse of the Daigou ‘luxury items’ trading system
- a Nigerian national for conspiracy to commit fraud by false representation and conspiracy to launder the proceeds of crime, involving a multinational network of persons and organisations who transferred the proceeds through bank accounts in China
- the principal defendant in confiscation proceedings arising from the defendant’s conviction for what the SFO dubbed “*the largest boiler room fraud ever pursued by a UK authority*” – valued at £70 million

In addition, Gavin has acted as leading counsel for the prosecution in perhaps the most significant proceedings

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ever brought by a Local Authority under the CPUT Regulations 2008 – for cold-calling the elderly and vulnerable and offering them ‘free’ alarm, fire and security systems.

## Extradition

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Having acted for various requesting states, eg. the USA in Welsh and Thrasher and the Russian Federation in Temerko (not to mention numerous European judicial authorities) Gavin’s extradition practice has focused on defending individuals charged with, or convicted of, serious offences including murder, terrorism and fraud.

Gavin has recently:

- prevented the extradition to Germany of a UK national for tax evasion offences
- prevented the extradition to the Czech Republic of a businessman charged with offences arising from a lost weekend in Prague
- prevented the extradition to Romania of an individual whose conviction was obtained on inadmissible communications covertly intercepted by the Romanian Intelligence Services
- prevented the extradition to UAE of the director of an aviation business

In addition, Gavin acted in the first ever extraditions to Peru (a series of accusation cases involving significant drug trafficking) and in extradition proceedings brought by Spain for the largest shipment of cocaine ever to be intercepted in European waters.

## Inquests & Public Inquiries

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Gavin’s advice and advocacy is regularly sought in relation to Coroner’s Inquests. He has represented doctors and healthcare organisations in sensitive Inquests where: individuals are at risk of a finding of neglect or being required to ‘self-report’ to the GMC and NHS; and, where the prospect of criminal proceedings is an important factor in tactical decision-making.

In particular, recent cases have involved:

- representing a GP at an Inquest involving the death of a young woman after a long battle with *anorexia nervosa* [here](#)
- representing a GP Practice at an Inquest involving the death of a two year old boy who choked on a sausage while holidaying at Butlins [here](#)
- representing an Emergency Medicine Registrar at an Inquest involving a ‘death in custody’ where excessive police restraint contributed to death [here](#)
- representing an Emergency Medicine Registrar at an Inquest where a patient died as a result of *necrotising fasciitis* [here](#) and [here](#)

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# Professional Discipline

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Gavin has represented individuals in conduct proceedings brought by the General Medical Council, the General Dental Council, the Nursing and Midwifery Council, the Solicitors Regulation Authority, the Council of the Inns of Court and the Council for Licensed Conveyancers. He has particular experience where different regulators each claim an overlapping jurisdiction and where the prospect of criminal proceedings is an important factor in tactical decision-making.

In particular, recent cases have involved:

- representing the National Health Service in the First-Tier Tribunal, in an appeal against a finding of 'inefficiency' and removal from the Performers List
- representing two students before a university conduct committee in relation to allegations of serious sexual misconduct
- representing doctors and dentists in conduct proceedings relating to: the handling and retention of patient confidential records; allegations of sexual assault; and, unchaperoned medical examinations of vulnerable individuals
- representing a licensed conveyancer in linked proceedings before the CLC, the SRA and Guildford Magistrates' Court
- representing nurses before the Nursing and Midwifery Council for: causing serious injury to a patient in her own home; and, failing to provide adequate care and failing properly to keep records in Police Custody Suites
- acting as legal assessor to the National Registers of Communication Professionals, in conduct proceedings relating to sign-language professionals
- presenting for the General Dental Council in conduct proceedings arising from a patient inadvertently drinking bleach during treatment

In the autumn of 2012, Gavin spent two months at the United Nations Office of Staff Legal Assistance in Nairobi providing advice and representation to UN staff members across Africa on a broad range of issues including professional discipline and employment law disputes. He regularly appeared before the UN Dispute Tribunal and made written submissions to the UN Appeals Tribunal.

## Reported Cases before the UN Tribunals:

### **Finnis v Secretary General of the United Nations**

On the application of the administrative rules relating to staff selection procedures and conflicts of interest.

### **Dakamseh v Secretary General of the United Nations**

On the application of the administrative rules relating to staff selection procedures upon the closing of the UN Mission in Sudan.

### **Stoykov v Secretary General of the United Nations**

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On fair hearings, delay and maintenance of records.

## Private Prosecution

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Gavin regularly advises and represents individuals and entities in private prosecutions – prosecuting and defending – arising from commercial disputes with parallel civil and/or regulatory proceedings:

Gavin contributed to chambers' Private Prosecutions Group submission to the Justice Select Committee inquiry into safeguards in private prosecutions and current instructions include:

- representing a firm of accountants alleged to have failed to comply with the notice and information provisions in sections 1202 and 1205 of the Companies Act 2006; and,
- advising a company involved in property development on breaches of director's fiduciary duties and possible offences under the Fraud Act 2006.

In 2017, Gavin acted for the finance director of a company accused of the theft of consignments of plastics. The Director of Public Prosecutions took over and discontinued the proceedings, giving rise to an application for Judicial Review and an important judgment on the Court of Appeal (Civil Division)'s jurisdiction in private prosecutions, please see [here](#).

Gavin has considerable experience in prosecuting and defending serious fraud and money laundering and regularly advises individuals and entities on matters concerning bribery, corruption and the breach of financial and trade sanctions.

He is a member of the [Private Prosecutors' Association](#) and adheres to its Code.

## Accreditations

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## Appointments & Memberships

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- Private Prosecutors' Association
- Bar of England and Wales
- Association of Regulatory and Disciplinary Lawyers
- Health and Safety Lawyers' Association
- Defence Extradition Lawyers' Forum

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- European Criminal Bar Association
- European Fraud and Compliance Lawyers
- South Eastern Circuit

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