

Brendan Kelly QC

"A phenomenal advocate - he's eloquent in court and very intelligent."
and "Utterly charming and juries love him."
Chambers UK 2021



Year of Call: 1988 QC: 2008

020 7353 5324

Brendan Kelly QC is described by the leading industry directory as having “a phenomenal court presence”. Brendan’s practice focuses on the provision of advice and advocacy in cases of fraud, serious crime, and regulatory law. As well as representing individuals, he is also sought out by regulated professionals for cases arising in the workplace. He also regularly advises and represents corporate clients, as well as their individual directors and officers (both in the UK and abroad), in all aspects of business crime.

More recently Brendan has been in considerable demand within the Civil jurisdiction representing a Russian National in The London Court of International Arbitration and latterly several Middle Eastern Clients in ongoing fraud matters which are the subject of litigation in The High Court in London.

As well as being ranked as a ‘Leading Silk’ in Crime and Financial Crime in Legal 500 and a ‘Leading Silk’ for Crime in Chambers UK, Brendan is ranked in Band 1 for Financial Crime in this years’ Chambers UK Guide where he is described as “*A very measured advocate who commands considerable respect. He is a popular choice for individuals facing charges of fraud, money laundering and bribery. Of late, his focus has been on high-value tax fraud.*”

Recent instructions include:

- Represented Oil and Gas Associates in the recent SFO prosecution. Brendan appeared for the owner of the company charged their alleged part in the ‘Bertling Corruption’ cases concerning gas installations in the North Sea....The owner was acquitted of all counts following a three month trial.
- Advising a North American Investment fund in respect of Investigations being conducted by the Northern Irish Parliament into the selling of NAMA assets. The matter is being investigated by the SFO.
- Representing an individual suspect in an ongoing SFO inquiry into the London Capital and Finance collapse.
- Advising the FCA on Financial Regulation and matters relating to licensing of both Building Societies and Credit Unions.
- Representing an Internet Sales Company charged for their part in a substantial mail fraud.
- Representing first defendant in Ireland’s largest VAT trial.

Location

2 Hare Court
Temple
London
EC4Y 7BH

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- Representing series of companies and further their directors in ongoing VAT investigation and forthcoming trial.
- Representing the first defendant in the UK's largest Tax Fraud. Operation Amazon took one year to try and led the team representing the first defendant the alleged designer of the scheme in question.
- Representing the main defendant in a Money Laundering allegation involving £300 Million worth of stolen assets.
- Representing Financial Trader in forthcoming Insider Trading trial.
- Representing City Solicitor charged for his alleged part in Insider Trading Fraud.

What others say:

“His approach with clients is excellent and he has a charming manner with the jury. He is an excellent silk.” “Delightful, he gets great results. He is loved by clients, juries and judges.” – Chambers UK 2021

“A phenomenal advocate – he’s eloquent in court and very intelligent.” “Utterly charming and juries love him.” – Chambers UK 2021

“He is charming, but never one to shy away from a fight.” – Legal 500 UK 2021

“In addition to being suave, sophisticated and charming, he is a fantastic advocate.” “Very charismatic, smooth and likeable, he has a lot of gravity with judges and a manner that juries tend to warm to very much. He’s excellent with clients as well.” – Chambers UK 2020

“Very much a team player.” – Chambers UK 2020

“Judges trust his judgement, and juries love his cross-examinations.” – Legal 500 2020

“He really gets under the skin of a case and commands the complete confidence of his audience.” – Legal 500 2017

“A man with big character who is fantastic on his feet.” – Chambers UK 2017

“Charismatic, an experienced advocate and a great lawyer.”- Legal 500 2017

“Mr Kelly is a powerful advocate whom it is a delight to work with.” – Chambers UK 2017

“Extremely unflappable.” – Chambers UK 2017

“He’s very good if you’re seeking a barrister who can handle demanding clients very well.” – Chambers UK 2017

“He is a charming and persuasive advocate.”- Chambers UK 2016

“He has great gravitas.”- Chambers UK 2016

“He’s an excellent and charming advocate. He is charismatic and persuasive, intelligent and quick to get to the issues.” – Chambers UK 2015

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Business Crime & Financial Services

Throughout his career, both as a junior and in Silk, Brendan has always been cited by the industry directories as a leading barrister for fraud matters. Since his call to the Bar, complex financial crime has always formed a substantial part of his practice, and he is well experienced in matters involving MTIC and VAT issues, Ponzi schemes, land banking, carbon credit, FOREX / currency exchange, advance fee, boiler room and mortgage frauds. He has considerable experience within the field of investment fraud and all aspects of Banking regulation

He is rated as leading silk within the Legal 500 and within Band 1 in Chambers and Partners.

Brendan is also an acknowledged specialist in the law of bribery and corruption. He advised a director, pre-charge, in the Innospec case, and regularly advises UK and international clients on how the provisions of the Bribery Act 2010 may impact upon their business operations.

Forthcoming white-collar crime matters include involvement in The Irish NAMA scandal involving allegations on a large scale of bribery and corruption at the highest level. Further he advises in respect of the London Capital and Finance SFO inquiry and currently represents the first defendant in Ireland's largest ongoing allegation of VAT fraud.

He enjoys an expertise in all kindred fields ranging from restraint to confiscation frequently appearing in an appellate capacity in both disciplines. As can be seen from his profile page his high level of skill is widely recognised within the Industry Guides.

Notable Cases:

London Capital and Finance

Advising individual, the subject of a high profile inquiry into the collapse of this fund.

NAMA

Advising individual and Corporation in respect of this ongoing inquiry into allegations of corruption at a National Level within both Ireland and Northern Ireland.

Concentric

Represent the first defendant in this ongoing allegation of VAT fraud.

R v R

Represented the first defendant in the largest fraud tried in some years. An allegation of £400 million loss in respect of a conspiracy to defraud the revenue.

Re: PC

Advised a US PLC in respect of allegations of corruption between Ireland and the USA.

Re: C

Advised African Government officials re matters and allegations of corruption.

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R v McNally

Brendan represented Mr McNally on a matter of alleged corruption. Mr McNally was alleged to have been involved in a corrupt relationship with Oil Company Executives in respect of issues relating to procurement. Mr McNally was cleared of all allegations of corruption.

FCA

Brendan advised the FCA in respect of NI legislation concerning regulatory matters within the Irish Banking Sector.

Civil Litigation

Brendan's extensive appellate and fraud practice have led, over recent years, to his being instructed within the civil jurisdiction. Those instructing often require his acknowledged skills as an advocate especially in cases where there is the need for detailed cross examination and where trial or other contest is likely.

Notable Cases:

Folgender v Letraz

Brendan was instructed to represent the defendant in the course of these proceedings. The dispute surrounded high value property and Brendan was instructed on behalf of the defendant in the course of both contempt and trial proceedings.

Re. A

Brendan represented defendant in the course of substantial arbitration arising out of a civil settlement overseas. The hearing was conducted at the London Court of International Arbitration.

Re. A

Brendan represents foreign corporation in pursuit of an action for 'delivery up' of documentation in the High Court.

Criminal Defence

Alongside his fraud practice, Brendan's jury-friendly style of advocacy has led to his instruction in some of the most serious criminal trials in recent years. In particular, he is requested for cases involving high-profile defendants; recent instructions include Ireland's 'highest ever profile case', representing Irish rugby player Paddy Jackson in a rape trial, the defendant charged with the murder of Welsh schoolgirl, April Jones, as well as the son of a notable Conservative MP who was charged with serious offences of violence.

Brendan has also been a regular visitor to the Northern Ireland courts, where he represented with success in a series of terrorist trials. He is also one of the only English barristers to have appeared regularly in the Northern Ireland appeal court and divisional court.

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Notable Cases:

R v MG

Brendan is instructed to represent this 13 year old defendant charged with the murder of his 12 year old friend.

R v JD

Brendan is instructed to represent this defendant charged with the manslaughter of his best friend caused by way of a single punch.

R v Z

Brendan is instructed to represent this defendant who is charged in a high profile matter. Using a firearm in the vicinity of a Christmas market.

R v Hill and others

Brendan led a team of lawyers in presenting this conjoined appeal before the Court of Appeal in Northern Ireland. The lead ruling provided guidance to the Irish Courts as to the approach to disclosure where there had been convictions for offences relating to terrorism when it was now acknowledged that state informants had played an active part in the particular offence and further that the state were aware of and had authorised the same.

R v Jackson

Brendan represented Ireland and Ulster rugby player Paddy Jackson. Jackson was acquitted of rape following a high profile 9 week trial. Jackson and fellow rugby player Stuart Olding were accused of raping a woman in Jackson's house in the early hours of 28 June 2016.

R v Webster

Brendan secured an acquittal for Xeneral Webster who was accused of murder following a fight with rivals. Webster allegedly attempted to throw a bottle of sulphuric acid over his 2 opponents but it was knocked from his hand and sprayed over a nurse who sat nearby. The nurse contracted sepsis and died 11 days later.

R v K

Brendan secured an acquittal for a Solicitor accused of Perverting the Court of Justice. The allegation, regarded unique in its kind, arose when a number of jurors alleged that the solicitor had been prompting and guiding his lay client when he was giving evidence before them. The Solicitor had been sitting behind counsel when the series of gestures were said to have occurred. The Solicitor was cleared of all charges.

R v JL

Acquitted of all charges in the longest ever UVF supergrass terrorist trial to be heard in Northern Ireland. Brendan's client and his co-defendants were charged with more than thirty offences, including the murder of UDA leader Tommy English, kidnapping, hijacking, wounding, firearms offences and UVF membership. The case relied almost entirely on the evidence of so-called supergrasses Robert and Ian Stewart. After extensive legal argument, Mr Justice Gillen ruled that, in this case, the credibility of the principal witnesses was not such as to allow him to be satisfied beyond all reasonable doubt as to the guilt of the defendants. In his judgment he said that the Stewart brothers had been "ruthless terrorists who had lived on a daily diet of lies", and that they were "witnesses of very bad character who have lied to the police and to the court; on some occasions wrongly implicated a number of

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men who were clearly not present at the crimes suggested". The collapse of the case has led to significant debate over the future use of supergrass evidence. Brendan was instructed by John Greer at Reavey & Co.

R v Thakrar & Others

20 year old charged with the murder of three and the attempted murder of two others. Following a drugs transaction the defendant was said to have called a meeting to which all five victims were invited. He was said to have discharged in excess of 20 rounds of machine gun fire. The case lasted 8 weeks at St Albans Crown Court in front of Cooke J.

Professional Discipline

Brendan's reputation as an advocate has also led to his being instructed in a variety of other tribunals. He appears for pharmacists who face proceedings brought by their regulatory body, and also appears on behalf of police officers; a recent case involved persuading the Police Appeals Tribunal to re-instate a Detective Inspector with full pension rights.

Sports Law

Brendan is often instructed to represent sports professionals, and recent work has included a racehorse trainer and a Formula One racing driver.

Notable Cases:

BHA v Darren Williams

Represented Mr Williams when his licence was suspended following his acquittal at his renowned 'Horse Race Fixing' trial at The Old Bailey.

IRFU Paddy Jackson

Following Mr Jackson's acquittal Brendan was instructed to represent the defendant before his professional sports body the IRFU.

BHA v Suzie Best

Brendan successfully represented Suzie Best in her application for a Horse Training Licence before the Licensing Committee of The British Horse Racing Authority. The application permits Mrs Best to train and run her own business from the family stables, Grandstand Stables in Lewes, formerly run by her husband, who was suspended as a trainer in December 2016. The application was opposed by The BHA, but despite their varied objections Mrs Best was granted a Licence permitting her to train forthwith.

Accreditations

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Appointments & Memberships

- 2008: Recorder
- 2011: Called to the Northern Irish Bar

- South Eastern Circuit
- Criminal Bar Association
- Fraud Lawyers Association

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