

## Christopher Foulkes

"He is very smart and capable and a great leader."  
Chambers UK 2024



Year of Call: 1994

020 7353 5324

Christopher Foulkes specialises in business crime and related areas. His practice spans the criminal and civil jurisdictions.

He advises and represents companies and individuals in respect of serious and complex fraud, bribery and corruption, anti-money laundering, asset forfeiture and regulatory obligations.

He has been involved in prosecuting a number of the most significant fraud and corruption prosecutions in recent years, and has acted for the SFO, CPS Specialist Fraud Division and other prosecuting authorities for much of his career.

He speaks in seminars and webinars on his specialist areas.

He is ranked as a leader in both Legal 500 and Chambers UK for Business and Regulatory Crime and Financial Crime work.

Chris accepts **Direct Access** instructions.

Recently shortlisted as Corporate Crime Junior of the Year in The Legal 500 UK Bar Awards 2022.

## What Others Say:

"Christopher demonstrates very high levels of expertise in an easily digestible and client-friendly manner." – Chambers UK 2024

"Christopher is terrific. He provides great judgement and is very bright." – Chambers UK 2023

"Chris is a wonderfully strategic lawyer. He is calm and measured, and is meticulous with his preparation. His main strength is his ability to consider all angles in detail to help develop a strategy that achieves amazing results for the client, time after time." – Legal 500 UK 2023

### Location

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### Contact Us

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“He provides top-quality advice and is a wonderful tactician.” “Extremely reliable, articulate and really supportive to clients. His drafting is also excellent.” and “A first-rate financial crime junior – his technical knowledge is second to none.” – Chambers UK 2022

“A first-class advocate who marries the unique mix of technical brilliance with a sensible down to earth strategic approach.” – Legal 500 UK 2022

“An extremely talented lawyer who has real presence in court.” and “He is brilliant – very meticulous and always meets deadlines.” – Chambers UK 2021

“He masters and marshals large quantities of materials quickly.” – Legal 500 UK 2021

“An unflappable junior.” – Legal 500 2020

“He’s an extremely good barrister and very, very able.” “He’s reliable and as bright as a button.” – Chambers UK 2020

## Business Crime & Financial Services

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The great majority of Chris’s practice throughout his career has involved fraud and business crime. He advises on all aspects of matters involving international corruption and money laundering, market manipulation, large-scale investment, tax, and insurance fraud. Chris is well-versed in issues arising in concurrent civil and criminal proceedings.

His work frequently involves advising in respect of the following issues:

- jurisdiction in relation to historic fraud and bribery allegations
- mutual legal assistance requests and the use of foreign evidence
- SOCPA agreements from the defence and prosecution perspective
- judicial review in relation to decisions to prosecute, and use of powers to obtain evidence
- confiscation, asset forfeiture, civil recovery and related enforcement, including representation of third parties
- data protection

He is regularly instructed by major defence firms and all relevant prosecuting authorities.

His civil indirect tax practice often involves allegations of fraud; he therefore has invaluable experience of business crime in the civil commercial context.

## Current instructions include:

Advising a plc in an investigation with a view to a potential private prosecution relating to fraudulent misrepresentations.

Advising the director of a private company in relation to the private prosecution of another director for fraud offences relating to the company.

Advising a company in relation to a mutual legal assistance request from a foreign state.

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## Other Notable Cases include:

### ***R v EC and others***

Represented the ex-Finance Director of a UK listed company in an FCA prosecution alleging false accounting and the making of false or misleading statements to auditors and the market.

### ***X Ltd / Y Inc: an application***

Advised an international auction house in a successful contested application to permit it to sell high value artwork which was the subject of a criminal restraint order against one of its clients.

### ***R v LJR and others***

Chris, along with **Andrew Radcliffe KC**, represented one of five Defendants in a major money laundering operation in the first of a scheduled series of trials where it is alleged that, in all, a large number of couriers made or attempted to make a total of 85 flights from LHR to Dubai carrying suitcases containing over £100m in cash. Following a 7-week trial, the client was the only Defendant to be found not guilty.

### ***R v MW and others***

Chris successfully represented an individual charged with money laundering relating to the activities of her son, who had admitted being the principal in serious drug trafficking offences.

### ***F Ltd***

Chris advised a private company in relation to potential breaches of its obligations pursuant to FSMA in respect of collective investment schemes.

### ***R v RT***

Chris, with **Martin Hicks KC**, advised a former director of Quindell PLC (now Watchstone PLC) in relation to an SFO investigation into the business and accounting practices at the company.

The investigation arose following the acquisition of the company's Professional Services Division by the personal injury law firm, Slater & Gordon for a reported £637 million. The purchase was later described by the Law Society Gazette as one of the most "contentious acquisition deals in legal history ... the most expensive ever by a business in the legal sector of England and Wales". It led to civil proceedings against Watchstone by Slater & Gordon (ultimately settled) and an FRC fine and reprimand for KPMG as auditor of Quindell during the relevant period.

Chris and Martin advised the former director throughout an extensive and protracted investigation by the SFO, which finally announced that no criminal charges would be brought.

### ***R v Rolls Royce plc***

Advised and represented the SFO in its investigation into allegations of corruption which resulted in Deferred Prosecution Agreement relating to alleged conduct across multiple jurisdictions. Leading junior counsel responsible for investigation into Civil Aviation division.

### ***R v Innospec plc***

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Advised and represented the SFO in large investigation and prosecution relating to the corrupt practices in Indonesia of a major UK chemical company manufacturing fuel additives. Joint US/UK investigation.

#### ***R v A, G and others***

Leading prosecution counsel in multi-million pound conspiracy to defraud and money laundering involving cyber-attacks on banks in the UK and other EU states.

#### ***R v S***

Defended MEP in confiscation proceedings following conviction for European Parliamentary Expenses Fraud.

#### ***R v H and others***

Leading prosecution counsel in corruption allegations relating to the engineering arm of a Formula One company.

#### ***A & B***

Advised NEDs of an international financial services company in respect of potential appeal against HMRC's decision to rescind their "fit and proper" status within the Money Laundering Regulations.

#### ***C plc***

Advised corporate in technology sector in respect of AML and compliance issues in relation to international trade.

#### ***A company***

Advised an overseas company as an interested party in UK libel proceedings relating to corruption and money laundering allegations.

## Civil Litigation

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Chris has practised in personal injury work, with a particular emphasis on occupational disease litigation, including noise induced hearing loss.

## Criminal Defence

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Chris has extensive experience of defending in serious and complex criminal allegations.

Beyond his fraud and regulatory work, he has defended across the spectrum, including murder, armed robbery, kidnap, drugs and firearms.

He has advised and represented many defendants and interested parties in confiscation proceedings involving complex financial backgrounds and proprietary interests. For example, he recently represented an international auction house in a successful contested application to permit it to sell high value artwork which was the subject of a criminal restraint order against one of its clients.

He has also represented professionals in matters that are less serious, but for whom the consequences of conviction are likely to be career-ending.

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# Criminal Regulatory

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Chris has extensive experience in the regulatory field, across a number of areas. He has prosecuted various large allegations investigated by the Medicines and Healthcare Products Regulatory Agency in respect of the unlawful sale of unlicensed medicines and prohibited drugs at a national and international level, and has provided advice to the Department of Health (and now the CPS) in this regard.

Chris recently advised in the successful prosecution of a company for health and safety breaches.

He represented a major international advertising company against a number of alleged breaches of planning regulations spanning nearly ten years. In consequence the company avoided a large confiscation order and suffered a minimal financial penalty.

He also provided pre-charge advice in respect of further investigations which have led to no prosecution being pursued, and has advised and represented the same company before the Planning Inspectorate.

His expertise in confiscation led to him being instructed in the successful application to increase the recoverable amount of the confiscation order in the leading case on confiscation in regulatory proceedings (*R v Del Basso*).

Chris' regulatory experience extends beyond the criminal arena. For example, he advised and represented the Football Association in an appeal by a club against a deduction of points which led to its relegation from the league, and another appeal by a Premier League club against sanctions in relation to crowd control.

He also provides representation for those whose cases involve parallel coronial proceedings.

Chris represented the senior employees of a company giving evidence in the Grenfell Tower public inquiry, and an ex-senior employee of the Post Office in the Post Office Horizon IT public inquiry.

# Private Prosecution

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The breadth and depth of Chris's experience in acting for the major public prosecution agencies equips him particularly well for private prosecution work.

He has prosecuted and defended in a number of fraud cases involving the civil-criminal crossover: a common feature in private prosecutions.

Additionally, his extensive work in civil indirect tax fraud has provided him with invaluable experience in bringing fraud allegations in a civil context. In that arena he has earned particular judicial praise for his ability to combine an understanding of commercial principles with dexterity in cross-examination.

Chris is currently instructed to advise a plc in an investigation with a view to a potential private prosecution relating to fraudulent misrepresentations, and to advise the director of a private company in relation to the private prosecution of another director for fraud offences relating to the company.

He has advised companies in relation to prosecutions of employees for theft and fraud, and individuals on the merits of private prosecutions in the corporate and private spheres.

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Chris defended in a private prosecution arising from a High Court commercial case. The prosecution was stopped by the DPP following defence representations in respect of deficiencies in the practices adopted by the private prosecutor and his legal team.

He also represented a tech company in a private prosecution of data protection and fraud allegations. This case was also stopped by the DPP following his representations.

## Professional Discipline

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Chris' professional discipline practice extends across a number of areas.

Having previously prosecuted for several years on behalf of the General Medical Council, he now represents those brought before the Medical Professionals Tribunal Service.

He is on the panel of approved advocates to represent the National College for Teaching and Leadership, and has prosecuted for the Bar Standards Board for over a decade, as well as having represented barristers brought before that body.

He recently advised a solicitor on his response to a misconduct investigation by the SRA. The SRA then took no further action against the solicitor.

Chris also advises and represents the Football Association in on- and off-field disciplinary matters against players and clubs.

## Public Prosecution

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Chris is a Grade 4 Prosecutor, and is included on CPS HQ's Specialist Fraud Panel. He is also included on the SFO's "A" Panel List for Fraud and Proceeds of Crime.

A fraud specialist, he is regularly instructed by the SFO in cases involving complex fraud and corruption (see Business Crime and Financial Services section). He is currently instructed by CPS London's Complex Casework Unit to prosecute a multi-handed duty evasion allegation and is regularly instructed by CPS HQ's Specialist Fraud Division. In this capacity he has undertaken a significant amount of work advising and prosecuting in investigations undertaken by the Medicines and Healthcare Products Regulatory Agency.

As a Proceeds of Crime specialist, Chris is regularly called upon to provide advice in respect of restraint, confiscation and enforcement. By way of example, he advised the CPS in relation to the application of new provisions requiring the prosecution to update the Court in relation to Restraint Orders.

Chris' practice also includes other areas of serious, sensitive and complex crime. He has been instructed by CPS London's Homicide Team to prosecute a number of sensitive cases involving fatal road traffic collisions. Historically, he has prosecuted across the spectrum of serious offences including murder, armed robbery, serious drugs, firearms, human trafficking and police misconduct.

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# Sports Law

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Chris acts for players in disciplinary matters before the Football Association Disciplinary Commission, and has also advised and represented the Football Association in on- and off-field disciplinary matters against players and clubs.

He represented the FA before the Appeal Board in relation to an appeal by a club against a deduction of points which led to its relegation from the league, and acted for the FA in proceedings before the Disciplinary Commission against two players charged with on-field offences, and represented that FA in an appeal by a Premier League club against sanctions in relation to crowd control.

He represented a player charged with a disciplinary offence which could have led to sanctions with very serious consequences. The player was able to continue playing.

## Tax

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In recent years Chris has undertaken a very large number of cases representing HMRC in appeals involving alleged MTIC fraud before the First-tier and Upper Tax Tribunals, in the Chancery Division and the Court of Appeal (Civil Division). In this respect he has an outstanding record at all levels.

He has lectured large corporate bodies on fraud avoidance.

He has been commended both for his advocacy skills in general, and in particular his ability to combine an understanding of commercial principles with his dexterity in cross-examination.

He successfully represented HMRC before the Upper Tribunal in the appeals of Greener Solutions Limited and Mobile Sourcing Limited, leading authorities on the attribution of knowledge to corporate entities in this field.

Chris's work in this field has now extended beyond fraud to involve advising and representing taxpayers and the Revenue in other areas of indirect tax litigation.

He is currently instructed in a number of appeals and other litigation involving:

- *Mecsek* and *Kittel* denials in respect of the trade in high value vehicles, telephone calling cards, scrap metals and labour supply
- The reverse charge on supplies of services from abroad
- Invalid invoice denials

## Accreditations

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## Appointments & Memberships

- Chambers Diversity Officer
  - SFO "A" Panel
  - CPS Grade 4 Prosecutor
  - CPS HQ Specialist Fraud Panel
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- General Committee Member: Private Prosecutors' Association
  - Criminal Bar Association
  - Fraud Lawyers Association
  - Association of Regulatory & Disciplinary Lawyers

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- Health & Safety Lawyers' Association
- South Eastern Circuit

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