

## Vivienne Tanchel

"She is super clever and very approachable." "She is incredibly bright, works really hard and knows the case inside and out - nothing passes her by."

Chambers UK 2021



Year of Call: 2005

020 7353 5324

Vivienne is ranked in band 1 by Chambers and Partners for Financial Crime and tier 1 in The Legal 500 in Business and Regulatory Crime. She is also ranked in Criminal Fraud, Professional Discipline and Regulatory Law.

Vivienne's practice focuses almost exclusively on representing corporate and professional defendants, in "white collar" financial crime and regulatory proceedings. Reviewers have noted that "She has a frightening intellect" and that she is "Assertive, fearless and very, very intelligent."

Before coming to the Bar she spent fifteen years working as a trader and advisor in international financial markets, thus offering clients a unique insight into the regulatory environment governing both the financial services and corporate markets. In addition, she has a busy practice involving the regulation of healthcare and other professionals.

Vivienne is a regular speaker at seminars and lectures bringing her specific expertise in financial services to assist solicitors and other legal professionals in understanding financial markets.

## What others say:

"A robust and strategic counsel with great intellect. She secures fantastic results and is incredibly hardworking – she will always go the extra mile for instructing solicitors." – Legal 500 2021

"Highly motivated, very hardworking and very intelligent. She ensures she is familiar with every aspect of a case." – Legal 500 2021

"Vivienne is an extremely intelligent hard working barrister who ensures she is familiar with every aspect of a case. She has the ability to master very complex financial and/or business issues in order to offer a client the best resolution. She is a brilliant advocate." – Legal 500 2021

"Just terrific and really strong on the financial crime side of things. She has a background in banking

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so she has a different level of knowledge to many barristers in the financial sector.” – Chambers UK 2020

“She is a talented advocate” “Focused and determined” and “Has a great bedside manner with clients and is a pleasure to work with” – Legal 500 2020

“She has an encyclopedic knowledge of the law, really impressive forensic skills and an incredible memory.” “Tenacious and committed to getting a good result for her client.” – Chambers UK 2019

“A fantastic advocate who has excellent judgement.” – Chambers UK 2018

“Vivienne combines a formidable understanding of the practical elements of financial services (derived from her former life as a trader) with a straightforward manner which cuts to the chase. Clients appreciate speaking to someone who understands technical issues and who is able to relate to the context in which they operate.” – Chambers UK 2018

“Very hardworking and very good with clients – her knowledge of the financial services industry really does give her the edge.” – Legal 500 2017

“Has an expertise that is way beyond that of many criminal barristers, and is extremely hard working and conscientious.” – Chambers UK 2017

“One of those people who is both a brilliant junior and an expert, she is a former foreign exchange (‘forex’) trader, so has an understanding of the financial world and trading floor which other barristers just can’t match.” – Chambers UK 2017

“She is particularly strong at dealing with difficult witnesses.” – Legal 500 2016

“Very good on the detail, very hardworking and someone who can quickly ascertain the key issues and tactical considerations” – Chambers UK 2016

## Business Crime & Financial Services

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Vivienne is regularly instructed, by some of the leading defence solicitors, to advise and represent bankers, directors & officers of companies, hedge fund managers and other City professionals facing criminal and regulatory allegations. She has extensive experience of cases involving allegations of insider dealing, market abuse, breaches of the Statements of Principles, boiler room fraud, money laundering, VAT fraud, mortgage fraud and directors’ disqualification proceedings. Vivienne has particular experience in dealing with applications for injunctions and restitution brought by the FCA She also has experience of appearing before the Regulatory Decisions Committee.

## Notable Cases:

### **R v Sultana**

Instructed to represent Paul Sultana in what was alleged to be the largest ever privately prosecuted fraud. Sultana was one of a team of fraudsters who defrauded the Allseas Group (a Swiss oil and gas company) of €100m.

### **R v R**

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Vivienne was instructed as a led junior for the first defendant in the LIBOR II trial. The trial involved the alleged large scale manipulation of the LIBOR benchmark rate. Vivienne's client was acquitted of both counts of fraud.

## **R v X**

Vivienne is currently instructed to advise a foreign exchange trader in relation to various investigations including one by the Serious Fraud Office.

## **R v A Company**

Vivienne represented the defendant company and the director in proceedings brought by the FCA in the High Court relating to an allegation that the Company was running an unauthorised collective investment scheme. Vivienne also represented the company and the director in the appeal to the Court of Appeal. The case is currently the leading authority on Collective Investment Schemes.

# Inquests & Public Inquiries

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Vivienne has considerable experience in representing doctors and nurses at inquests both where the death has occurred in custody as well as where death has occurred in circumstances where there are assertions of neglect and failures of care in the community.

## Recent cases:

### **Inquest touching upon the deaths of SL and FL**

SL and FL were siblings who were taken to see the GP and the Nurse Practitioner at their local surgery immediately before becoming seriously unwell. Both children tragically died in hospital shortly thereafter. Tests revealed they had contracted a very rare bacterial infection which is a notifiable disease. Vivienne represented the interests of the GP and the Nurse Practitioner at the Article 2 jury inquest into their deaths.

### **Inquest touching upon the death of JG**

JG was an elderly gentleman who died whilst undergoing a minor medical procedure. Vivienne represented a Consultant Anaesthetist at an inquest following a police investigation into whether his conduct amounted to gross negligence manslaughter. The case required significant legal argument on the scope of the inquest as well as whether it should be heard in front of a jury

### **Inquest touching upon the death of PC**

PC was a nurse working in an unsecure mental health unit who died as a consequence of an assault by a patient. Vivienne represented the interests of the Consultant Psychiatrist directly responsible for the patient's care at an Article 2 jury inquest. The jury determined no neglect and no criticism was made of the care provided.

### **Inquest touching upon the death of EC**

EC was a toddler taken to accident and emergency by her parents when she became unwell who tragically died from sepsis. Vivienne represented a junior hospital doctor at a 1-week inquest into her death. The case received significant local media coverage

**Inquest touching upon the death of CA:** CA was a young man who was in prison for the first time serving a short

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sentence when he took his own life. Vivienne was instructed to represent the interests of the prison GP at 4 week Article 2 jury inquest. The jury determined no neglect.

### **Inquest touching upon the death of IA**

IA was an elderly resident of a care home who died as a result of severe infections from pressure sores. Vivienne represented the interests of the GP responsible for her care.

## Professional Discipline

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Vivienne appears before the disciplinary committees of a wide variety of regulatory bodies. She is instructed to represent registrants in proceedings brought by the General Medical Council, Nursing & Midwifery Council, General Pharmaceutical Council, Bar Standards Board, the General Dental Council and others, both at first instance and on appeal to the Care Standards Tribunal, High Court, and Court of Appeal. Vivienne also has experience of bringing claims for Judicial Review in associated proceedings, and has appeared in Coronial proceedings on behalf of healthcare professionals. She has experience of all forms of Interim Orders and Fitness to Practice proceedings involving issues of performance, misconduct and health.

## Notable Cases:

### **R (on the application of J) v GMC**

Representing a consultant in the judicial review of a GMC decision to investigate a single clinical incident that took place more than 7 years ago..

### **NMC v M (High Court)**

Successfully appealed an interim order of suspension made against a nurse. No further order was made.

### **GMC v J**

Defence of a consultant in a 3 week Fitness to practice hearing in who faced both clinical and probity allegations. The doctor is the only practitioner on the register in his field of specialism. The Tribunal acceded to an application to stop the case at “half time”

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## **GMC v B**

Defended a young doctor alleged to have stolen a prescription pad and prescribed a large amount of tranquilisers to an acquaintance. None of the allegations were found proven despite her earlier admission of dishonesty in correspondence with the GMC.

## **GMC v A**

Represented a psychiatrist facing an allegation of assault on a patient in a secure hospital. There were a significant number of eyewitnesses and the case involved extensive cross-examination of varied and inconsistent accounts. The allegations were found not proven.

## **GMC v NP**

Represented a GP at an Interim Order hearing who was alleged to have raped a partner in the practice. No order made.

## **GDC v E**

Represented an experienced general dental practitioner facing multiple clinical and probity allegations. The case involved significant cross-examination of an expert and most of the clinical allegations were found unproven.

## **GDC v L**

Represented an orthodontist who faced wide ranging clinical allegations which had taken place over an extended and historic period.

## **NMC v Q**

Vivienne represented the nurse facing in excess of 50 allegation including allegations of dishonesty in complex and lengthy proceedings at the NMC. The case lasted some 17 weeks.

## **NMC v G**

Vivienne was instructed to represent a nurse to defend allegations of rape and consensual sex with a mental health patient.

## **FCA v T**

Advised a day trader on representations to the FCA into his purported manipulation of small cap share prices. The investigation was closed with no action taken.

## **FCA v M(Ltd)**

Vivienne advised a well known foreign exchange company on their obligations under the Payment Service Regulations.

## **FCA v KoA (a Company)**

Vivienne was instructed to advise on whether KoA's fund raising structure was a collective investment scheme requiring registration.

## **FCA v X**

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Vivienne was instructed to represent Mr X in regulatory proceedings arising out of the alleged manipulation of LIBOR.

### **FCA v X**

Vivienne was instructed to advise a former “authorised person” on an application to the FCA to remove the permanent prohibition imposed more than 10 years previously.

## Tax

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Vivienne advises and appear in appeals both to the First Tier Tribunal (Tax Chamber) against decisions by HMRC Commissioners to deny the repayment of VAT and to the Upper Tribunal. Her experience includes cases involving appeals for several million pounds as well as smaller claims which involve novel points of law.

## Notable Cases:

### **HMRC v T**

Vivienne represented the Company both at first instance in the First Tier Tribunal and on appeal to the Upper Tribunal in case involving alleged MTIC fraud.

### **HMRC v A**

Vivienne was instructed as a led junior representing the company both at first instance in the First Tier Tribunal and on appeal to the Upper Tribunal.

## Accreditations

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## Appointments & Memberships

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- Association of Regulatory Lawyers
- Fraud Lawyers Association

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