

## Vivienne Tanchel

"She has a really sharp legal mind. She is reassuring, patient, tolerant and good at distilling complexities."

"Vivienne is extremely hard-working. She takes on very complex cases and quickly identifies the main issues."

Chambers UK 2024



Year of Call: 2005

020 7353 5324

Vivienne has been acknowledged for many years as a leading advocate in the fields of white collar and corporate crime and professional discipline. In summary, her practice encompasses the representation of professionals who are being prosecuted criminally, or facing proceedings before their regulator or both. As such Vivienne has extensive experience of advising those who are at risk of losing their livelihoods as well as their reputations.

Vivienne is recommended 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 regularly appears in demanding and complex, high profile cases. She is equally comfortable advising individuals as she is representing companies. Her preparation is meticulous and she is frequently commended for her astute tactical advice which shapes the case to achieve excellent outcomes.

She has been described as having "a frightening intellect" and is noted for being "Assertive, fearless and very, very intelligent." She has also been described as "patient and reassuring".

Vivienne's current instructions include individuals charged with bribery, insider dealing and fraud, representing victims of the HBOS fraud and representing clinicians and other professionals facing serious allegations involving dishonesty and sexual offences both at first instance, on appeal to the High Court and beyond.

Before coming to the Bar, Vivienne 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.

She was recently shortlisted as Corporate Crime Junior of the Year in the Legal 500 UK Bar Awards 2023.

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## What others say:

“She is great at making complex legal arguments in front of a jury: confident and expressive.” – Chambers UK 2024 (Financial Crime)

“Vivienne is a brilliant strategist, sees many steps ahead and has formulated tactics before others have even realized what needs to be done. She is robust yet respectful.” and “Passionate and committed to achieving the best possible results.” and “Vivienne is tenacious, determined, hard-working and quick to respond.” Chambers UK 2024 (Professional Discipline)

“Vivienne has a great intellect, and is a robust and strategic counsel. She is also incredibly hardworking and very responsive. She has a real talent for delivering difficult messages to clients whilst providing them with a clear pathway for the next steps.” – Legal 500 UK 2024 (Professional Discipline)

“Viv is brilliant with her lay clients; she is very down to earth, warm, re-assuring and she breaks down complicated legal issues in a clear and digestible manner. She presents legal arguments attractively and forcefully and is very adept at case strategy and finding ways round legal issues.” – Legal 500 UK 2024 (Fraud)

“Vivienne really understands the financial markets. She is lightning-sharp and a pleasure to work with.” and “Vivienne is utterly superb. She is an incredibly intelligent individual who has an unrivalled ability to get to the crux of the issues at hand in particularly challenging and complex matters.” “She will fight to the death for her clients.” – Chambers UK 2023

“Vivienne is utterly fantastic – she has an unrivalled ability to get to grips with complex matters. Vivienne’s advocacy is remarkable to watch; she is fierce when needed whilst also being able to build rapport with witnesses and the tribunal.” – Legal 500 UK 2023

“She’s quite fierce in tribunal but brilliant with members. She’s a very bright barrister and gets to the nub and heart of issues.” “She is able to skillfully manage difficult clients and witnesses while balancing the right level of firmness and empathy. She is very responsive and well prepared.” and “She’s utterly brilliant.” – Chambers UK 2022

“Vivienne is incredibly insightful and defends cases passionately. She knows her cases inside out and is a confident and capable advocate. She is always quick to assist with queries and her advice is always spot on.” – Legal 500 UK 2022 (Professional Discipline)

Vivienne is very good with client and displays extraordinary attention to detail. Her written work is top class. Her background in financial services means she readily understands the most complex of financial transactions, which clients find very reassuring.” – Legal 500 UK 2022 (Fraud Crime)

“Vivienne is an extremely hardworking and conscientious advocate who provides confident and robust advice on extremely complex matters. Fantastic in urgent business-critical situations. Unflappable, knows the law inside out and is able to apply extensive experience to quickly identify the key points in a complex problem.” – Legal 500 UK 2022 (Business & Regulatory Crime)

“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

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“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 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

## Business Crime & Financial Services

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Vivienne is regularly instructed by leading defense solicitors, to advise and represent bankers, directors & officers of companies, hedge fund managers and other City professionals facing criminal and regulatory allegations. Vivienne has extensive experience of cases involving allegations of insider dealing, market abuse, boiler room fraud, money laundering, VAT fraud, mortgage fraud and directors’ disqualification proceedings and particular experience in corruption and bribery cases. Vivienne’s experience includes applications for injunctions and restitution brought by the FCA, and contempt of court proceedings in the High Court.

### Notable Cases:

#### **Fraud and Financial Crime**

From the very early days of her career at the Bar, substantial, complex fraud and other white collar crime cases have been the mainstay of Vivienne’s practice. She has been instructed in cases prosecuted by the SFO, the FCA and private prosecutors.

She has appeared in many serious fraud cases, including MTIC fraud, insider trading, mortgage fraud and fraudulent trading. She was instructed in one of the large LIBOR trials for the first defendant(SFO v Read & ors) others) and one of the largest land-banking frauds (R v Crawley & ors) and was instructed in the only insider dealing case in which the FCA agreed to enter into a SOCPA agreement and represented one of the defendants in the SFO bribery prosecution arising from bribes paid by FH Bertling. She has also appeared in many tax fraud cases as well as providing advice to those under investigation of manipulation of other financial benchmarks.

#### **FCA v Z**

Instructed as led junior representing the first defendant, a banker charged with multiple counts of insider trading.

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## **R v M**

Represented the first defendant in a multi million pound VAT and excise duty fraud.

## **R v G**

Represented the third defendant alleged to have bribed a metropolitan police officer in the first case of the bribery of a UK public official brought under the Bribery Act 2010.

## **R v M**

Led junior for the second defendant in the case involving bribery at the logistics company FH Bertling.

## **R v Nickson**

Led Junior representing a leading clinical negligence solicitor with fraud on two clients who had suffered life changing injuries following treatment on the NHS.

## **Allseas 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.

## **SFO v R**

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.

## **SFO v X**

Instructed to advise a foreign exchange trader in relation to various investigations including one by the Serious Fraud Office.

## **FCA v A Company**

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 a wide range of inquests representing the interests of both individual clinicians as well as NHS Trusts. She has dealt with inquests arising out of deaths in state care as well as deaths which occurred in the community as a result of failings or neglect.

## Recent cases:

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

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F was an elderly gentleman who died having received a prescription for fentanyl patches which involved legal arguments in respect of a conclusion of unlawful killing.

### **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 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.

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# 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. She has experience of all forms of Interim Orders and Fitness to Practice proceedings involving issues of performance, misconduct and health.

## Notable Cases:

### **GMC v M**

Defence of a doctor alleged to have sexually assaulted a patient during the course of a consultation.

### **GMC v J**

Defence of an anaesthetist alleged to have slapped a patient during a complex anaesthetic procedure. The doctor had faced criminal proceedings arising out of the same incident.

### **C v GMC (High Court Appeal)**

Represented a senior clinician in an appeal against an interim suspension order precipitated by charges of very serious sexual offences.

### **R v GMC**

Represented a GP in her appeal to the High Court against an order of erasure following findings of dishonesty.

### **K v GMC**

Represented a GP in a High Court appeal against a finding of misconduct.

### **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 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".

### **GMC v B**

Defended a young doctor alleged to have stolen a prescription pad and prescribed a large amount of tranquilisers

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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**

Represented a nurse facing in excess of 50 allegations, including allegations of dishonesty in complex and lengthy proceedings at the NMC. The case lasted some 17 weeks.

#### **NMC v G**

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)**

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**

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

#### **FCA v X**

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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 appears 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

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

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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