

Christopher Foulkes

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



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.

Christopher accepts **Direct Access** instructions.

What Others Say:

"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." –

Location

2 Hare Court
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Chambers UK 2020

“He is just a wonder.” – Chambers UK 2018

“Instructed to both defend and prosecute in SFO cases.” – Legal 500 2017

“Particularly impressive at strategising.” – Legal 500 2014

Business Crime & Financial Services

The great majority of Christopher’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. Christopher 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.

Christopher’s current instructions include:

Advising an ex-director of a major UK listed company in relation to an ongoing SFO investigation into misconduct and market misrepresentations.

Representing 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.

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

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 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

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.

Tax

In recent years Christopher 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.

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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, the leading authorities on the attribution of knowledge to corporate entities in this field.

Christopher'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 and telephone calling cards
- The reverse charge on supplies of services from abroad
- Invalid invoice denials
- The anonymity rights of third parties in indirect tax proceedings.

Public Prosecution

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 conspiracy to defraud banking institutions 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 recently 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 is currently 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.

Criminal Regulatory

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

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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.

He recently 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 has since 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 recently 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.

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

Private Prosecution

The breadth and depth of Christopher'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.

Christopher recently 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 recently advised an individual on the merits of a private prosecution in relation to an historic allegation in the corporate sphere.

He is currently instructed to advise a plc in an investigation with a view to a potential private prosecution relating to fraudulent misrepresentations.

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Professional Discipline

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.

Sports Law

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.

He recently 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.

Criminal Defence

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.

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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Civil Litigation

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

He is currently instructed to defend in a number of County court trials against claims for NIHL.

Accreditations



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Appointments & Memberships

- Chambers Diversity Officer
 - SFO "A" Panels, Prosecution & Proceeds of Crime
 - CPS Grade 4 Prosecutor
 - CPS HQ Specialist Fraud Panel
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- General Committee Member: Private Prosecutors' Association (2020)
 - Criminal Bar Association
 - Fraud Lawyers Association
 - South Eastern Circuit
 - Association of Regulatory & Disciplinary Lawyers

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