

Christopher Foulkes

"He is just a wonder"
Chambers UK 2018



Year of Call: 1994

020 7353 5324

Christopher Foulkes is widely regarded as a very experienced and respected leading junior practitioner whose practice involves Serious and Complex Fraud, Regulatory & Professional Discipline, Indirect Tax, Inquests, and Civil Personal Injury Litigation.

His experience in fraud and business crime has provided the backbone of his practice for many years, and made a natural foundation for the extension of his expertise into regulatory crime, VAT, civil fraud, professional discipline, inquests and industrial disease personal injury work.

His practice includes significant advisory work as well as advocacy.

He is ranked as a leader for Fraud and Corruption work by the Chambers UK.

Christopher accepts **Direct Access** instructions.

"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 his practice throughout his career has involved fraud and business crime. His criminal fraud caseload includes international corruption, large-scale investment fraud, excise duty & VAT fraud, insurance fraud

Location

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and money laundering. He has been instructed by major defence firms and all relevant prosecuting authorities. Most recently he was instructed by the SFO in the long-running and successful prosecution of Innospec Ltd and its principal executives in respect of allegations of corruption in Indonesia. He is currently instructed by the SFO in its investigation of corruption allegations against Rolls Royce.

He is a specialist in confiscation and related proceedings, and has lectured on the topic both conventionally and via the Internet.

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

Recent Cases:

SFO v Rolls Royce

Chris was part of a team of counsel instructed by the SFO in the largest ever UK deferred prosecution agreement, between the SFO and Rolls Royce Plc.

He continues to advise in relation to the ongoing investigation of individuals.

R v X

Defence of confiscation proceedings following conviction for European Parliamentary Expenses Fraud

R v Abazov, Gergov and 3 others

Prosecution of multi-million pound conspiracy to defraud and money laundering through large scale criminal operation making cyber attacks on banks, accessing business accounts and transferring / withdrawing funds to be realised and/or transferred abroad.

Ongoing SFO investigation into a publicly listed company

Investigation into business and accounting practices at a publicly listed company. Advising an individual in connection with that investigation.

Tax

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 MTIC 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.

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He successfully represented HMRC before the Upper Tribunal in the appeal of Greener Solutions Limited, the leading authority on the attribution of knowledge to corporate entities in this field.

His work has now extended beyond MTIC fraud to involve other areas of indirect tax litigation.

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 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

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relegation from the league.

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

Private Prosecution

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 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.

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.

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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.

Occupational Disease & Injury

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

- SFO "A" Panels, Prosecution & Proceeds of Crime
- CPS Grade 4 Prosecutor
- CPS HQ Specialist Fraud Panel

- Criminal Bar Association
- Fraud Lawyers Association
- South Eastern Circuit
- Association of Regulatory & Disciplinary Lawyers
- Private Prosecution Association

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