

Gavin Irwin

"A criminal barrister with the finesse and smoothness to switch very easily to the corporate or commercial context...a skilled negotiator...he understands a case from the technical, commercial and human angles"

Chambers UK 2018



Year of Call: 1996

020 7353 5324

Gavin Irwin is a specialist advocate in business crime and professional misconduct and has a wealth of experience across complementary disciplines.

Gavin regularly advises individuals and businesses:

- in matters concerning fraud, money laundering, corruption and sanctions breaches (in corporate investigations and before the criminal courts)
- on risk-management issues, including: money laundering; sanctions and export licensing; data protection; and, consumer protection
- on extradition and Interpol Red Notices
- on conduct and discipline issues, in proceedings before a number of professional regulators and at Coroner's Inquests

At present, Gavin is:

- advising in sensitive disputes involving financial and trade sanctions for entities with business interests in Russia
- representing a company officer in a private criminal prosecution brought after failed civil proceedings in the High Court
- advising individuals seeking to establish interests in lawful cannabis businesses and the lawful trade in cannabis derivative products
- representing individuals charged with diversion fraud and money laundering before the criminal courts

Location

2 Hare Court
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EC4Y 7BH

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- representing an individual in the most significant criminal proceedings brought by National Trading Standards under the Consumer Protection Regulations

Sanctions and Export Licensing Experience

In the recent past, Gavin has advised:

- a UK company in criminal proceedings brought by HMRC for breaches of the Chemical Weapons Convention
- an Iranian national with business interests in the UK on sanctions and export licensing issues arising from the withdrawal of the United States from the JCPOA and the United Kingdom from the European Union
- a UK manufacturing company on export licensing issues arising from recent inclusions on the US Bureau of Industry and Security's 'Entity List'
- a UK based oil and gas services company on sanctions relating to projects in West Kurdistan / Northern Syria
- a UK based manufacturing company on export licensing issues arising from end-user concerns for dual-use goods in UAE and Pakistan
- a UK based tech company in an Export Control Joint Unit investigation into the export of cryptographic software to Russia
- a UK based company with a global presence in the oil and gas services industry in an HMRC investigation arising from the export of high performance machine parts to Iran

In addition, Gavin represented a defendant in proceedings at the Central Criminal Court (brought under the Customs and Excise Management Act 1979) for exporting cobalt aluminate to Iran via the Czech Republic. The security and intelligence services are concerned that CoAl may be the critical ingredient in a 'suitcase dirty bomb' – a small, portable, nuclear device.

Gavin accepts **direct access** instructions.

“incredibly good tactical barrister, particularly in fraud cases ... extremely knowledgeable both on financial crime and regulatory crime” (Chambers UK, 2019)

“An advocate who is clear and polite in court, and a skilled manager of challenging personalities ... an intelligent, sensible advocate who is direct with the judge ... [h]is tactical awareness is very good, and he has excellent knowledge of the law.” (Chambers UK, 2017)

“... has a tremendously good manner with prosecutors, judges and clients.” (Chambers UK, 2016)

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“Very good indeed, he gets stuck in and does the work ... very clued-up and switched on.”
(Chambers UK, 2015)

“knows the law, and is very user friendly ... obvious commitment to clients ... very responsive”
(Chambers UK, 2014)

“an expert on corporate investigations” (Chambers UK, 2013)

Business Crime & Financial Services

Gavin advises corporates, as external counsel:

- on the impact of the money laundering regulations – recent instructions relate to: estate agents; intellectual property portfolios; and, those wishing to establish interests in lawful cannabis businesses
- on breaches of financial sanctions and breaches of the export licensing regime – recent instructions relate to: dual-use goods and services in the manufacturing sector, where end-user concerns and WMD proliferation risks have been identified; and, the sale of cryptographic software to designated jurisdictions

Gavin also undertakes restraint and asset freezing work. He acted for Raymond May in the seminal House of Lords case on the definition of ‘obtaining’ benefit. He has a wealth of experience in applying for injunctions on behalf of prosecuting authorities and in resisting them on behalf of individuals and other legal entities. Gavin advises and represents individuals in enforcement proceedings and has recently assisted the proprietor of the London Fields Brewery in proceedings before the Westminster Magistrates’ Court

In the recent past, Gavin has:

- represented a globally recognised principal researcher in space technology for alleged involvement in a fraud on an academic institution
- advised on criminal and professional conduct issues in a high profile property dispute in the High Court
- advised an individual in relation to an SFO investigation into alleged corruption between UK companies and Indonesian state actors
- represented a company in the first proceedings brought by the Pensions Regulator for failure to implement the Workplace Pension
- advised a company director in relation to proceedings brought by the Information Commissioners Office for offences under section 55 of the Data Protection Act 1998 (obtaining and disseminating personal information)

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- represented the principal defendant in complex fraud proceedings arising from breaches of the Consumer Protection from Unfair Trading Regulations 2008. (And, separately, advised a number of web-based businesses on compliance matters arising under the 2008 Regulations re: ‘copycat websites’)
- advised in a dispute involving two sets of Russian interests in a mobile telephone company. The case involved LCIA arbitration, proceedings in the Commercial Court, the BVI, Isle of Man, Kyrgyzstan and the Seychelles
- appeared in the Family Division for a BVI company whose assets were frozen pursuant to ancillary relief proceedings after a ‘big-money’ divorce. Since then, he has assisted a number of litigants in matrimonial finance proceedings

Criminal Defence

Gavin has appeared for the defence in numerous homicide cases before the Central Criminal Court. In recent years he has represented individuals charged with rape (disclosure of multi-agency records, controversial statistical analysis of DNA), causing non-accidental harm to children (numerous paediatric, medical experts), arson and firearms offences (expert DNA and cell-site evidence) and substantial drug trafficking (covert probe intercept evidence and evidence obtained under letters of request).

Gavin is currently representing an individual charged with conspiracy to commit fraud by false representation and conspiracy to launder the proceeds of crime. The allegation involves a multinational network of diversion fraudsters who obtained more than £10 million from a host of victims before transferring the proceeds through bank accounts in China.

In the recent past, Gavin:

- represented a Chinese national in proceedings for money laundering involving the misuse of the Daigou ‘luxury items’ trading system
- represented the principal defendant in confiscation proceedings arising from the defendant’s conviction for what the SFO dubbed “*the largest boiler room fraud ever pursued by a UK authority*” – valued at £70 million
- acted as leading counsel for the principal defendant in the most significant proceedings yet brought by National Trading Standards for the management and promotion of ‘copy-cat’ websites – valued at £40 million
- acted as leading counsel for the prosecution in perhaps the most significant proceedings ever brought by a Local Authority under the CPUT Regulations 2008 – for cold-calling the elderly and vulnerable and offering them ‘free’ alarm, fire and security systems. Victims were visited in their homes where they were subjected to hard sales techniques in an attempt to sign them up to lengthy monitoring contracts at punitive costs
- represented the principal defendant in a £10m money laundering scheme relating to duty evaded on wholesale alcohol shipments within the European Union

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Extradition

Having acted for various requesting states, eg. the USA in Welsh and Thrasher and the Russian Federation in Temerko (not to mention numerous European judicial authorities) Gavin's extradition practice has focused on defending individuals charged with, or convicted of, serious offences including murder, terrorism and fraud.

Gavin has recently:

- prevented the extradition to Germany of a UK national for tax evasion offences
- prevented the extradition to the Czech Republic of a businessman charged with offences arising from a lost weekend in Prague
- prevented the extradition to Romania of an individual whose conviction was obtained on inadmissible communications covertly intercepted by the Romanian Intelligence Services
- prevented the extradition to UAE of the director of an aviation business

In addition, Gavin acted in the first ever extraditions to Peru (a series of accusation cases involving significant drug trafficking) and in extradition proceedings brought by Spain for the largest shipment of cocaine ever to be intercepted in European waters.

Professional Discipline

Gavin has represented individuals in conduct proceedings brought by the General Medical Council, the General Dental Council, the Nursing and Midwifery Council, the Solicitors Regulation Authority and the Council for Licensed Conveyancers. He has particular experience where different regulators each claim an overlapping jurisdiction and where the prospect of criminal proceedings is an important factor in tactical decision-making.

In particular, recent cases have involved:

- representing two students before a university conduct committee in relation to allegations of serious sexual misconduct
- representing an Emergency Medicine Registrar at an Inquest before the Senior Coroner where a patient sadly died as a result of necrotising fasciitis
- representing doctors and dentists in conduct proceedings relating to: the handling and retention of patient confidential records; allegations of sexual assault; and, unchaperoned medical examinations of vulnerable individuals
- representing a licensed conveyancer in linked proceedings before the CLC, the SRA and Guildford Magistrates' Court
- representing nurses before the Nursing and Midwifery Council for: causing serious injury to a patient in her own home; and, failing to provide adequate care and failing properly to keep

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records in Police Custody Suites

- acting as legal assessor to the National Registers of Communication Professionals, in conduct proceedings relating to sign-language professionals
- presenting for the General Dental Council in conduct proceedings arising from a patient inadvertently drinking bleach during treatment

In the autumn of 2012, Gavin spent two months at the United Nations Office of Staff Legal Assistance in Nairobi providing advice and representation to UN staff members across Africa on a broad range of issues including professional discipline and employment law disputes. He regularly appeared before the UN Dispute Tribunal and made written submissions to the UN Appeals Tribunal.

Reported Cases before the UN Tribunals:

Finnis v Secretary General of the United Nations

On the application of the administrative rules relating to staff selection procedures and conflicts of interest.

Dakamseh v Secretary General of the United Nations

On the application of the administrative rules relating to staff selection procedures upon the closing of the UN Mission in Sudan.

Stoykov v Secretary General of the United Nations

On fair hearings, delay and maintenance of records.

Accreditations



Appointments & Memberships

- Bar of England and Wales
- Association of Regulatory and Disciplinary Lawyers

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- Health and Safety Lawyers' Association
- Defence Extradition Lawyers' Forum
- European Criminal Bar Association
- European Fraud and Compliance Lawyers
- South Eastern Circuit

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