



## Andrew Marshall

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Andrew Marshall is a committed and highly-experienced barrister sought both for his advice and advocacy.

Andrew was made Recorder of the Crown Court in 2003 and Standing Counsel to the Attorney General (Crime) in 2005.

Drawing on many years experience prosecuting at the highest level – and across many different areas – Andrew’s instructions (often through recommendation across prosecuting agencies) in the last decade or so have been in the largest and most difficult or sensitive of cases.

This has resulted in a varied regulatory practice: from the largest investigations/prosecutions undertaken by DEFRA (Op Victor), MHRA (Op Singapore), BERR (Op Barber) and the Environment Agency (Op Durable) through to large MTIC frauds (RCPO/CPS) and insider trading (for FCA) through to smaller, equally important cases such as prosecutions of international arms-trafficking, drug trafficking and money-laundering. He was entrusted to prosecute barristers for alleged VAT fraud and is instructed on some of the more important Environment Agency and Health & Safety cases.

This practice has taken Andrew not only to the Crown Court and the Court of Appeal but also the Administrative Court, the Mercantile Court, Court of Appeal (Civil Division), Chancery Division, First Level Tribunal (Planning Inspectorate for the EA) (Health Education & Social Care for the CQC), coroner’s court and even to speak at the Serious Crime Convention, United Nations in Vienna at the request of the World Health Organisation.

Andrew is a founding director of Edmonds Marshall McMahon solicitors (where he has a complementary practice in private prosecutions) but remains an active member of chambers with a leading practice in regulatory crime.

He is recognised for in the Legal 500 (2017) for his Health and Safety work as a classy and professional courtroom performer and for in 'white collar' crime and described (2015) as technically excellent and innovative and a very able and extremely intelligent advocate.

Ranked in Chambers & Partners (2017) for Financial Crime where it was said that he for his has '*impeccable judgement*': '*he and makes complicated things sound simple*' and has '*extensive experience of prosecuting high-value matters, including alleged tax frauds. He is an expert on document-heavy cases involving complex technical evidence..*'

## **Crime**

### **Fraud**

CPS/Revenue and Customs Prosecutions Office (RCPO)

- **R v. Bell, Smith & others (2014)** Leading counsel for prosecution in 5 month MTIC trial and subsequent appeal having previously advised over number of years on strategy for prosecuting "MTIC brokers": [\[2015\] EWCA Crim 333](#)
- **R v Pershad (2013)** Prosecution counsel in the trial and appeal of Rohan Pershad QC who was convicted of VAT fraud and imprisoned: [\[2014\] EWCA Crim 692](#)
- **R v Kittalides & Kittalides (2013)** Prosecution counsel in international confidence trick re Iranian Investment Agency worth approximately \$100m

### **Arms Trafficking**

CPS/Revenue and Customs Prosecutions Office (RCPO)

- **R. v. McDowell (2015)** prosecution counsel re trafficking contrary to sanctions and controls legislation: see also R v McDowell & ano [2015] EWCA Crim 173
- **R. v. Pouladian-Kari (2013)** [\[2013\] EWCA Crim 158](#)
- **R. v. Knight (2008)** First arms-control prosecution and appeal providing sentencing guidelines: [2008] EWCA Crim 478.

## **Professional Disciplinary & Regulatory**

### **Department for Work Pensions**

- **Prosecution of "Sir" Barry Brooks and others (2013)** – one of the most cynical of benefit frauds exploiting the disabled.

### **Department of Health: Pharmaceutical Control**

- **R v Gillespie (Op Singapore) (2011)** Leading two juniors in the MHRA's largest counterfeit

medicines prosecution and the most serious prosecution of its type in Europe [2011] EWCA Crim 3152 (conviction and sentence).

## Health and Safety Executive

- **R v Foodles Film (production company for Star Wars VII) (2016)** in respect of breach of duties resulting in the serious injury and risk to life of the actor, Harrison Ford.
- **R v Luton Airport and CTAS (2013-15)** prosecution counsel against the airport and its designers in complex trial re workplace transport safety and consequential fatality. Trial (2013) and subsequent appeal: [2015] EWCA Crim 1620
- **R v Schindler Lifts Ltd (2012)** prosecution counsel re fatality at Heathrow T5 including LOLER

## Environment Agency

- Currently instructed in respect of major investigation against utility company.
- **Op Durable (2012-2017)** EA's largest investigation and resulting in convictions of company and two directors (Oct 2017). Conducting proceedings in Mercantile Court and (with Stephen Hockman QC) in Court of Appeal (Civil Division): see Environment Agency v. Churngold Recycling Limited [2014] EWCA Civ. 909 and in the Crown Court from restraint through to conviction in 2017.
- **Glastonbury Festival Events Ltd (2016)** Prosecution for environmental breaches.
- **R v Melksham Metals and Lee Hazel (2014-16)**: Crown Court and later Planning Inspectorate appeal.
- **R v A R Ltd**, counsel for EA in Judicial Review: see [2014] EWHC 1638 (Admin) and led in the Court of Appeal: [2015] EWCA Civ 1289.

## Joint instructions by EA and HSE

- **R v Rolls Royce Marine Propulsion Ltd (2014)** re prosecution concerning radiation leakage and failures.
- **R v Shell (2011)** prosecution counsel in respect of major explosion at Bacton North Sea gas plant

## FCA

- **R v Wilmott; R v Mohal & Birk (2014-16)** Insider Trading investigation and prosecution arising out of the takeover of Logica PLC. Counsel for FCA in diverse insider trading enquiry and prosecution in two strands.

## Recommendations

## Legal 500 (2017): Health and Safety

- "A classy and professional courtroom performer, who has judges hanging on his every word." - **Legal 500 (2017)**
- "Has impeccable judgement and makes complicated things sound simple." - **Chambers UK (2017)**
- "Extensive experience of prosecuting high-value matters, including alleged tax frauds. He is an expert on document-heavy cases involving complex technical evidence." - **Chambers UK (2017)**
- "Technically excellent and innovative" - **(2015)**
- "A very able and extremely intelligent advocate" - **(2015)**

## Publications, Lectures and Training

In October 2014, invited by UN to speak to their Serious Crime Convention about Operation Singapore (counterfeit medicines prosecution) and practical means of prosecuting such cases with their regulatory and jurisdictional complexities.

*Disclosure chapter in Fraud: Law, Practice and Procedure* (Butterworths) (2004) co-author

## Education

LL.B (Hons.) University College London

## Memberships

South Eastern Circuit

Inner Temple