



David Claxton

Call: 2008

Phone: 0207 520 6000

Email: chambers@18rlc.co.uk



David is ranked as a leading junior in the 2017 edition of Legal 500 in the practice areas *Business Crime, Regulatory Crime and Global Investigations* and *Criminal Fraud*.

His strengths lie in his keen intellect, attention to detail and clarity of written and oral expression.

His strength is in his complex and obscure legal arguments.

David's practice is focused on companies and individuals facing allegations of criminal and regulatory wrongdoing. His expertise covers:

- Business Crime
- Regulatory Crime (including Health & Safety and Fire Safety)
- General Crime
- Asset Forfeiture
- Criminal Appeals and Judicial Review
- Professional Discipline and Regulation
- Licensing Law

David's current and recent clients include:

- Former FTSE100 natural resources company (SFO corruption investigation)
- A multi-national transport company (SFO corruption prosecution)
- Solicitors firm (High Court challenge to SRA intervention, SDT proceedings)
- Investment firm (advised on restructuring, corporate veil and parent company liability)
- Accountant (immigration fraud and money laundering prosecution)
- Financial Advisor (largest tax fraud prosecution undertaken by HMRC to date)
- The Attorney-General of Jersey (leading an investigation into fraud)

David has appeared at all levels of court and tribunal in his main practice areas, including before the Lord Chief Justice in the leading Court of Appeal case on discretionary life imprisonment, and in the Divisional Court in a judicial review relating to the enforcement of a confiscation order.

His disciplinary clients include regulators, regulated entities and regulated professionals. In 2015

David was the first barrister under 10 years' Call to be appointed to the General Medical Council List of Advocates.

David has published and lectured on corporate crime and professional regulation in leading practitioner texts, trade publications and to professional audiences such as in-house regulatory lawyers and City law firms.

Crime

Business Crime, Bribery and Fraud

David has expertise in the Bribery Act and 20th Century anti-corruption legislation together with related issues of jurisdiction, corporate attribution, compliance, and adequate procedures.

David is instructed on behalf of E Ltd, an international mining company, under investigation by the SFO on suspicion of facilitating multi-billion dollar acquisitions through corrupt payments to government officials. This work has included:

- Managing a team of 10 paralegals undertaking a privilege review;
- Advising on jurisdictional issues, corporate liability, AML risk and challenges to MLA proceedings; and,
- The impact and relevance of DOJ and SEC proceedings against a large New York-based hedge fund.

David is also instructed to advise Alstom Network UK, a UK subsidiary of a French company, prosecuted by the SFO on charges of overseas corruption in connection with contracts obtained in overseas jurisdictions connected with national infrastructure and energy projects.

David has appeared at first instance and in the Court of Appeal, both led and alone, in complex fraud and money laundering cases. Examples include:

- **R v W and others (2017)** Defending a financial advisor in £350m tax fraud (film investment scheme) listed for trial in 2018 (led jnr.).
- **R v N and others (2016)** Defending an accountant in a large-scale immigration fraud and money laundering connected with the collapse of Carefirst 24 Ltd against a two-counsel prosecution team. (Sole Jnr)
- **R v MT and others (2013/2015)** Defending in two indictments: (i) high-value telecoms fraud (ii) the first UK prosecution for operating unlicensed wireless telegraphy equipment under the Wireless Telegraphy Act 2006, where the principal submission centred on HMG's ineffective implementation of the European Directive governing the regulation of radio spectrum (led jnr).
- **Re C Financial Services Ltd (2015)** Instructed by HM Attorney-General for Jersey to lead and advise an investigation into the manipulation of share capital in offshore companies involving

prominent financial institutions in the Channel Islands.

Regulatory Crime

In 2014 David was appointed to the Attorney-General's Regulatory List. David has expertise in health and safety legislation and advises both sides on all aspects of procedure, the instruction of experts, and trial tactics. David is also regularly instructed in cases prosecuted under the Regulatory Reform (Fire Safety) Order 2005. Examples include:

- **R v Shaftsbury Care Group Ltd (2016)** A prosecution following a fire at a care home in which a resident was trapped relating to a corporate failure to put in place fire safety precautions.
- **HSE v ATC Lasham Ltd (2014)** prosecution for breaches of the Health and Safety at Work Act and the Work at Height Regulations (several falls by workers from aircraft undergoing repair and maintenance)

David has prosecuted, defended and advised individuals and corporates on offences under the Companies Acts and Insolvency Act. Examples include:

- **Re K LLP (2016)** Advised a prominent property investment on restructuring and insulating the parent company from liability arising from the acts or omissions of subsidiaries.
- **Re E Ltd (2016)** Advised on the potential criminal liability of company directors relating to a Directors Solvency Statements in the context of a capital reduction process.
- **R (LS) v Department for Business Innovation and Skills (2014)** Application for judicial review relating to the fairness and legal basis for the enforcement of a confiscation order against an undischarged bankrupt (jnr. alone).

General Crime

David has always practiced in the criminal courts and has a strong record in jury trials and summary trials across the range of criminal offences, including drugs, firearms, and violence.

- **R v A (2015)** Defended sexual abuse of a stepdaughter over a three-year period (jnr. alone).
- **R v Garrett and others (2014)** Defended one of 10 defendants in a conspiracy to cause criminal damage case; the damage was alleged to have been caused during the "urban exploring" of London, which included accessing disused underground stations and climbing the Shard. Following two weeks of legal argument the prosecution offered no evidence against his client (jnr. alone).

Professional Disciplinary & Regulatory

David has considerable experience and particular expertise in fitness to practice cases and regularly appears for both sides at proceedings before a number of regulators, including the GMC, GDC, NMC, HCPC and SRA. In 2015 he was the first barrister under 10 years' call to be appointed to the GMC's

list of advocates.

- **GMC v Dr A (2017-2018)** Prosecuting a doctor in connection with a negligently performed delivery resulting in neo-natal head injury.
- **OISC v L and Co (2017)** Representing an immigration advisor in an appeal to the First Tier Tribunal against the revocation of an OISC licence.
- **SRA v A Firm (2018)** Representing a solicitor and firm in a High Court appeal against an intervention by the SRA.
- **GDC v AD (2015)** Prosecuting a dentist accused of misconduct in relation to the diagnosis and treatment of root canal pathology.
- **HCPC v AE (2016)** Prosecuting a microbiologist relating to a lack of competence in the performance of laboratory work.
- **NMC v AC (2016)** Defending a nurse who had admitted multiple allegations of dishonesty who was ultimately sanctioned with a short conditions of practice order.

Licensing

David has advised on and conducted licensing applications, licensing review hearings and appeals. His clients have included a theatre company, restaurants, bars, and one-off event organisers seeking Temporary Event Notices.

Publications, Lectures and Training

Publications

Rook and Ward on Sexual Offences, Chapter on Expert Evidence (main author)

Fraud: Law Practice and Procedure, Chapter on Cross-border Jurisdiction (editor)

Understanding General Dental Council Procedure, The Dentist (joint author with Kingsley Napley)

Management Failures and Findings of Professional Misconduct, The Probe

Education

University of Durham, LLB (2006)

King's College London, LLM (2007)

Memberships

Criminal Bar Association

South Eastern Circuit

Association of Regulatory and Disciplinary Lawyers

Young Fraud Lawyers Association

Health and Safety Lawyers' Association (HSLA)