



David Walbank QC

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Silk:2018

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According to the Legal 500 2019, David Walbank QC is *“An advocate of exceptional ability... he possesses a first-class legal mind ... his command of the court room is nothing short of awe-inspiring... he is intelligent, articulate and fearless... he goes above and beyond the call of duty ... his integrity, work ethic and intelligence are a sight to behold... David Walbank QC is outstanding in fraud matters... he is highly recommended for serious fraud cases... A combination of charm and steel”*.

Chambers & Partners 2019 says that David is *“A very tenacious and bold advocate who is extremely hard-working and a brilliant cross-examiner ... He fights his client’s corner with absolute vigour... He is highly proficient in complex tax fraud and money laundering cases”*.

Having historically had conduct of many of the most serious and sensitive cases for the major fraud prosecution agencies (including as former Standing Counsel to the Revenue and Customs Prosecutions Office and to the Department for Business, Innovation and Skills), his work is now almost exclusively for front-rank fraud defence firms. David recently secured a Not Guilty verdict on behalf of the main defendant following a 3-month trial at Southwark, which was billed as *‘Big Oil On Trial’*. His client had been the International Business Development Manager for F.H.Bertling Ltd, a global freight-forwarder, and was alleged to have been the architect of a conspiracy involving senior executives at Bertling and at Conoco Phillips, the US oil and gas giant; the conspiracy was said to have been sanctioned at board level and to have involved the payment of substantial sums to the Conoco official responsible for awarding the contract – routed via a company in the UAE: click [here](#) for the news item. In 2017, David appeared as leading counsel for one of the principal defendants in a 9-month trial before Mr Justice Edis at the Southwark Crown Court; *Operation Amazon* was one of the largest and most complex revenue fraud prosecutions ever to come before the courts.

David is an outstanding technical lawyer and a prolific speaker on topical issues of interest to criminal and regulatory practitioners and to other professionals in the financial and wealth management sector. Already this year, he has delivered lectures at major conferences in Interlaken and Paris and at King’s College London.

- David has recently recorded the first video digests in a series which will relate to recent developments in the field of Business Crime. The first three videos below address the new

corporate criminal offences of 'Failure to Prevent the Facilitation of Tax Evasion' in the *Criminal Finances Act 2017*. The fourth video deals with *NCA v Hajiyeva*, which is the first reported case under the new Unexplained Wealth Order regime.

Criminal Finances Act 2017

Part:1/3

Part: 2/3

Part: 3/3

NCA v Hajiyeva

- On 11th April 2019, David travelled to Paris in order to address an economic crime conference hosted by the French International Banking Group, BNP Paribas. He spoke to a live audience at their worldwide headquarters and his talk was at the same time live-streamed to nearly 500 delegates in multiple jurisdictions, including the United States, Italy, Belgium, Luxembourg, India, Singapore, Hong Kong and the United Arab Emirates. You can view David's lecture and the subsequent Q&A [here](#)
- On 16th July 2019, in the most recent of The Red Lion Lectures 2019, David presented his 'Review of the Year in Business Crime' with a comprehensive review of the caselaw in the past twelve months. You can hear his talk and read the associated handout [[HERE](#)]
- David has been the driving force behind *The Red Lion Lectures 2019*, a programme of eleven lectures, which are being held throughout the year at Bush House on the Strand in association with King's College London. Full details of the lecture series are contained in the publicity material, which you can read [[here](#)]. On 27th February 2019, he delivered the inaugural lecture entitled '*Safe Havens in the Perfect Storm?*', which examined the challenges faced by HMRC in obtaining information from tax havens worldwide, the operation of the Common Reporting Standard and the new extra-territorial criminal offences of corporate failure to prevent the facilitation of tax evasion under the Criminal Finances Act 2017: see the news story [here](#). David has also moderated each of the other events, including '*Draining the Swamp?*' re Unexplained Wealth Orders (10 April 2019), ([click here for the podcast](#)) '*Keep Calm and Carry On Privately Prosecuting*' (30 April 2019, [here](#)) and recently moderated '*Uncle Sam's Backyard?: the SFO and the Americanisation Of English Justice*' (28 May 2019, [click here for podcast](#))".
- On 17th January 2019, David was invited to give one of the main lectures at this year's annual conference of 'Alpine STEP' (the Swiss and Liechtenstein Federation of the International Society of Trust and Estate Planners), which was held in Interlaken, Switzerland. His fellow lecturers included Her Excellency Jane Owen (HM Ambassador to the Swiss Confederation), Count Francis von Seilern-Aspang (Chairman and Managing Director of the wealth preservation experts, Industrie-und Finanzkontor Ets.) and Her Serene Highness Princess Therese of Liechtenstein. Other speakers included leading academics from the University of Geneva and King's College London as well as an array of private client specialists from across the globe and some of the top tax and trust lawyers from leading London firms. It was attended

by over 250 lawyers, trustees and other wealth management professionals from Europe, the Americas, the Middle East and Asia Pacific. Read about it [here](#)

- Twice in the past five years he has delivered the keynote lecture on recent developments in the law to the Annual Government Legal Service Prosecutors' Conference, speaking alongside respectively the Director of the Serious Fraud Office and the Solicitor General. He has also lectured on the Fraud Act 2006 alongside Professor David Ormerod QC and on legal professional privilege to the Metropolitan Police Fraud Squad. He has a particular expertise in complex disclosure issues. He wrote the chapter on prosecution disclosure in Butterworths' *Fraud: Law, Practice & Procedure* and 'The Walbank Protocol' was cited in Gross LJ's *Review of Disclosure In Criminal Proceedings* as a model for prosecution disclosure.

His technical legal knowledge is matched by his natural abilities as an advocate. As a student, he was President of the Cambridge Union Society.

In his early years in practice, at the chambers of George Carman QC, David's work was predominantly in the civil jurisdiction and he appeared regularly in the High Court. However, since the mid-1990s, he has specialised in the fields of financial fraud and its allied disciplines, including:

- Serious Complex Fraud & Bribery and Corruption
- Serious Organised Crime
- Money Laundering, Confiscation and Restraint
- Regulatory Offences
- Civil fraud

Crime

Serious Complex Fraud, Bribery & Corruption

David is briefed by a number of the top white collar fraud defence firms. Recent instructions have included the following:

- **R v CB (March 2018 to date)** David is currently instructed as leading counsel for the first defendant in an ongoing corruption trial at the Southwark Crown Court. The defendants are charged under the Prevention of Corruption Act 1906 and the allegations relate to the award of contracts for a multi-billion pound North Sea drilling project.
- **R v JM (April 2017- October 2018)** This prosecution arose from an investigation by the City of London Police into the financial affairs of a man previously convicted of large-scale money-laundering activity. The defendant was alleged to be a professional money-launderer for a Liverpool-based Organised Crime Group. Following a series of disclosure requests which David submitted for information held by the Ministry of Justice and by the Insolvency Service, the Crown offered no evidence in support of the indictment.

- **R v MR (2016-2017)** A tax-incentivised carbon credit investment scheme, where £110m revenue is alleged to have been put at risk, resulting in a 10-year investigation by HMRC and an 8-month trial before a High Court judge.
- **R v JR (2017)** Successfully dismissed laundering charges on the grounds that the predicate tax offences had not yet crystallised, an early application of the Supreme Court's decision in R v GH..
- **R v CH (2017)** Obtained the dismissal of the charges on the ground that there had been no false representation under the Fraud Act 2006 where reverse proxy websites had been used to circumvent the effect of High Court injunctions obtained against UK internet service providers.
- **R v TD (2016)** The jury were discharged following argument that the offence of cheating the revenue was not complete at the time of arrest: the defendant then received a suspended sentence following a Goodyear indication in relation to an amended indictment.
- **R v MR (2016)** Apple iPhone fraud: the prosecution offered no evidence following submissions regarding the admissibility of the relevant bank records.
- **R v KS (2015)** An allegedly fraudulent investment scheme, involving time share properties in the United States and in which the victims were senior police officers; following successful admissibility arguments, the prosecution offered no evidence.
- **R v RS (2015)** Represented the lead defendant on money-laundering charges arising from a large-scale excise fraud.
- **R v RA (2014)** Represented a solicitor, who was charged with money-laundering offences arising from a Solicitors Regulation Authority investigation: the defendant was acquitted.
- **R v RP (2013)** Leading the defence of a number of men charged with a complex Film Tax Credit fraud: the defendant was acquitted.
- **R v DW (2013)** A massive land bank prosecution alleged by the prosecution to be worth £35m.
- **R v SY (2013)** Represented a 'reality TV star' on charges of personal tax fraud: the defendant was acquitted.
- **R v WT (2012)** Represented a World Bank Staff member accused of channelling millions of pounds of worth of corrupt payments from corporate bidders for World Health Projects to bank accounts in Switzerland.
- **R v HR (2012)** A series of trials of alleged tax frauds, involving a number of high-profile individuals in Premiership football.
- **R v AV (2012)** £200m conspiracy to defraud prosecution brought by the Federation Against Copyright Theft, alleging the deliberate facilitation of access to copyright material across the internet.

Serious Organised Crime

David's expertise in organised crime cases is founded on many years immersed in the prosecution of the most sensitive of multi-handed intelligence-led prosecutions. He has in recent years developed an exclusively defence practice in this field. Recent instructions have included:

- **R v JD (2018)** Leading counsel for the Crown in an eight week trial relating to one of the most serious and complex modern slavery cases ever to come before the courts. Following his conviction, the defendant received an 11 year sentence of imprisonment and confiscation totalling more than one million pounds was subsequently ordered, bringing to an end this long-running police investigation and series of trials.
- **R v ZH (2016) & R v HK (2016)** Leading counsel in two multi-handed immigration fraud trials relating to abuses of the student visa system and arising from a BBC Panorama undercover investigation.
- **R v MP (2013)** Leading counsel in an eight-week multi-handed 'sex-trafficking' conspiracy in which it was alleged that large numbers of young women had been brought into the United Kingdom for the purposes of prostitution.
- **R v CM (2013)** Leading counsel for the first of seven defendants in an international cocaine-trafficking and money-laundering prosecution conspiracy, which also involved groundbreaking rulings re the limits on charging offences based on a European Arrest Warrant.
- **R v BS (2012)** Leading counsel in the trial of two Church of England vicars for officiating over more than 200 allegedly sham marriages.
- **R v CD (2011)** Leading counsel in a 'flagship' drug-trafficking prosecution by the Serious Organised Crime Agency, which subsequently featured on a BBC Crimewatch Special.
- **R v VB (2011)** Leading counsel in the trial of a Church of England vicar, an immigration lawyer and a 'fixer' for an immigration scam involving more than 300 sham marriages.
- **R v DP (2010)** Leading counsel in the trial of seventeen defendants in relation to a heroin-trafficking conspiracy involving more than 20 separate importations.

Money Laundering, Confiscation & Restraint

David has developed a particular expertise in confiscation proceedings and is equally at home with contested and complex factual issues or with the more arcane points of law and procedure. He acted as 'moderator' at several of the CBA's training sessions for barristers on the Proceeds of Crime Act 2002 and has over a period of many years delivered numerous lectures on both confiscation proceedings and restraint proceedings to both defence solicitors and prosecutors. His reported cases in this field have included:

- **R v Morgan; R v Bygrave** [2008] EWCA Crim 1323 in relation to prosecutorial discretion and abuse of process.
- **R v James Edward Scott** [2008] EWCA Crim 1751 (in relation to hidden assets and ex parte applications in confiscation proceedings)

- **R v Suchedina** [2007] 1 CAR 306(23), **R v Ramzan** [2007] 1 CAR 150(10), **R v Ali & Hussain** [2008] EWCA Crim 1466 and **R v El-Kurd Sakavickas Reichwald & Singh** [2007] 1 WLR 3190: instructed by the Director of RCPO in these appeals against historic money-laundering conspiracies in the light of the House of Lords decision in **R v Saik** [2007] 1 AC 18.
- **R v Cottrell and Fletcher** [2007] 1 WLR 3262 (described as a case of “constitutional significance” on the relationship between the Court of Appeal Criminal Division and the Criminal Cases Review Commission).
- **R v Soneji** [2006] 1 AC 340 a House of Lords decision on the jurisdictional consequences of failing to follow the correct procedure in relation to the postponement of confiscation proceedings.

Professional Disciplinary & Regulatory

Regulatory

David regularly acts in regulatory proceedings. His particular expertise in this field was recognised by his appointment from 2013 to 2017 as Standing Counsel to the Department of Business, Innovation and Skills (BIS). As well as his work for BIS, he has acted in proceedings brought by the Medicines and Healthcare products Regulatory Authority and has in recent years been instructed in some of the highest profile prosecutions arising from environmental accidents, with a particular focus on breaches by the major utilities companies. Instructions have included:

- **R v TG (2016)** Instructed by the Department for Business, Innovation & Skills in the prosecution of a former City trader accused of conducting ‘shadow trading’ on the markets in breach of his Bankruptcy Order.
- **R v SWS (2013)** Appearing for the Environment Agency both in the Crown Court and the Court of Appeal Criminal Division in the prosecution of a major utilities company for operating a regulated facility otherwise than in accordance with the terms of the licence, where the breaches had resulted in multiple discharges over an extended period of untreated sewage effluent into protected bathing waters.
- **R v SWS (2012)** Instructed in the prosecution of one of the major utilities companies for causing numerous sea-front residential properties to be flooded with untreated raw sewage.
- **R v EB (2011)** Instructed in a prosecution for breaching director's disqualification when managing deliberately loss-making 'investment vehicles'.
- **R v DS (2011)** Instructed in the first ever criminal prosecution brought by the Medicines and Healthcare Regulation Agency under The Medicines for Human Use (Clinical Trials) Regulations 2004 (alleging the falsification of data in clinical trials on human guinea pigs).

Civil Fraud

Whilst the majority of his work in recent years has been in the criminal courts, he has also historically had significant experience in the conduct of civil fraud litigation both in this jurisdiction and abroad.

He has conducted a number of substantial cases in the High Court. Examples of the range of work undertaken in this field between 1995-2017 include:

- Companies Court, defending a petition issued by the Department of Business, Innovation & Skills for the winding up of a limited company and a Limited Liability Partnership in the public interest.
- Companies Court, acting for a major multinational corporation in obtaining a freezing injunction in relation to secret profits made by a senior manager who had been summarily dismissed for gross misconduct.
- Eastern Caribbean Supreme Court, appearing on behalf of the victim of a real property fraud, seeking rectification of the Antigua Land Register and praying in aid the doctrine of part performance.
- Queen's Bench Division trial of a claim by an author for damages against a publishing house for non-publication of a commissioned work.
- Queen's Bench Division trial of a claim in liquidator's negligence.
- Chancery Division trial of a claim for specific performance of a commercial conveyancing transaction (against the Sultan of Brunei).

Publications, Lectures and Training

Lectures/Presentations

Apart from lecturing extensively outside chambers (listed at the bottom), David has also instigated a series of lectures, The Red Lion Lectures 2019 with Kings college London, hosted at their Bush House Campus.

July 2019

"REVIEW OF THE YEAR IN BUSINESS CRIME"

by David Walbank QC of Red Lion Chambers and John Binns, a partner at BCL Solicitors LLP

June 2019

"NOBODY EXPECTS THE SPANISH INQUISITION!"

Challenging Search Warrants

by Tom Forster QC of Red Lion Chambers and Matthew Hardcastle, Associate at Kingsley Napley.

Moderated by David Walbank QC.

May 2019

"UNCLE SAM'S BACKYARD?"

The SFO and the Quiet Americanization of English Justice

by Ed Vickers QC of Red Lion Chambers and Daniel Cundy, Partner at Blackfords. Moderated by David Walbank QC.

April 2019

"KEEP CALM AND CARRY ON (PRIVATELY) PROSECUTING!"

The Law and Practice of Private Prosecutions

by Gillian Jones QC of Red Lion Chambers and Andrew Marshall, Partner at Edmonds Marshall McMahon. Moderated by David Walbank QC.

April 2019

"DRAINING THE SWAMP?"

Unexplained Wealth Orders and The War on Dirty Money

by Jonathan Fisher QC of Red Lion Chambers and Jasvinder Nakhwal, Partner at Peters & Peters. Moderated by David Walbank QC.

February 2019

"SAFE HAVENS IN THE PERFECT STORM?"

HMRC Investigations after the Common Reporting Standard and Criminal Finances Act 2017

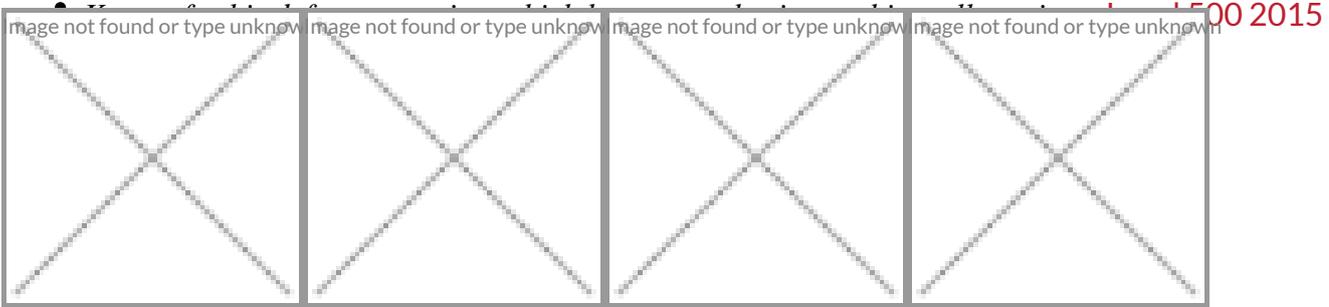
by David Walbank QC of Red Lion Chambers and Tessa Lorimer, Consultant at Withers Worldwide

David's recent lectures and seminars outside of The Red Lion Lecture series, have also included:

- *Pursuing Allegations of Fraud by way of Private Prosecution*: Shepherd & Wedderburn Sherlock Holmes lecture (2015).
- *Proportionality in Confiscation?:* Environment Agency (2015).
- *Developments in the Law in 2014*: Annual Conference of Government Legal Service Prosecutors (2014).
- *Rethinking Recompense from the Fraudulent Professional*: Professional Negligence Lawyers' Association (2014).
- *Chinks in the Draconian Armour and Breaking the Shackles* (lectures on the conduct of respectively confiscation and restraint proceedings specifically from the perspective of the defence solicitor) to various white collar fraud defence firms (2013).
- *Developments in the Law in 2012*: Annual Conference of Government Legal Service Prosecutors (2012).

Recommendations

- *"Fantastic and a fine advocate. He is always better prepared than anyone in the courtroom and he puts in an astounding amount of hours."* - Chambers and Partners 2020
- *"He's very smooth, has a lovely way of dealing with tricky clients and deals with everything beautifully."* - Chambers and Partners 2020
- According to the Legal 500 2019, David Walbank QC is *"An advocate of exceptional ability ... he possesses a first-class legal mind ... his command of the court room is nothing short of awe-inspiring ... he is intelligent, articulate and fearless ... he goes above and beyond the call of duty ... his integrity, work ethic and intelligence are a sight to behold ... David Walbank QC is outstanding in fraud matters ... he is highly recommended for serious fraud cases... A combination of charm and steel"*.
- Chambers & Partners 2019 says that David is *"A very tenacious and bold advocate who is extremely hard-working and a brilliant cross-examiner ... He fights his client's corner with absolute vigour ... He is highly proficient in in complex tax fraud and money laundering cases"*.
- *A brave, fierce and hardworking advocate ... well known for cases involving fraud, money laundering and bribery* - **Legal 500 2017**
- *A highly experienced advocate ... outstanding in fraud cases* - **Legal 500 2016**



Education

MA Hons in Law, Queens' College, Cambridge.

Memberships

Fraud Lawyers Association

Association of Regulatory & Disciplinary Lawyers

Health and Safety Lawyers' Association (HSLA)

Criminal Bar Association

South Eastern Circuit