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OLD BUILDINGS

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John Carl Townsend

Call: 2006

John is a really able and creative practitioner with fabulous attention to detail.
A very accomplished advocate.

Legal 500



John Carl Townsend has been described in the major legal directories (Legal 500 and Chambers & Partners), as *"extraordinarily knowledgeable on the crossover of commercial and criminal fraud practice"*, *"hard-working, technically brilliant"*, and as having a *"great ability to think outside of the box in difficult cases"*.

He is recognised for his particular expertise in complex financial and reputational disputes where there is the potential for civil, regulatory and criminal liability and is frequently instructed for his ability to advise and represent corporate clients in all three forums.

His practice encompasses a variety of commercial chancery disputes, with a particular focus on claims that derive from allegations of financial misconduct and misrepresentation (including claims for breach of fiduciary duty, unlawful means conspiracy, deceit, dishonest assistance and knowing receipt). John Carl's practice in asset forfeiture and seizure includes applications for international freezing orders, search orders and applications for Norwich Pharmacal and Bankers Trust relief in civil fraud claims and all proceedings connected to the freezing and forfeiture of assets under the provisions of the Proceeds of Crime Act 2002 (including High Court Asset Forfeiture under Part 5 and Tax Proceedings under Part 6). He is described by the Legal 500 as having *"superb technical knowledge of all POCA related issues and litigation"* and as *"an outstandingly clever lawyer"*. His practice in this area frequently includes the representation of corporates claiming proprietary rights over funds that have been seized under POCA's civil freezing and forfeiture regime.

John Carl also has extensive experience of appearing in the criminal courts for companies and directors in high value, cross-border, financial investigations relating to allegations of fraud, bribery and corruption, and money laundering, that have been initiated by the SFO and the FCA. He is ranked in this area by both major directories and is described by Chambers & Partners as having *"extensive knowledge, expertise and personality"* and a barrister who *"is regularly called upon to provide insight into a range of different financial crime matters, especially those that involve commercial aspects"*.

He has acted for clients in judicial review proceedings, for government agencies and for companies and individuals exposed to allegations of regulatory breach (including FCA regulated corporates and individuals in the financial services industry, corporates regulated by the HSE, law firms dealing with AML compliance, investigations and enforcement by the CMA and sports regulators). His sanctions practice includes international law firms and large corporate entities facing cross-border compliance issues where there is an intersection of European, UK and US sanctions regimes (particularly in respect of Russia).

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Expertise

Civil Fraud & Asset Recovery

John Carl has extensive experience of acting for Claimant and Defendant companies and individuals in disputes where fraud and serious financial misconduct are alleged. He has expertise in the full range of applicable interim relief (including the Norwich Pharmacal jurisdiction, search orders and freezing and proprietary injunctions) and has advised clients on the regulatory and criminal liability that can arise from underlying allegations of fraud.

Work in this area includes:

- *Sullivan & Others -and- Marcus Terence David Briggs*, Business and Property Courts of England and Wales, Business List (ChD) [2023] Acting for the Claimants, Dubai based investors, in claims arising from investment frauds. Norwich Pharmacal and Bankers Trust relief, international freezing injunctions, and judgment.
- *International Consortium* [2023]: advising on claims arising from an oil industry dispute with estimated losses of approximately US\$800m, as a consequence of alleged bribery and corruption.
- *Kallakis -and- AIB*, Business and Property Courts of England and Wales [2022] A £1 billion claim alleging negligent misstatement and deceit. Acting for the Claimant in applications for disclosure that included material generated in a connected SFO prosecution.
- *Ertosun v Alexandre Jesus & Others*, Business and Property Courts of England and Wales, Business List (ChD) [2021] Leading for the Claimant in an allegation of commercial fraud against one individual and three companies. Obtaining Norwich Pharmacal and Bankers Trust relief, international freezing injunctions and judgment.
- *M v AAJ & Others*, Business and Property Courts of England and Wales, Insolvency and Companies List (ChD) [2021-present] Acting unled for the second Defendant in an £11m dispute that alleged systemic VAT and company fraud.
- *P Ltd v C (a Panamanian Company) & Others*, High Court of Justice, Business and Property Courts of England and Wales, Commercial Court (QBD) [2019-2021] Acting for the Claimant in two tranches of litigation relating to the fraudulent sale and transfer of a superyacht.
- *X v Y* [2018] Acting unled for the Partner of a national law firm in an allegation that he had engaged in a multi-million-pound fraud against a client of the firm.
- *Esure v A*, High Court of Justice, QBD, Manchester District Registry [2018] Acting unled in the successful defence of a solicitor facing an application for permission to bring contempt proceedings on the basis that they had assisted in the preparation of inflated claims for personal injury.
- *JB MBE -and- MN*, High Court of Justice Chancery Division [2017] Claims for undue influence, breach of fiduciary duty and unconscionable bargain relating to the transfer of some £5m of assets including shares and a number of properties. The dispute arose following the breakdown of JB's relationship with MN and shortly before MB's death.
- *National Crime Agency – and – A*, High court of Justice, King's Bench Division [ongoing] Civil proceedings for non-payment of taxes against an alleged drugs importer. Acting for the Defendant in a claim brought by the NCA through the assumption of Inland Revenue functions pursuant to Part 6 of the Proceeds of Crime Act 2002.
- *B & Others – and – P*, High Court of Justice, Queen's Bench Division [2016] Acting on behalf of the Claimants in registration and enforcement of European Enforcement Orders obtained following a successful fraud claim in Poland.
- *Cambr Limited and Others – and – ECA Limited (a Partnership in Dissolution) and Others*, High Court of Justice, Chancery

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Division [2014] Acting unled for the defendant, the principal of a firm of chartered accountants, in an allegation of commercial fraud exceeding US\$7m.

- In relation to asset tracing and recovery connected to the Proceeds of Crime Act 2002, John Carl has appeared in a substantial number of cases for corporates and directors that have been the subject of account freezing and forfeiture applications arising from allegations of financial misconduct. Significant cases include:
- *SWRU v BY* [Ongoing] Complex AFO proceedings involving banking controls, international trade, impact of sanctions and company obligations.
- *R v Hughes* [2024] EWCA Crim 357, Representing an Irish land owner who had intervened in confiscation proceedings under s.10A POCA to assert her rights in respect of property that had been built on the s.10A applicant's land by the Defendant. The Crown had sought recovery on the unusual pretext that an interest on behalf of the Defendant (who claimed no assurance) could be established by the application of a proprietary estoppel. The successful appeal required extensive argument regarding traditional chancery principles in respect of rights over land and was heard by Lord Justice Holroyde, Lord Justice Snowden and Mr Justice Jeremy Baker.
- *MPS v AH and J* [2022] Instructed by an international law firm in AFO proceedings. Acting for the corporate victim of a substantial commercial fraud in the recovery of its proprietary claims to the sums that MPS sought to forfeit from AH.
- *MPS v GB* [2022] Obtaining the return of seized gold bullion following the appeal of an account forfeiture order in which other counsel had acted for the Respondent at first instance
- *X and Y* [2021] Instructed to advise a major foreign corporate and related parties on anti-money laundering compliance and company structure.
- *EA v BC & Another* [2021] Business and Property Courts of England and Wales, Insolvency and Companies List (ChD). Leading for a government agency, as an intervener, in Chancery Division proceedings arising from the division of beneficial shares in property that was the subject of a restraint order.
- *MPS v W and MH GmbH* [2021] Successfully acting for a German corporate that had intervened as a third party in AFO proceedings to prevent the forfeiture of assets over which it held a proprietary claim.
- *FCA v Gopee, Southwark Crown Court* [2019]. Leading for the Defendant (a company director and commercial property owner) in a substantial and complex confiscation enquiry with 120 connected civil claims.
- *National Crime Agency -and- D*, High Court of Justice, Queen's Bench Division [2019] PART 5 POCA. Asset Forfeiture proceedings against multiple defendants.
- *R v Assaf, Harrow Crown Court* [2018] Successfully resisting a prosecution application for the confiscation of rental properties that turned on whether the houses were to be defined as realisable assets on the basis of a distinction between general and specific criminal conduct.
- *National Crime Agency - and - A*, High Court of Justice, Queen's Bench Division [Ongoing] Civil proceedings for non-payment of taxes against an international businessman and alleged drugs importer. The claim has been brought by the NCA through the assumption of Inland Revenue functions pursuant to Part 6 of the Proceeds of Crime Act 2002.
- *R (on the application of Agogo) - and - North Somerset Magistrates' Court*, High Court of Justice Queen's Bench Division, the Administrative Court, [2011] All ER (D) 252 (Feb): Judicial review of proceeds of crime enforcement proceedings connected to a £20m banking fraud. The enforcement decision was quashed as a breach of Art 6(3) ECHR.

Commercial Litigation

Representative cases include:

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- *A v V, Business and Property Courts of England and Wales, Technology and Construction Court (KBD)* [Ongoing] Acting for the Defendant, a global telecommunications supplier, in respect of a contractual dispute arising from the transmission of cross-border SMS communications.
- *AWM v UKWSL, Business and Property Courts of England and Wales, Technology and Construction Court (KBD)* [Ongoing] Acting for the Claimant in a contractual dispute regarding losses incurred from the delayed installation of an industrial power plant.
- *Bahia v Sidhu* [2023] EWHC 3028 (Ch) Acting for the Defendants in a property partnership dispute regarding the division of some £10m of partnership assets. Also instructed in the pending appeal regarding the court's decision to order interim distribution rather than sale.
- *MA v CG, High Court of Justice, King's Bench Division* [2023] Acting unled for a high-profile international sports star and businessman in resistance of a £250m claim for alleged breach of contract. Successful dismissal of the Claimant's application for extensive and prohibitive international injunctions and an order confirming that the applications were totally without merit.
- *R (on the application of Valencia Waste Management Ltd) v Environment Agency, High Court of Justice, King's Bench Division, the Administrative Court* (Ongoing) Acting for the Defendant government agency in an unusual claim for judicial review that incorporates a claim for commercial damages. The damages claim is said to arise from losses incurred by an exposure to bond fluctuation that followed the Environment Agency's rejection of multi-million-pound financial provision payments. The claim has given rise to issues regarding the closed material procedure at CPR 82.
- *SCEL -and- Exigent, Business and Property Courts of England and Wales, Business List (ChD)* [2020] Acting for the Claimant, a company engaged in futures trading, in a contractual dispute connected to margin calls.
- *Steven Acheson & Others – and – Sir Robert McAlpine & Others (the CIVIG Litigation)*, High Court of Justice, King's Bench Division [2009-2016] A claim against Sir Robert McAlpine and a number of other construction companies for unlawful means conspiracy and breach of the Data Protection Act. One of the Lawyer magazine's top 20 cases of 2016.
- *A Set of Barrister Chambers Limited – and – Former Members*, High Court of Justice, Chancery Division [2015] Acting unled for four members of the Bar in a difficult and fraught dispute about fees that were said to be outstanding to the management company of their former set. Instructed on recommendation and with no prior connection to the parties or any of the Chambers involved.

Trusts, Probate & Estates

Representative cases include:

- *Wotton v Blackwell* [2024] EWHC 325 (Ch) Successful dismissal of an application for a prohibitive injunction, to prevent access to land in a fraught probate dispute, and costs. Retained to represent the Defendants at trial.
- *Naidoo v Barton* [2024], Chancery Division, District Registry (Liverpool) Representing the Defendants in the consequential division of a family estate following the decision in *Naidoo v Barton* [2023] EWHC 500 (Ch). Complex issues relating to the effect of a concurrent restraint order (following the First Defendant's conviction for fraud at the Liverpool Crown Court) and the property rights to be transferred to the Claimant following findings of undue influence at the conclusion of the trial in the Chancery Division.
- *EA v BC & Another* [2021] Business and Property Courts of England and Wales, Insolvency and Companies List (ChD). Leading for a government agency, as an intervener, in Chancery Division proceedings arising from the division of beneficial shares in property that was the subject of a restraint order.

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- JB MBE -and- MN, High Court of Justice Chancery Division [2017] Claims for undue influence, breach of fiduciary duty and unconscionable bargain relating to the transfer of some £5m of assets including shares and high-value properties.

Corporate and Financial Crime

Corporate Crime

- Examples of John Carl's work in the representation of corporates facing prosecution and investigation for criminal offences include:
- SFO v X [Ongoing] Instructed for one of the individuals in the SFO's ongoing investigation in respect of bribery and corruption at Glencore Energy UK Ltd.
- M v G [Ongoing] Instructed to represent a UK corporate in resistance of a private prosecution for alleged fraud in contractual assignment.
- FCA v X [2022] Instructed by a global corporate to advise on criminal liability strategy in an investigation by the FCA
- HSE v X [2021] Instructed on behalf of a major UK corporate in a health and safety prosecution arising from the loss of an employee's arm.
- X v W Ltd [2021] Acting for a UK corporate in successful resistance of a private prosecutor's request for a summons. The private prosecutor's application relied on alleged breaches of consumer legislation and price manipulation.
- R v A [2021] Acting for one of the UK's largest and most significant corporate entities in a prosecution that, if it had been successful, would have imperilled the company's ability to secure a multi-million-pound contract in the United States.
- R v L [2019] Instructed for a UK company to advise on voluntary disclosure and potential corporate liability for the hacking of a competitor's systems by its employees.
- SFO v L [2018] Advising a global corporate in respect of the SFO's conduct in an international bribery and corruption investigation.

Financial Crime

- *R x P*, Southwark Crown Court [Ongoing] Prosecution of the owner of a chain of pharmacies, and a pharmaceutical wholesaler, for alleged prescription and pricing fraud.
- *R v Byrne*, Court of Appeal Criminal Division [2021] EWCA Crim 107. Instructed by the Registrar of Criminal Appeals for the First Appellant, and led by Narita Bahra QC, in a complex appeal relating to the reliability and weight of expert evidence in a number of conjoined appeals arising from prosecutions relating to investment frauds.
- *HMRC v X* and others [2021] Advising in a multi-faceted investigation relating to various offshore trusts.
- *R v Sully*, Southwark Crown Court [2019] Representation of the first defendant in a heavily publicised trial connected to the alleged operation of numerous 'boiler room' frauds. The case collapsed when it was revealed that the prosecution expert was entirely unsuitable and the Crown had failed to comply with its duties of disclosure.
- *SFO v Black & Others*, Liverpool Crown Court [2018] Representing the CEO of Solar Energy Solutions in an SFO prosecution arising from the sale of fraudulent investment schemes.
- *R v Balk*, Southwark Crown Court [2016] Representation of the fourth defendant in relation to allegations arising from an

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alleged US\$175m fraud against a Russian Bank.

- *R v Caussyram* [2016] Representation of a Director of home care provider Care First 24. Eight-week trial in an allegation relating to fraudulent claims for workers whose leave to remain in the UK had expired or who were improperly working on a self-employed basis.
- *R v Ndoli & Others* [2016] Acting unled for the second of 7 defendants in a substantial fraud against HMRC, DWP and Eurostar that the Crown had valued at £14m.
- *R v BC* [2014] Acting unled for a former KPMG Director accused of fraud. Successfully acquitted after two trials.
- *R v Ntege & Others* [2014] Leading counsel for the second defendant in a substantial and heavily publicised trial relating to alleged sham marriages at the Church of St. Jude and St. Aiden's. Paper heavy and complex. The proceedings were eventually halted as an abuse of process due to bad faith on the part of the UKBA and the serious misconduct of their investigating officers.
- *R v Di Natale*, Central Criminal Court [2012], Acting unled for a city CFO in respect of an allegation of company fraud.

Banking & Financial Services Disputes

FCA v Symmetric Systems, Upper Tribunal (Tax and Chancery Chambers) [2023] Representing Symmetric Systems in its reference disputing an FCA supervisory notice.

X [2022] Advising an FCA regulated trader in respect of the potential consequences of his alleged involvement in a fraud against the government.

Secretary of State v AS [2022] Acting for a company engaged in the provision of a financial product in an investigation conducted by the Secretary of State for Business and Industry under the provisions of the Companies Act 1985. The Secretary of State suspected that the financial product was being sold on a basis that was misleading and without relevant regulatory authority. The investigation was, however, concluded in favour of AS.

Ogilvy v HSBC, Business and Property Courts of England and Wales, Business List (ChD) [2021] Acting for HSBC in a claim brought by a customer following the suspension of his banking facility.

FCA v Gopee & Others [2019] Representing the former director of Pangolian Properties in respect of multiple claims for the release of funds from restrained assets following claims that relied on breaches of s.19(1) and 23(1) of the Financial Services and Markets Act 2000.

DT v Metro Bank PLC [2017] Representing a well-known sports star in a dispute regarding whether Metro Bank had breached the obligations of s.138D of the Financial Services and Markets Act 2000 in obtaining various personal guarantees.

Publications

- Contributing editor to Mitchell, Taylor & Talbot on the Proceeds of Crime
- **A practical guide to Confiscation and Restraint** – March 2022, Law Brief Publishing
- **Assessing Proportionality in Confiscation Proceedings** – 16 September 2021, Lexis Nexis

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