



# Thomas Daniel

Call 2009

Thomas Daniel specialises in financial crime, heavyweight general crime, regulatory proceedings and judicial review.

Thomas is listed as a “Leading Junior” in ‘Fraud: Crime’ and “Business & Regulatory Crime (including Global Investigations)” by the Legal 500 and in “Financial Crime” by Chambers & Partners.

Thomas is regularly instructed in large and complex criminal cases, including allegations of bribery and corruption, conspiracy to defraud, the importation of Class A drugs, Misconduct in Public Office and serious offences against individuals.

In addition to advising individuals and corporates currently facing criminal charges, Thomas frequently provides legal, practical and tactical advice upon pre-charge options, including the consequences of self-reporting and the impact of various regulatory obligations, including “tipping off” offences. He has particular experience of advising in relation to money laundering regulations and the application of the Suspicious Activity Reports (SAR) regime to individuals, persons in the regulated sector and financial institutions.

Thomas has significant experience of being instructed in large, multi-handed bribery and corruption prosecutions, both pre and post the Bribery Act 2010. These cases often involve an extra-jurisdictional element and require a detailed understanding of mutual assistance procedures and multi-jurisdictional evidence gathering, as well as the approach foreign regulators and law enforcement agencies adopt towards international financial crime.

The financial crime prosecutions Thomas is instructed in require vast quantities of material to be managed, analysed and presented. As a result, Thomas has a niche area of expertise in the use of the latest Artificial Intelligence and algorithms to identify the most relevant data from within millions of electronically stored documents.

Thomas has been instructed in a number of “Boiler Room” and VAT frauds, both as a led junior and as a junior alone. These instructions have included acting in cases concerning “land-banking” schemes and the sale of various commodities, including carbon credits (CERs and VERs) and Rare Earth Metals or Rare Earth Elements, on a wholesale and retail basis.

Thomas is regularly instructed to consider highly sensitive material as part of high profile investigations, both as counsel instructed and as independent counsel.

Thomas has appeared before the High Court and Court of Appeal in the UK on numerous occasions, as well as the High Court, Court of Appeal and Supreme Court in New Zealand. He has advised upon and drafted grounds of appeal in a variety of criminal and regulatory matters, including cases being appealed to the

Privy Council, Court of Arbitration for Sport and FIFA Dispute Resolution Chamber.

Thomas has a wide range of experience of the relationship between different types of proceedings and their respective procedures. Before joining chambers, Thomas was an in-house advocate specialising in civil cases and he continues to act in civil cases and related matters, including claims for judicial review, Inquests and professional disciplinary proceedings.

## Practice Areas

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### Appeals

Tom has appeared in the High Court and the Court of Appeal in relation to a variety of criminal cases and related matters

He has also made submissions to the Supreme Court of New Zealand and has appeared in the New Zealand Court of Appeal.

Tom has developed a specialism in Judicial Review and appealing by way of case stated. He has advised upon the merits of a number of appeals and has appeared before the Administrative Court and the Divisional Court in relation to these matters.

### Notable appeals cases

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#### **R v Petrie [2014] EWCA Crim 2912**

This appeal concerned the definition of 'Significant disparity of age' for the purposes of the Definitive Guideline on Sexual Offences in relation to sexual activity with a child. The Court of Appeal considered that a sentence of 30 months' detention was manifestly excessive and substituted a term of 12 months. The Court also quashed the Sexual Offences Prevention Order.

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#### **R v E (2015)**

This case involved two appeals: one was against conviction for importing cocaine on the basis of disclosure failings by Customs & Excise and the other was an Attorney General's Reference in respect of the sentence of 15 years' imprisonment.

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#### **Banbrook v R [2013] NZSC 148**

Acted for the Crown in successfully resisting an appeal in the New Zealand Supreme Court in relation to whether an abuse of process ruling induced a guilty plea.

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#### **R v Mika [2013] NZCA 648**

Drafted submissions as junior for the Crown in relation to the statutory mitigation available to an offender

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based on his cultural background.

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### **R v Grant (Norman Washington) [2012] EWCA Crim 2723**

This was the first appeal in respect of jury irregularities heard after the Protocol was issued by the President of the Queen's Bench Division in 2012.

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### **R v Pandey**

Junior for the Crown on an appeal against conviction in respect of Goods and Services Tax (the New Zealand equivalent of VAT).

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## **Confiscation**

Tom has been instructed in confiscation proceedings on behalf of clients involved in fraudulent activity, as well as those convicted of conspiring to import and/or supply drugs.

As well as confiscation proceedings, Tom has experience of cases concerning the restraint of funds and civil asset recovery. From his time working in a civil firm, he has experience of both civil and criminal methods of preserving assets.

Tom has appeared in a number of hearings involving applications for the detention and forfeiture of cash believed to be derived from or intended for use in crime.

He has accepted instructions following criminal proceedings or as counsel solely instructed to deal with the proceeds of crime.

## **Notable confiscation cases**

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### **R v W**

Confiscation proceedings where the defendant was alleged to have been a large figure in a conspiracy where 71kg worth of Cocaine was alleged to be linked to him. The Crown asserted that the defendant had a benefit figure of £27m. The Crown subsequently accepted a benefit figure of around £1.2m with a confiscation order being made for just over £2,000.

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### **National Crime Agency v KD**

Successful defence in relation cash forfeiture proceedings where €30,000 cash was found in the defendant's luggage and was alleged to be linked to a system of money laundering out of Algeria. Defence costs were awarded in full, despite being a rarity in Cash Forfeiture cases.

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## Defence

Tom has a wide-ranging defence practice and has defended in cases involving allegations of fraud, money laundering, serious assaults, firearms offences, false imprisonment, robbery, supply of drugs and sexual offences.

In addition to appearing in the Crown Court, Tom has also defended serving prisoners facing adjudications, where the allegations have been deemed too serious to be dealt with by the Prison Governor and he has also appeared before courts-martial.

As well as defending individuals, Tom has been instructed to represent companies facing tax allegations by HMRC, environmental offences and Trading Standards prosecutions.

Tom also has experience of issues concerning insolvent entities, including the civil and criminal liability of directors, valuers and auditors.

## Notable defence cases

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### **R v B & Others**

Represented the main defendant in a £20m conspiracy to defraud trial. Following a 10 week trial, the defendant was unanimously acquitted.

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### **R v TM**

Defendant acquitted of witness intimidation of a witness with special needs, who alleged threats had been made to stab him and others in the course of proceedings (junior alone).

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### **R v E**

Represented a man alleged to have imported over 50kg of cocaine at high purity.

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### **R v P**

Represented a leading figure in a conspiracy to supply Class A drugs on a wholesale basis (junior alone).

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### **R v C**

Represented the main defendant in a conspiracy to import cocaine from Europe inside high performance cars that had been adapted to allow drugs to be placed into hidden compartments (junior alone).

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### **R v LW**

Defended in a False Imprisonment and ABH case where two teenagers trapped, caged and injured a young boy down a secluded alleyway as part of a gang initiation. Secured a non-custodial sentence for the older

defendant, who had previous convictions for violence (junior alone).

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**R v KP**

ABH trial resulting in a successful submission of 'no case to answer' where positive ID procedures were contaminated by Facebook.

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**R v AS**

Successful defence in a burglary trial, which involved the exclusion of a full confession interview after a voir dire, requiring cross-examination of the custody sergeant and a psychiatric nurse.

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**R v F**

Defended an international company accused of offences under the EPA 1990.

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**S v TFL**

Defended London Underground in a case under the EPA 1990.

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**HM Prison Service v KM**

Successful defence of a serving prisoner alleged to have brought a mobile phone, phone charger and alcohol into prison.

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**HM Prison Service v DM**

Acquittal of a serving prisoner, accused of having drugs in prison, after a successful preliminary legal argument over the court's jurisdiction.

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## Fraud

Tom has advised upon and appeared in a number of cases involving allegations of fraud and financial crime.

He has appeared for the defence, both as a led junior and as a junior alone, in cases concerning conspiracies to defraud and cheating the public revenue, as well as frauds by misrepresentation and by abuse of position.

He has experience of the way large prosecutions are conducted from his time at the Financial Conduct Authority and has an in-depth knowledge of the disclosure process and the importance of this in large cases of a financial nature.

Tom's experience of acting for both the prosecution and the defence enables him to approach large cases in an analytical and tactical manner from an early stage, based upon an anticipation of the likely approach the other side will take during the case.

## Notable fraud cases

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### **R v B & Others**

Represented the principal defendant in a 'land banking' fraud, where the prosecution alleged the defendants had defrauded purchasers out of £20m. Following a 10 week trial, the defendant was unanimously acquitted (led by Timothy Kendal).

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### **R v S & V**

Acted as junior alone for two defendants accused of trading in breach of HMRC's securities regime, where HMRC alleged nearly half a million pounds' worth of trading had occurred in breach of the security requirement. HMRC discontinued proceedings following service of a skeleton argument in respect of an application to stay proceedings as an abuse of process.

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### **R v L**

Prosecution disclosure counsel in an HMRC prosecution of an accountant who dishonestly amended his clients' tax returns.

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### **R v DD & Others**

Led by Nigel Lithman QC in a 10 week trial. Represented all three shareholder directors and secured acquittals on the main count alleging a conspiracy to defraud.

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### **Operation Tabernula**

Part of the Financial Conduct Authority disclosure team on the most complex Insider Dealing case prosecuted by the FCA (or its predecessor the FSA).

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### **Operation Cotton**

Part of the disclosure team in respect of a conspiracy to defraud and land banking scheme.

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### **Operation Cheshunt**

Provided charging advice to the New Zealand SFO in relation to allegations concerning the misuse of trust monies in the gambling industry. This involved working alongside the Crown Solicitor and the case concerned novel points of law in light of the criminal legislation governing such practices.

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## Judicial Review

Tom has been instructed to advise upon claims for judicial review in relation to criminal, quasi-criminal and regulatory cases.

Judicial review work has an overlap with the civil litigation Tom conducted before joining chambers and has a relationship with requests for advice on appealing by way of case stated, statutory appeals to the High Court and other ways of challenging decisions by public bodies.

Tom has drafted pleadings and appeared before the Administrative Court and Divisional Court, both as a led junior and as a junior alone.

Tom has been instructed in claims for Judicial Review on a private basis, by insurers and where civil legal aid has been granted based on the merits of the claim.

Tom is on the pro-bono advocate panel for judicial review cases and is prepared to advise on a pro bono basis where deserving claimants have a meritorious claim but cannot afford to privately instruct lawyers to achieve justice.

## Notable judicial review cases

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### **R (on the application of Morales) v Kettering Magistrates' Court [2013] EWHC 1922 (Admin)**

Successful Judicial Review, where the magistrates had acted ultra vires in adding a new charge against the defendant.

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### **R (on the application of S) v NHS England (2015)**

Judicial review of the decision of the FHSU to terminate the registrant's contract to provide dental services.

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### **R (on the application of VL) v KP (2014)**

Application for Judicial Review of a police decision to caution.

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### **R (on the application of S) v Commissioner of Police of the Metropolis (2015)**

Application for Judicial Review of a police decision not to offer an alternative to prosecution.

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## Professional Discipline

Tom accepts instructions to appear in disciplinary proceedings, both for the regulator and for the registrant. Tom has experience of appearing before panels and advising on matters at first instance and on appeal.

In addition to his criminal background, Tom's previous experience of civil litigation before joining chambers means that he has a good grasp of different procedural rules, as well as being accustomed to delivering both written and oral advocacy.

## Notable professional discipline cases

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### S v SRA

Advised on a High Court Appeal against findings made by the Solicitors Disciplinary Tribunal in respect of allegations of dishonesty.

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### Re X

Appeared on behalf of a black cab driver before the carriage office, who had accepted a criminal caution for a sexual offence. On appeal, the carriage office overturned the decision to erase and ordered a period of suspension instead, in light of the 'exceptional circumstances' of the case.

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### UKCP v S

Appeared as the Presenting Officer for the UKCP in disciplinary proceedings brought for breaches of the Code.

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### Re C

Instructed in relation to a case concerning whether two principals in an investment company were 'fit and proper persons'.

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### UKCP v C

Acted for the UKCP in an appeal out of a decision by the Preliminary Enquiry Committee.

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## Prosecution

Tom has prosecuted for the Crown Prosecution Service, United Kingdom Border Agency and HM Revenue & Customs. He is currently graded as Level 2 on the CPS Advocates' Panel.

Tom is used to handling sensitive information on behalf of government agencies and third party corporations. He has experience of handling sensitive material generated by intelligence services in the UK and abroad, including Suspicious Activity Reports in financial crime cases and sensitive personal data pertaining to witnesses in criminal proceedings.

Tom was part of the Financial Conduct Authority's disclosure team on the most complex Insider Dealing case ever prosecuted by the FCA (or its predecessor the FSA). He was also involved in the prosecution of a 'land banking' scheme, involving allegations of fraud, breaches of financial regulations and money



laundering.

In 2013, Tom was seconded to the office of the Crown Solicitor for Wellington, New Zealand, which is the office responsible for prosecuting all of the serious offences in the country's capital. Whilst in New Zealand, he was involved in prosecutions for manslaughter, rape and firearm offences as well as a fraud investigated by the New Zealand Serious Fraud Office. Tom also worked at Crown Law, which is a unique body responsible for representing the Crown on appeals to the Court of Appeal and Supreme Court, as well as advising the New Zealand government. During this time, he appeared as junior in the Court of Appeal and was part of a consultation on whether New Zealand should establish a Criminal Cases Review Commission.

## Notable prosecution cases

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### **R v W & Others**

Prosecution junior in a multi-handed trial where the defendants were teachers at a school for children with behavioural difficulties. The defendants were accused of child cruelty against the pupils from 1975 to 1999.

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### **R v H**

Junior alone in prosecution of an attempted VAT fraud of over £500,000 of taxpayers' money using a series of shell companies in the UK and abroad.

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### **Operation Resolve**

Instructed to advise as part of this investigation into the Hillsborough Disaster.

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### **R v L**

Disclosure Counsel for HMRC in a prosecution of an accountant for his involvement in a conspiracy to defraud.

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### **R v K**

Prosecution junior in a sexual assault case where the defendant, a priest, was convicted of sexually touching his daughter.

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### **R v W**

Successful legal argument in relation to the admissibility of a confession obtained through the use of 'scenario evidence' where undercover police officers posed as criminal gang members and the defendant confessed to his involvement in a child's death as part of his gang initiation.

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### **Operation Tabernula**

Part of the Financial Conduct Authority disclosure team on the most complex Insider Dealing case ever

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## Sports Law

Tom has advised on variety of cases with a sporting element since joining chambers. This has involved allegations against cricketers and football league administrators.

In addition to his involvement in disciplinary proceedings, Tom has advised on the application of international regulations governing the transfer of players.

### Notable sports law cases

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#### Re: JC

Advised an U17 international football player on FIFA's Regulations on the Status and Transfer of Players, International Transfer Certificates and the procedure before the FIFA Dispute Resolution Chamber.

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#### FA v KP; MR

Advised league administrators on misconduct allegations arising from breaches of the FA Rules.

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#### ICC v A

Provided advice in relation to an ICC investigation.

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## Publications

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- Attorney General's Panel
- SFO Prosecution Panel – B Panel
- Crown Prosecution Service Panel – Level 2
- List of Specialist Regulatory Advocates in Health and Safety and Environmental Law

## Memberships

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- Young Fraud Lawyers Association
- South-Eastern Circuit
- Essex Bar Mess

## Education

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- Bar Vocational Course (Outstanding)
- LLB Hons (First Class)

## Qualifications

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- Keble Scholarship
- Pegasus Scholarship
- Bristol Law School Prize (First in Order of Merit on Bar Vocational Course)
- Western Circuit Advocacy Prize (Best Advocate on Bar Vocational Course)
- Bristol Law School Civil Advocacy Competition Winner
- South-Eastern Circuit Florida Advocacy Course Scholarship
- Inner Temple Exhibition
- Inner Temple Streuben Benefactor's Award
- Inner Temple Duke of Edinburgh Award
- Inner Temple Lawson Moot (Runner-up)
- Inner Temple Pupils' Advocacy Competition (Criminal)
- LLB Commendation Award (Top 1% on LLB)
- University Mooting Champion

## Directory Quotes

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- “A fantastic asset to have on your team. An extraordinary strategist. A super-talented lawyer; a star.” **Legal 500 2021 (Business & Regulatory Crime)**
- “A fantastic asset to have on your team. He uses technology to his advantage, an area which many Counsel often shy away from. In depth analysis of the evidence by using all applications under the sun are one of his main strengths.” **Legal 500 2021 (Fraud: Crime)**
- “A very engaged and energetic junior. He has great analytical skills when dealing with evidence.” **Chambers & Partners 2021 (Financial Crime)**
- “Very assured on his feet.” **Legal 500 2020 (Fraud: Crime)**
- “He has an easy and charming manner, but is strategically effective behind the scenes too.” **Legal 500 2019 (Fraud: Crime)**