



# Timothy Kendal

Call 1985

TK is a leading barrister specialising in professional and regulatory enforcement proceedings, major fraud and corruption investigations and trials, corporate governance advice and internal investigations relating to business crime.

TK has just successfully defended PM (solicitor to South Yorkshire Police at the Hillsborough Inquiry), the case was dismissed at half time by the trial judge.

TK's main professional focus is defending/advising solicitors and their clients in relation to major investigations by the SRA, SFO and National Crime Agency. He defended and/or advised successfully in major fraud trials in the UK, Italy, Nigeria and elsewhere and very many high profile cases in which the SRA has investigated and/or prosecuted before the Solicitors Disciplinary Tribunal.

TK has also advised (on the civil side) a major investment brokerage on the cum/ex dividend arbitrage trading scandal linked to several European countries. He continues to advise in relation to the FCA investigation on these matters.

TK is recognised as a leader in the fields of Financial/Business Crime and Solicitors Regulation Advisory/SRA enforcement/Solicitors Disciplinary Tribunal. He is a native English speaker and is fluent in Italian.

## Practice Areas

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### Advisory

#### Notable advisory cases

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Advice to foreign based corporate which had been the victim of fraud in the UK.

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Advice to a suspect concerning allegations of international corruption.

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Advice to officers of publicly listed company regarding possible listing breaches, independent investigation and self-reporting steps.

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Advice to individual whose assets were frozen pending an international investigation of his estate. Investigating authority withdrew allegations and restraint order quashed.

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Advising a leading firm of solicitors regarding the discovery of possible fraudulent conduct in the regulated sector.

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Advice and representation to an individual arising out of a purported breach of a company director disqualification. Advice provided in relation to past conduct giving rise to the disqualification, the conduct alleged to have amounted to the breach of the disqualification, consideration of the possibility of criminal proceedings and the provisions of the Company Directors Disqualification Act 1986.

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Advising an FSA-regulated firm in relation to enforcement activity and proceedings arising out of alleged off-shore "boiler room" activity. Advice touched upon issues of disclosure, privilege, confidentiality and compliance with FSA rules relating to realtime/non-realtime financial promotions. As a consequence of advice given, certification proceedings instituted by the FSA against the firm have now been withdrawn.

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Advice relating to dealing in securities whilst potentially in possession of inside information; consideration and advice on the Criminal Justice Act 1993 and the possible defences

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Advice to plc relating to the discovery by in-house counsel of a possible fraud by the business. Advice extended to appropriate action regarding independent investigation, reporting, money laundering issues, mitigation of the position, corporate governance issues and proper approach of in-house counsel.

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Advice urgently sought at sensitive moment in negotiation for complex structured purchase of a multi-million pound property portfolio. Issues included potential breaches of planning legislation, possible mortgage and revenue frauds, money laundering considerations (including reporting under POCA).

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Advice urgently sought regarding the differential approach to civil tracing (in an action for monies had and received) and the request for compensation to be made against the same defendant following a criminal

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trial.

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Disciplinary proceedings before the General Medical Council following a criminal conviction arising out of the same set of circumstances as had formed the prosecution case at trial.

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Advice regarding compliance with a restraint order imposed upon business partners. Complexity increased due to undocumented joint interests in property and accounts.

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Advising and appearing on an appeal against an assessment for outstanding VAT before the VAT tribunal in the context of an international MTIC Fraud.

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## Crime

### Notable crime cases

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#### **Agombar**

For the defendant Alleged Class A drugs (cocaine) supply (street value over £1 million).

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#### **Vincent**

For the appellant in the Court of Appeal Alleged gangland killing.

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#### **Short**

Leading junior for the lead defendant Serial warehouse robberies in South East England.

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#### **Dawes**

For the defence Alleged "gangland" leader, supply class A and B drugs, money laundering.

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#### **R v Johnson & Others**

Appeared for defendant as leading counsel. Defendant acquitted having been accused of multi-million pound drugs importation conspiracy.

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## Confiscation

### Notable confiscation cases

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#### **Ismail**

For the defence Multi-million pound confiscation proceedings.

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#### **Irvin**

For the defence Prosecution claim for over £1 million confiscation order.

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#### **Hackett**

For the defendant Original claim for over £1 million confiscation order reduced after litigation by 50%.

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#### **Re: L Ltd**

For the respondents in the Magistrates' Court Re the seizure by a police officer of nearly £200,000 in defiance of a High Court order that the same be returned to the respondents.

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#### **Re: C**

For the respondent in the Magistrates' Court. Return to the respondent of all cash seized by them by consent. Order for costs (opposed by the applicant police force) made against the applicants.

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#### **Re: F**

For the respondent in the Magistrates' Court Return to the respondent of over £100,000 in cash seized by Customs Officers.

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#### **Re: BP**

For BP in the Administrative Court and in the Court of Appeal Civil Division re the provisions of a restraint order and the release of legal fees.

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#### **Re: BP**

For the defence Multi-million pound confiscation proceedings.

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## Fraud

### Notable fraud cases

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#### Huggett

Leading junior for the lead defendant Money Laundering and Accountancy / Revenue fraud with losses said to exceed £5million.

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#### Whitworth

Leading junior the lead defendant Multi million pound excise duty and VAT fraud.

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#### Iacovides

For the defence Fraud / Attempt to pervert justice.

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#### Zykin

Leading junior for the defence International Credit Card, Identity theft case – potential multi million dollar losses.

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#### Sykes

Leading junior for the defence DTI prosecution – Fraudulent Trading – dishonest “asset preservation scheme”.

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#### Rouse

Leading junior for the lead defendant Alleged £1 million in-house fraud.

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#### Sykes

Leading junior for the defence SFO prosecution £5 million pounds stolen from pension fund.

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#### El Heri

For the lead defendant Multi million pound VAT evasion fraud.

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#### R v Whitworth & Others

Appeared for defendant as leading counsel. 7-month trial. Client charged with conspiracy fraudulently to evade millions of pounds’ of duty and VAT.

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## R v Parmar & Others

Appeared for defendant as leading counsel. Client acquitted having been charged with conspiracy to defraud construction companies working at London Heathrow Airport.

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## International

Mr Kendal has recently been consulted regarding issues of national and international bribery and corruption. He has been central in devising appropriate measures, strategies and procedures in contemplation of the enactment of the new Bribery Act. He has also been instructed to advise companies and individuals in relation to various international investigations into alleged instances of corruption, including the recent enquiry into BAE.

Mr Kendal represented Kenneth Noye in his recent case before the European Court of Human Rights. Mr Kendal is also instructed to represent Mr Briggs-Price (confiscation) before the European Court of Human Rights.

Recently Mr Kendal, who is an Italian speaker, was instructed as an expert witness and strategic adviser in relation to the conduct of a trial in Italy regarding an allegation of a multi-million Euro fraud. His client was acquitted.

Most recently, Mr Kendal was asked to advise an international corporate fraud for a foreign-based company. The allegations included fraudulent conduct in the acquisition of shares, the fraudulent trading of a company, oppressive conduct in relation to the remaining minority shareholders and money laundering.

## Professional Discipline

Mr Kendal represents professionals before their disciplinary bodies. His involvement commences, with best results, at the beginning of any investigation/enforcement activity by a regulator. Presently, he is instructed on behalf of solicitors investigated by the SRA (and at the disciplinary hearings before the SDT) accountants (ICAEW, ACCA) and insolvency practitioners (IPA).

In addition, Mr Kendal is a legal advisor to both the GMC (Medical Practitioners Tribunal Service) and the NMC.

## Regulatory

Timothy is expert in providing advice to commerce and corporations (large and small). In an increasingly complex and difficult area, he has been sought out both for his deep understanding of the law and his practical and commercial approach. His advice is also regularly sought on a direct access basis from in-house counsel and accountancy / insolvency practitioners alike. He is presently advising corporations and individuals relating to the discovery of corruption and the associated money laundering issues arising from commercial activity in Nigeria, Zambia, the UK and other jurisdictions throughout the world.

## Memberships

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- Financial Services Lawyers Association
- Proceeds of Crime Lawyers Association

## Education

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- LLB Hons, University of Birmingham

## Directory Quotes

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- “Superb. Anyone would be delighted to be represented by him” **Chambers & Partners 2022**
- “Very smart, user-friendly and extremely bright. He has a superb intellect” **Chambers & Partners 2022**
- “Consistently excellent. His drafting is clear, erudite and persuasive” **Legal 500 2022**
- “Very smart, hardworking and a KC in all but name” **Chambers & Partners 2020**
- “A tactical genius who prepares really well” **Chambers & Partners 2020**
- “Intelligent, highly personable and tactically astute.” **Chambers & Partners 2019**
- “Strategic, confident and an excellent advocate.” **Chambers & Partners 2019**
- “Knowledgeable, sensible, efficient and pragmatic.” **Chambers & Partners 2018**
- “His cross-examination is superb.” **Chambers & Partners 2018**
- “A good tactician who comes up with very novel ideas.” **Chambers & Partners 2017**
- “Impeccably prepared, he produced a model skeleton argument” **Chambers & Partners 2017**
- “Able to find a solution where there doesn’t appear to be one.” **Chambers & Partners 2016**
- “Approachable, easy to work with and good on detail.” **Chambers & Partners 2016**
- “He is a fierce and terrier-like advocate.” **Chambers & Partners 2016**
- “He is a very good senior junior with years of experience” **Chambers & Partners 2015**
- “He is a highly sought after top-ranked financial crime senior barrister with years of experience handling corruption, money laundering and insider dealing matters.” **Chambers & Partners 2015**
- “His ability to negotiate and come up with a practical, tactical solution to avoid going to trial is really good. He finds a solution that isn’t the obvious one.” **Chambers & Partners 2014**
- “...Incisive legal analysis ... A great jury advocate, who is extremely thorough and very experienced.” **Chambers & Partners 2014**
- “...is lauded for his expertise in relation to defending SFO and HMRC prosecutions and regularly tackles matters of importance.” **Chambers & Partners 2011**
- “He is superb: meticulous, highly industrious and a class act.” **Legal 500**