



The Chambers of
Harendra de Silva QC



Simon Baker: **Regulatory, Civil & Administrative Law CV**

Simon has a broad range of experience in regulatory, civil and administrative law, with particular experience of matters arising out of fraudulent and other criminal activities.

QUALIFICATIONS AND PROFESSIONAL ASSOCIATIONS

MA (Hons)(Oxon)

Called to the Bar by Inner Temple 1998

Member of the Criminal Bar Association & Lawyers for Liberty

Elected member of the Inner Temple Bar Liaison Committee

HMRC INVESTIGATIONS & VAT TRIBUNALS

Simon's experience of the cross-over between criminal work (especially fraud) and civil litigation means that he is extremely well placed to advise and assist in relation to clients facing the effect of HMRC verification processes and investigations. In particular, Simon deals with appeals before the First Tier tribunal Tax Chamber relating to VAT reclaims allegedly arising out of MTIC frauds. In addition to acting for appellants in VAT tribunals, Simon is also instructed by HMRC in such appeals as both leading counsel and on his own.

VAT appeals in which Simon has been instructed include:

- Micro River Limited v The Commissioners for H.M. Revenue & Customs (as leading counsel)
- TLC International Limited v The Commissioners for H.M. Revenue & Customs
- Rattan v The Commissioners for H.M. Revenue & Customs (as leading counsel)
- Fone World (UK) Limited v The Commissioners for H.M. Revenue & Customs
- Telement Limited v The Commissioners for H.M. Revenue & Customs

CONFISCATION, RESTRAINT & ASSET FORFEITURE

Simon has particular expertise and experience in relation to proceedings, both criminal and civil, for confiscation, restraint and asset forfeiture. He has acted both as leading and junior counsel, acting on behalf both of the Crown and private and commercial, clients in a wide range of proceedings brought in the High Court, Crown Court and Magistrates' Courts by agencies including the Crown

Prosecution Service, the Serious Organised Crime Agency, H.M. Revenue & Customs and the Asset Recovery Agency

Simon has also been involved in training solicitors, barristers and the Crown Prosecution Service on confiscation, and has been a regular lecturer on the subject since 2003.

Significant cases in which Simon has been instructed include:

- *R v F & B [2008] EWCA Crim 1868*: Defence counsel in this case (an allegation of money laundering valued at almost £1.2 million) before the Court of Appeal and on the certified appeal to the House of Lords, on the question of whether the Crown are required to prove the underlying offence when prosecuting for money laundering for the House of Lords.
- *R v Sheen & others*: Leading defence counsel in complex confiscation proceedings, valued in excess of £3.7 million, relating to the laundering of the proceeds of a large-scale conspiracy to steal cars.
- *Director of the Asset Recovery Agency v Way*

REGULATORY & FINANCIAL

Simon has experience of advising on regulatory matters covering a broad range of regulatory regimes ranging from FSA and FSMA regulation of the financial sector through to Health & Safety, planning and professional conduct matters.

Simon's experience includes:

- Advising corporate clients on compliance and AML issues
- Acting for parties seeking to bring actions against financial advisors under FSMA
- Prosecuting and defending in regulatory cases brought by the Department of Business, Innovation & Skills (formerly the DTI), local authorities, Trading Standards, and the Public Carriage Office
- Advising and representing individuals facing professional disciplinary proceedings (including the BMA)

CIVIL LITIGATION

Simon has experience of a broad range of litigation ranging in the County Court and High Court, with particular experience of civil actions arising out of regulatory breaches, allegations of fraudulent conduct and actions against the Police.

ELECTION LAW

Simon has a particular interest in election law and appeared for the applicant in the highly publicised High Court challenge to the postal voting regulations prior to the 2005 general election [*Hemming v Department of Constitutional Affairs (2005)*]. He also advised in the highly publicised Election Court in Birmingham arising out of postal vote fraud in the Bordesley Green and Aston wards.

JUDICIAL REVIEW

Simon has experience of bringing claims for judicial review in relation to a range of issues including those arising out of criminal cases (e.g. extensions of custody time limits and refusal to grant legal aid), immigration cases (e.g. deportation orders), and election law (postal voting regulations).