



Ben Douglas-Jones

1998 (QC 2018)

"extremely bright and extremely able with the ability to marshal cases of the utmost complexity"

- Legal 500

Overview

Ben comes consistently highly recommended in the legal directories for Criminal Fraud, Business Crime, Consumer Law (trading standards, trade marks, copyright, consumer protection offences) and Crime.

Ben defends professional and corporate clients including public limited companies. He prosecutes for the Serious Fraud Office and is a Level 4 CPS panel prosecutor on three panels: Fraud, Serious Crime and Proceeds of Crime (South Eastern, London and non-London and Wales and Chester).

In December 2017, it was announced that he is to be appointed as Queen's Counsel - he will take silk on 26th February 2018.

Ben prosecutes for the Specialist Fraud Division, Appeals and Review Unit, Organised Crime Division, Proceeds of Crime Unit of CPS Headquarters. He prosecutes for the Medicines and Healthcare products Regulatory Agency, local authorities.

He practises in all fraud, including mortgage, Excise, Hawala, advance fee (419), boiler room, MTIC, NHS, dental, pharmaceutical, Internet, car-ringing, gambling, banking, cheque clearing cycle, insurance and banking fraud.

Ben is a member of the Fraud Advisory Panel and the Fraud Lawyers' Association.

Ben's regulatory practice extends to all areas of consumer law, with an emphasis on trade-marks and copyright law, criminal planning, food safety and environmental health.

Ben's human rights practice has seen him appear in scores of leading and reported cases, including the recent VSJ [2017] 1 Cr. App. R. 33; Ordu [2017] 1 Cr. App. R. 2; Zaredar [2016] EWCA Crim 877; Boateng [2016] 2 Cr. App. R. 5; YY [2016] 1 Cr. App. R. 28; (human trafficking and asylum) and Ewing [2016] 1 Cr. App. R. 32 (free speech); R(DPP) v Leicester [2016] 1 Cr. App. R. 5 (self-incrimination).

Ben is an Editor of Southwell, Brewer and Douglas-Jones, Human Trafficking and Modern Slavery Law and Practice (Bloomsbury) to be published in 2018. At the invitation of the DPP, Ben co-wrote the CPS Guidance on charging and prosecuting victims of human trafficking (see Publications). He co-wrote the Law Society Guidance on Immigration Crime.

Ben prosecutes and defends in serious criminal cases, including murder, sexual and drug offences.

He has vast experience in restraint, confiscation and s.10A Proceeds of Crime Act 2002 interventions and receivership proceedings.

Ben conducts second-opinion defence appellate work where he did not appear in the Crown Court and is instructed by the CPS Appeals Unit in the High Court and Court of Appeal.

He also has significant expertise in miscarriage of justice work having represented Colin Stagg and secured his £706,000 compensation for Stagg's wrongful indictment for the murder of Rachel Nickell.

Ben's civil practice centres on judicial review and fraud.

Ben is also an attorney-at-law in Grenada, with rights of audience in the Eastern Caribbean Court of Appeal.

As well as being a tenant in 5 Paper Buildings, he is a door tenant in Apex Chambers, Cardiff and Linenhall Chambers, Chester.

Ben is a qualified advocacy trainer for Gray's Inn.

Ben was called to the Bar in 1998.

Notable cases

Ben has been in over 50 reported cases in the last 6 years; see: www.bendouglas-jones.com/cases/

Fraud

Ben, led by Patrick Harrington QC and John de Waal QC represented the first defendant, Eric Evans in SFO v Evans. The Defendants, a retired consultant solicitor, Eric Evans, his professional partner, Alan Whiteley, and assistant solicitor, Frances Bodman, had set up a complex commercial transaction involving opencast mining sites and restoration obligations. A fifth defendant, Stephen Davies QC, had advised on the legality of the scheme. Central to the scheme was Celtic Energy Ltd, South Wales' most successful mining company, whose 100% shareholder, Richard Walters, and their finance director, Leighton Humphreys, were also charged.

Mr Evans and Mr Humphreys had always vehemently denied having done anything wrong and were indeed keen to show that their conduct was commercially adept.

The case was dismissed by a High Court Judge, Mr Justice Hickinbottom, in December 2013.

Ben is currently leading Anthony Hucklesby in R v Marcou and others a multimillion pound alleged finance fraud committed through Abacus Trading Company Ltd against Barclays' financing arm.

Ben is currently leading Jennifer Dannhauser representing the first defendant in R v Moshfiq and others (Operation Park), an alleged multimillion pound cross-jurisdictional fraud involving mobile telephones.

Ben is currently leading Dominic Lewis in Operation Festival, which involves alleged fiscal fraud on a vast scale. One of three related trials involved over 70,000 pages of evidence.

Ben, led by Patrick Harrington QC and leading Simon Rogers is prosecuting the biggest mortgage fraud ever investigated in England and Wales, Operation Valgus, R v Lowry-Huws and others. After a 5 month trial in 2013 they secured 6 convictions. In 2014 a further 7 defendants pleaded guilty. A third trial is due to take place in Spring 2016. Appeals against conviction were dismissed in 2014: [2014] EWCA Crim 1762.

Conviction upheld in MTIC fraud - Ben, leading James Marsland, appeared for the Specialist Fraud Division before the Court of Appeal R v Mumtaz [2017] EWCA Crim 1843 (serious and complex fraud). In a judgment given by Hickinbottom LJ the Court agreed with Ben that there was no prejudice in an amendment to the indictment which had secured the conviction of the Appellant.

Copycat website alleged fraudster acquitted- Stephen Oliver was represented by Ben, led by Graham Trembath QC. He faced allegations of creating and operating copycat government websites to defraud the public. The case was complex and substantial. After a trial the defendants were acquitted of copycat website fraud and the prosecution abandoned further proceedings concerning consumer protection offences. A second case has been discontinued.

Human Rights

Human Trafficking

Ben has appeared in many of the leading cases concerning the prosecution of victims of human trafficking.

Following L and others [2013] 2 Cr. App. R. 23 the Special Court judgment of the Court of Appeal (Lord Judge, Lord Justice Moses and Mrs Justice Thirlwall) in which Ben appeared for the Crown, he appeared for the Crown in R v S 9th September 2014. In S the appellant was a victim of human trafficking. She had been deprived of her childhood and early adulthood by being held in domestic servitude and by being deprived of an education. There was no fault on any party for not identifying the defendant as a victim of trafficking when she was prosecuted in 2009. She had entered an unequivocal guilty plea. Ben appeared in O [2011] EWCA Crim 2226 [O 2011] and R v LZ [2012] EWCA Crim 1867. He suggested in those cases that the Court of Appeal should allow appeals in respect of victims of sexual servitude notwithstanding that there had been no fault in failing to identify them as trafficking victims and where there were unequivocal guilty pleas. The Court of Appeal agreed. In a departure from the fault based appeals following N and Le [2012] 1 Cr. App. R. 35; [2012] Crim. L.R. 958 (in which Ben Douglas-Jones also appeared for the Crown), for the first time after the judgment in L and others the Court of Appeal has, in S, endorsed the O and LZ line of authority.

Ben appeared for the Crown in C and others [2014] EWCA Crim 1483 in which the Crown was held right to

concede appeals where victims of trafficking had been prosecuted. Their criminality had been extinguished by their trafficking circumstances.

5 Conjoined appeals concerning human trafficking to be heard by a Special Court presided over by the Lord Chief Justice in May 2013.

R v L and others [2013] EWCA Crim 991; [2013] 2 Cr. App. R. 23. Ben appeared in this Special Court sitting of the Court of Appeal presided over by the Lord Chief Justice, led by Tim Owen QC and instructed by the Crown (CPS Appeals Unit) in which the Court set out guidance for the prosecution of victims of human trafficking.

Regina v N and Le [2012] EWCA Crim 189; [2012] 3 W.L.R. 1159; [2012] 1 Cr. App. R. 35; [2012] Crim. L.R. 958; Times, April 10, 2012. Ben, led by Tim Owen QC and instructed by Shuba Karan and Steve Alvarez of the CPS Appeals Unit, appeared for the Respondent in these conjoined appeals, heard by the Lord Chief Justice, Lord Judge, sitting with Royce and Globe JJ. Convictions were upheld and the Court set out "a series of considerations of broad general effect" concerning Article 26 of the Human Trafficking Convention 2005.

<http://www.bailii.org/ew/cases/EWCA/Crim/2012/189.html>

R v Dastjerti [2011] EWCA Crim 365 (cited where a trafficked victim has pleaded guilty on bad advice).

R v LZ [2012] EWCA Crim 1867 (a trafficked adult subjected to repeated rape).

R v O [2011] EWCA Crim 2226 (victim trafficked with coercion from "JuJu magic", exposed to sexual slavery). Ben's legal argument on behalf of the Crown was accepted by the Court of Appeal. Ben argued that O's appeal against conviction (her guilty plea) should succeed on Human Rights grounds: she was a credible victim of child trafficking, subjected to "JuJu Magic" rituals and forced into sexual exploitation.

Asylum Defence Cases

R. (on the application of Khalif) v Isleworth Crown Court [2015] EWHC 917 (Admin) Ben appeared for the DPP in this case, a leading case on when leave to appeal should be granted following a guilty plea in the Magistrates' Court. In this case, the Court also analysed the application of the statutory defence in Asylum and Immigration (Treatment of Claimants, etc.) Act 2004.

R v Ghorbani [2015] EWCA Crim 275 Ben appeared in this case where the analogy between victims of trafficking and asylum seekers was drawn in the context of the safety of convictions.

Mateta and others [2013] EWCA Crim 1372: Ben recently appeared for the Crown (CPS Appeals Unit) in this Special Court sitting of the Court of Appeal in which Lord Justice Leveson set out to "kill [the issue of lawyers failing to identify clients with asylum defences in lower courts] stone dead".

R v A [2013] [citation pending] (refugee escaping persecution on grounds of sexuality).

R v Sadighpour [2012] EWCA Crim 2669; [2013] 1 Cr. App. R. 20; Archbold News February 2013 (leading case concerning the application of burden and standard of proof in refugee-defence cases).

R v C [2011] EWCA Crim 2911 (the application of Article 31 of the Geneva Convention relating to the

Status of Refugees in the context of s.31 of the Immigration and Asylum Act 1999). Ben successfully argued on behalf of the Crown that Article 31 of the Geneva Convention was not engaged in this case in such a way as to make a conviction for possessing false i/d documents unsafe.

Human Right to Family Life and Freedom of the Press

R (on the Application of A) v Lowestoft Magistrates' Court [2013] EWHC 659 (Admin); (2013) 177 J.P. 377; [2013] E.M.L.R. 20; [2013] Crim. L.R. 763; [2013] A.C.D. 72. Ben appeared for the DPP in this case in which he persuaded the Court that it should not allow a restriction or super-injunction on the publication of the details of a Councillor found drunk in charge of a child.

Consumer and Restraint

Operation Taylor [2014-2015] Ben, instructed by Kevin Hansford of the Specialist Fraud Division is currently prosecuting companies and individuals involved in the movement of hundreds of thousands of doses of temazepam and diazepam as well as medicinal products.

Ben is currently representing Stephen Oliver the first defendant in Operation Cleo, an alleged multimillion pound fraud involving supposedly copycat "Government Gateway" websites. The cases has received widespread national publicity as a flagship prosecution of National Trading Standards.

Operation Albatross [2013-2014] Ben, instructed by Ayo Awoyungbo and Bryony Dean of the MHRA Unit of the Welfare, Rural and Health Division of CPS HQ, is currently prosecuting the directors of a company for illegally importing counterfeit Durex condoms. The operation has been the subject of a BBC Fake Britain documentary due to the public health implications of counterfeit contraceptives.

DBIS v Rees [2010-2012] Leading Defence Counsel in criminal proceedings involving the alleged breaches of a director's disqualification order in the context of two separate companies.

Merton, LBC v Sinclair Collis Ltd [2010] EWHC 3089 (Admin); [2010] WLR (D) 286; [2010] All ER (D) 68 (Nov); [2011] 1 W.L.R. 1570; (2010) 175 J.P. 11. Ben and Edward Jenkins QC appeared for London Borough of Merton (instructed by Head of Civic and Legal Services, Merton London Borough Council). They successfully argued that, notwithstanding the civil complaint procedure embodied in s 7(2) of the Children and Young Persons Act 1933 (as amended) a sale of tobacco to a person under the age of 18 through a cigarette vending machine was capable of being an offence contrary to s 7(1) of the 1933 Act. [Click here for judgment.](#)

Operation Citrus / Bedford County Council v M [2011-2012] Restraint and Management Receivership Counsel in multimillion pound advance fee / consumer fraud.

Operation Cantonese [2007-2015] Counsel for Merton LBC and the Central Fraud Group in successful prosecution of three men for conspiracy to defraud through betting tipster and advance fee frauds relating to bloodstock. Confiscation involves tracing assets in the middle East and Cyprus.

Merton, LBC v Tesco Counsel for Local Authority in food safety case against Tesco, concerning its flagship store in New Malden, resulting in its highest fine ever for a food-safety offence.

Asset Recovery Agency v Green [2005] EWHC 3168 (Admin); 2005 WL 3719494; Times, February 27, 2006 Counsel for Respondent in largest civil recovery case of all time. Leading case defining “criminal property” in restraint (Part 5 of POCA).

Serious Crime

2015. Murder. In May 2015 Ben appeared in the High Court in a case in which reporting restrictions are in place concerning the right of a deponent to claim the privilege against self-incrimination.

2015. Baby smuggling. Ben securing convictions, prosecuting in two “Miracle Baby” cases where the defendant “mother” in each case claimed that she had genuinely given birth to a baby smuggled into the UK having had Nigerian herbal treatment; see Fake pregnancy woman found guilty of child smuggling - The Independent

2015. Ben is representing a defendant charged with two counts of conspiracy to buggery dating back to the 1980s when the defendant was alleged to have procured the buggery of a man by a vicar and healthcare worker.

Operation Throughout [2012-2013] - Ben secured the conviction of a defendant for importing 144 kilograms of ketamine from India.

Operations Cook, Siberian, Tuna and other related UKBA and Serious Organised Crime Agency operations [2012-2013]

Ben and Justin Cole (now HH Judge Cole) were judicially commended by HHJ Ross for their conduct of a complex and substantial drugs importation trial at the Crown Court at Reading.

The case brought together six separate investigations by the Serious Organised Crime Agency, the UKBA and Police. It involved over 2 tonnes of cannabis and 20 kilograms of cocaine. The six men indicted were all convicted, with the first defendant receiving a sentence of 24 years' imprisonment. [Click here for the BBC News report of the case.](#)

Education/Professional

LL B (Hons) (Reading)

M Phil (Wales)

Fraud Advisory Panel

Call to the Bar of Grenada 2011.

Criminal Bar Association

Accredited advocacy trainer for Gray's Inn.

Publications and Seminars

2015 Blackstone's Guide to the Consumer Rights Act 2015; to be published in May 2015.

Lexis Nexis Webinar Commercial Series - 2015 Consumer Rights Package; with Claire Andrews, Head of Gough Square Chambers delivered webinar (transcript published) concerning the regulatory framework including the new Bill.

Conspiring to define conspiracy to defraud; 2015 Article published in The Lawyer concerning the recent changes in the law with regard to conspiracy to defraud.

The difference between civil and criminal contempt of court: Lexis Nexis April 2014 an interview of Ben Douglas-Jones by Robert Matthews of Lexis Nexis.

Contempt is not a Crime: By Ben Douglas-Jones and Stuart Miller, Managing Partner of Miller Rosenfalck LLP, European Business Lawyers; The Lawyer 3rd April 2014.

Lexis Nexis Webinar Commercial Series - 2014; Consumer Rights Directive (transcript published).

Trading Standards Institute Conference 2014 "Big Changes Around the Corner"- The Consumer Rights Bill. with Denis Barry - seminar concerning the new Bill.

2013: the CPS Guidance on charging and prosecuting victims of human trafficking – co-written with Carolyn Oakley, Specialist Prosecutor and Pam Bowen CBE, the CPS Policy Lead on Human Trafficking.
http://www.cps.gov.uk/publications/docs/policy_for_prosecuting_cases_of_human_trafficking.pdf

Trading Standards Conference 2011; with Edward Jenkins QC seminar to delegates Low cost RESA 2008-Low Cost Regulation.

London Tobacco Control Conference 2011: Tackling Irregular Access: a seminar on the underage use of cigarette vending machines (in the wake of Merton LBC v Sinclair Collis [2011] 1 WLR 1570 in which Ben and Ed Jenkins QC appeared for the prosecution).

Trading Standards Conference 2010: seminar concerning the Digital Economy Act 2010.

2009: Unsilent Witness (Commercial Litigation Journal 2009, with James Stanbury, partner in RGL Forensics' London office), examining the factors which typically need to be considered when instructing a forensic accountant. 2008

Opinion: Stagg payout – a unique amount for a unique case – The Lawyer November 2008 – a study of the demise of the ex gratia compensation scheme for miscarriages of justice (having represented Colin Stagg in his Home Office claim).

The Rights of the Foetus in Medical Procedures Affecting the Woman and Foetus; dissertation for M Phil 1999.