



STEVEN GRAY

Year of call
2000

Steven Gray's practice focuses on financial and business crime and related civil, public and regulatory work.

His clients include domestic and offshore financial services institutions, high net-worth individuals and domestic and offshore government agencies. He has recent experience of advising corporate clients in the UK in relation to an internal bribery investigation and offshore in relation to a substantial regulatory investigation arising out of a failed Eastern European property investment scheme. He is regularly asked to advise on money laundering and compliance issues. He is a member of the Serious Fraud Office panel of counsel. He appears as an advocate in both criminal and civil courts and tribunals.

Since 2009 Steven has acted regularly on behalf of the government in national security-related civil litigation, and in particular in cases involving control orders, terrorism prevention and investigation measures, national security deportations and exclusions, terrorist asset-freezing and claims for damages in connection with alleged torture. He has appeared regularly in the Administrative Court and the Special Immigration Appeals Commission and has also appeared in both the Court of Appeal and Supreme Court in connection with such cases.

Steven has lectured around the world on both financial crime and terrorism financing.

Steven is qualified to accept instructions directly from clients and is registered under the Bar Council's Public Access Scheme, meaning that members of the public who seek specialist advice can come direct to him. In addition, he welcomes instructions from solicitors, in-house law departments, qualified foreign lawyers, and clients licensed by the Bar Council to give instructions direct to barristers under the Bar Council's Licensed Access Scheme. For more information please visit our Direct Access page [here](#).

LEGAL EXPERTISE

Financial Crime

Steven focuses on financial and business crime and related civil, public and regulatory work. His clients include domestic and offshore financial services institutions, high net-worth individuals and domestic and offshore government agencies. His practice areas include asset recovery, bribery and corruption, money laundering, restraint and confiscation and criminal fraud litigation. He has been ranked as both a noted “up and coming” counsel and as a leading junior in the Chambers & Partners directory.

He has recent experience of advising corporate clients in the UK in relation to an internal bribery investigation and offshore in relation to a substantial regulatory investigation arising out of a failed Eastern European property investment scheme. He is regularly asked to advise on money laundering and compliance issues.

He is a member of the Serious Fraud Office panel of counsel. He appears as an advocate in both criminal and civil courts and tribunals. He has both defended and prosecuted in complex and high-value fraud cases. He is experienced in dealing with large-scale disclosure exercises and all aspects of restraint and confiscation.

Bribery & Corruption

Steven has significant experience of cases involving bribery and corruption, particularly with an international dimension. He has been instructed by the Attorney General of Jersey to advise in connection with investigations in high profile corruption cases, which involved extensive, co-ordinated international mutual co-operation and successful asset recovery actions.

Steven has also advised corporate entities facing potential investigation in relation to allegations of bribery and corruption. He has recently advised a corporate entity in relation to a bribery investigation by the Serious Fraud Office and has advised a financial services institution in the Channel Islands and Switzerland being investigated in respect of possible money laundering of the proceeds of political corruption in Zambia.

Steven has a detailed understanding of the Bribery Act 2010, having lectured on key legal and practical risk areas. He is also familiar with the old law, having debated with David Farrer QC on the topic of “*Cross-Border Corruption and Consenting Principals*”. Steven is a member of the Serious Fraud Office panel of approved counsel and is developed vetted.

Criminal Fraud Litigation

Steven has more than ten years of experience, both prosecuting and defending in criminal fraud cases. He has both defended and prosecuted in complex and high-value fraud cases. He is experienced in dealing with large-scale disclosure exercises and all aspects of restraint and confiscation. He is a member of the Serious Fraud Office panel of counsel.

Extradition & Mutual Legal Assistance

As a result of being instructed by the Attorney General for Jersey in fraud, corruption and money laundering cases involving a major international dimension, Steven has acquired a significant knowledge and expertise in the area of mutual legal assistance.

In particular, in *Durant International Corporation v Attorney General for Jersey* he successfully advised the Attorney General for Jersey in relation to two judicial review challenges to the exercise of mutual legal assistance powers by the Attorney General [see [2006] JLR 112].

Since then he has often been required to draft letters of request to assist international criminal fraud investigations. He has worked closely with overseas authorities, including the District Attorney's office in New York, from whom he received public thanks for his efforts in connection with a corruption and money laundering investigation. The investigation resulted in a significant financial settlement with a New York bank.

Money Laundering

Steven has significant experience of cases involving money laundering, both domestically and offshore. He has significant experience of working closely with forensic accountants to identify and trace the proceeds of criminal offences. Steven has regularly lectured on offshore regulatory and AML requirements. He is regularly asked to advise on money laundering and compliance issues in an offshore context. He co-authored the review of Jersey's new anti-money laundering regime in the *Jersey & Guernsey Law Review* when it came into force in 2008.

Restraint & Confiscation

Steven is experienced in dealing with all aspects of restraint and confiscation. He advises at all stages of criminal investigations and proceedings in relation to restraint orders.

In 2011 he lectured with Richard Latham QC on "Restraint Orders in Criminal Cases".

Sanctions

Steven has been concerned in advising companies who have needed advice in relation to possible breaches of sanctions regimes, particularly in relation to Iran and Syria.

In 2009, Steven was described in *Chambers & Partners* as an "excellent all-rounder with a very sound knowledge of sanctions legislation".

Steven has lectured abroad on "Maintaining Effective Sanctions and PEP management programmes".

Selected Cases

Re X

Advising a corporate entity in relation to a bribery investigation by the Serious Fraud Office.

R v ICU Investigations Limited & Ors

Defending a company officer charged with conspiring to breach the Data Protection Act 1998. Prosecution brought by Information Commissioner.

R v Grewal & Ors

Defending a property entrepreneur charged with £3.3 million mortgage fraud.

R v Hickman & Another

Defending a company director charged with Medicines Act offences, Trade Mark offences and money laundering arising from the international trade in unlicensed pharmaceutical products.

R v Iqbal & Ors

Prosecuting multi-handed conspiracy to defraud the Department for Education and Skills during the operation of the Government's I.L.A. scheme. Instructed by CPS HQ.

R v Hibberd & Ors

Defending a company director charged with conspiracy to defraud Royal Bank of Scotland and Lombard of several million pounds through fraudulent applications for credit facilities.

Attorney General for Jersey v Durant International Corporation & Ors

Instructed in an investigation into allegations of corruption against the former mayor of Sao Paulo, Paulo Maluf. As a result of extensive international co-operation able to freeze some \$25 million in accounts in Jersey and to provide evidence to the Brazilian authorities, surviving two judicial review challenges in the process.

Operation Tetley

Instructed by the Attorney General of Jersey to assist in investigation of two Jersey trust funds held by the then Foreign Minister of Qatar in which it was alleged the proceeds of corruption had been placed.

R v ICU Investigations Limited & Ors

Defending a company officer charged with conspiring to breach the Data Protection Act 1998. Prosecution brought by Information Commissioner.

R v Grewal & Ors

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Crime

Steven prosecutes and defends in the Crown Court and also conducts appellate advocacy. He has been instructed as junior counsel for the prosecution and defence in large-scale fraud and money laundering cases as well as in cases concerning murder, terrorism, armed robbery, drugs importation and conspiracy to incite racial hatred. He has experience of dealing with very large volumes of material, including sensitive material, and arguing human rights points. Steven is also instructed to conduct private prosecutions on behalf of the RSPCA.

Steven is a member of the Serious Fraud Office panel of approved counsel. He also prosecutes for the CPS and is presently instructed by the Serious & Organised Crime Division in relation to the prosecution of Moazzem Begg.

Selected Cases

R v JC

Defence junior counsel in case involving prosecution at Old Bailey of juvenile under the Terrorism Act.

R v Khan, Gader & Naveed

Prosecution junior counsel in case concerning robbery and murder of takeaway owner in Leicester.

R v ICU Investigations Limited & Ors

Defending a company officer charged with conspiring to breach the Data Protection Act 1998. Prosecution brought by Information Commissioner.

R v Grewal & Ors

Defending a property entrepreneur charged with £3.3 million mortgage fraud.

R v Hickman & Another

Defending a company director charged with Medicines Act offences, Trade Mark offences and money laundering arising from the international trade in unlicensed pharmaceutical products.

AG's Ref (No. 137 of 2006) sub nom R v Kulwant Singh [2007] EWCA Crim 310

Acting for the Defendant; sentence not increased for causing death by dangerous driving.

Offshore & International

Steven has had a busy offshore practice since his call in 2000. He focuses on financial and business crime and related civil, public and regulatory work. His clients include financial services institutions as well as government agencies. He is regularly asked to advise on money laundering and compliance issues in an offshore context.

He co-authored the review of Jersey's new anti-money laundering regime in the Jersey & Guernsey Law Review in 2008. He has lectured on the abuse of offshore financial structures in Jersey, Switzerland, Jamaica and South Africa.

Over the last ten years, Steven has been instructed by the Attorney General of Jersey on major investigations into suspected international fraud and, on the other side, has advised offshore financial services institutions in relation to fraud and regulatory investigations.

Cases have concerned the collapse of investment funds, allegations of political corruption in Africa, the Middle East and South America, suspected illegal corporate trading in Africa (alleged arms dealing), issues connected with the UN inquiry into alleged corruption relating to the Oil for Food programme in Iraq, export control issues and cross-jurisdictional money laundering involving offshore trust and company structures.

Steven has advised prospective purchasers of offshore financial services businesses on due diligence matters. This has involved analysis of complex tax arrangements.

Public Law

Since 2009 Steven has been instructed regularly by the Treasury Solicitor on behalf of the government in national security-related civil litigation, and in particular in cases involving control orders, terrorism prevention and investigation measures, national security deportations and exclusions, terrorist asset-freezing and claims for damages in connection with alleged torture. He has appeared regularly in the Administrative Court and the

Special Immigration Appeals Commission and has also appeared in both the Court of Appeal and Supreme Court in connection with such cases. He is developed vetted.

As a result, he is experienced in litigation founded on judicial review principles. He is presently instructed to act for the Secretary of State for the Home Department in newly certified cases concerning exclusion, naturalisation and citizenship decisions (following the coming into force of section 15 of the Justice and Security Act 2013).

Steven has also advised in the judicial review context in connection with his work on financial crime and regulatory matters. For example, he has advised an offshore client seeking to institute judicial review proceedings in relation to a refusal by an investigating authority to give consent for the release of funds. In *Durant International Corporation v Attorney General for Jersey* he successfully advised the Attorney General for Jersey in relation to two judicial review challenges to the exercise of mutual legal assistance powers by the Attorney General.

Selected Cases

[B v Secretary of State for the Home Department \[2013\] UKSC 4, \[2013\] 1 WLR 435](#)

The Supreme Court determining the Court of Appeal (Civil Division's) power to review Special Immigration Appeals Commission contempt sentences. Where the CofA considers that sentence was reached on a flawed basis, it may sentence afresh, and need not remit the case unless a fresh investigation of new facts is required.

[Secretary of State for the Home Department v \(1\) CB & \(2\) BP \[2012\] EWCA Civ 418, \[2012\] 1 WLR 3259](#)

The Court of Appeal concluded the Administrative Court had no power to stay or discontinue proceedings concerning a non-derogating control order under section 3(10) of the Prevention of Terrorism Act 2005, unless the controlled person requested it.

[IR \(Sri Lanka\) & Ors v Secretary of State for the Home Department \[2011\] EWCA Civ 704, \[2012\] 1 WLR 232](#)

Re the removal or exclusion of foreign nationals on national security grounds. The Court of Appeal considered the impact of the procedural requirements of Article 8 ECHR on the procedure of the Special Immigration Appeals Commission.

[Gulam Mastafa v HM Treasury \[2012\] EWHC 3578](#)

Collins J held that the ECHR 1950 art.6 is applicable to appeals under the Terrorist Asset-Freezing etc. Act 2010. Collins J disapproved of the case of Bhutta.

Regulatory & Professional Discipline

A significant part of Steven's practice involves advising offshore financial services institutions facing potential regulatory investigation and sanction. He has also worked with the Jersey Financial Services Commission. He also has a good working knowledge of FSMA.

Steven has regularly lectured on offshore regulatory and AML requirements, including effective AML investigations. He is regularly asked to advise on money laundering and compliance issues in an offshore context. He co-authored the review of Jersey's new anti-money laundering regime in the Jersey & Guernsey Law Review when it came into force in 2008.

Selected Cases

Advising a large offshore financial services institution in connection with an ongoing regulatory investigation into the circumstances surrounding the failure of Eastern European property investment funds.

Advising an offshore trust company in connection with regulatory inspections and findings as well as migration of business to a different jurisdiction.

Advising prospective purchaser(s) of offshore trust company on certain due diligence matters. This involved analysis of complex tax planning structures.

Advising an international financial institution on the correct group approach to anti-money laundering procedures in light of offshore legislation. The remit of this advice was expanded to consider the appropriate group structure in light of pending legislation.

Advising and representing a UK financial services institution in its dealings with the Jersey Financial Services Commission as a result of seeking to cease its offshore business.

Advising on disclosure of materials obtained under compulsion by prosecuting authorities to those fulfilling regulatory functions and the rights of affected persons to make representations.

Instructed by the Jersey Financial Services Commission on a Trust Company Inspection involving interviews with shareholders, directors and employees, a site inspection and the production of the Inspector's final report. The findings and resulting action of the JFSC were upheld following challenge by way of judicial review proceedings.

Memberships

- Administrative Law Bar Association
- Criminal Bar Association
- Financial Services Lawyers Association
- Fraud Lawyers Association