



Ben Douglas-Jones QC

Barrister

Call: 1998

Silk: 2018

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Ben Douglas-Jones QC is a specialist fraud, criminal, regulatory, consumer and human rights barrister.

“an excellent communicator who is always immaculately prepared and shows outstanding attention to detail”

“a remarkable capacity to soak up large cases and present them with great effect for a jury”

Specialist areas

Fraud, Business and Financial Crime

Crime

Consumer Law

Inquests & Inquiries

Professional Regulation

VAT number: 798780449

Bar council number: 39026

Ranked in Tier 1 by Legal 500 for Criminal Fraud, Consumer Law and General Crime, he is consistently highly recommended in the legal directories for Criminal Fraud, Business Crime, Consumer Law (trading standards, trade-marks, copyright, consumer protection offences) Financial Crime and Crime.

Ben is a Recorder of the Crown Court and is the author of several key legal texts. He was named The Times Lawyer of the Week for successfully prosecuting Ieuan Harley for the murder of David Gaut, who had been convicted of murdering a 15-month-old baby in 1985.

Ben defends professional and corporate clients including public limited companies. He prosecutes for the Serious Fraud Office and CPS Headquarters' Specialist Fraud Division, Appeals and Review Unit, Organised Crime Unit and Proceeds of Crime Unit and Complex Case Units. He also prosecutes for local authorities.

For more information see www.bendouglasjones.com

Areas of expertise

Ben specialises in fraud, serious crime, appeals, human rights and consumer law.

In fraud, Ben has significant experience in serious and complex fraud, including corporate, financial, banking, carousel, MTIC, tax evasion scheme, acquisition, mortgage, Excise, Hawala, advance fee (419), boiler room, Ponzi, NHS, dental, pharmaceutical, Internet, car-ringing, gambling, cheque clearing cycle and insurance fraud.

Fraud cases include a huge alleged Ponzi fraud, a 14-handed money laundering case and the landmark National Trading Standards prosecution of the officers of BZZ Ltd for reselling concert and event tickets using multiple names.

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

In serious crime, Ben prosecutes and defends in cases including murder, sexual and drug offences. Notable cases include defending MQ, leading Amy Jackson of St Ives Chambers, in the 6-handed drive-by shooting of three men - including the alleged murder of one, a baby shaking case involving experts in five disciplines; *R v Sweeney et al*, a manslaughter; and the prosecution, leading Tim Evans of Apex Chambers, of the high profile murder of David Gaut who was stabbed 200 times after being released from a 33 year sentence for the murder of a child.

Ben's human rights and appellate practice has seen him appear in many leading and reported cases. These cases include *R v DS* [2020] EWCA Crim 285 - a leading case abolishing abuse of process in cases where victims of trafficking are prosecuted for offences following the statutory defence in the Modern Slavery Act 2015) and *R v GB* [2020] EWCA Crim 2 - an important case on change in law appeals concerning victims of trafficking who were prosecuted for offences.

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

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

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 is an editor of Southwell, Brewer and Douglas-Jones QC – Human Trafficking and Modern Slavery Law in Practice; Bloomsbury Professional – February 2018. He is also an author of the Blackstone's Guide to the Consumer Rights Act 2015.

Ben has co-written the 2019 CPS Guidance on charging and prosecuting victims of human trafficking, the Law Society Guidance on defending people who might be victims of human trafficking and the refugee defence and the Judicial College Guidance on trying defendants who might be victims of trafficking or slavery.

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

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.

Notable cases

Ben has been in over 120 reported cases in the last few years; see:
www.bendouglas-jones.com/cases/

Fraud

In R v Hunter, Ben led Rhodri James (of 23 Essex Street) in the representation of the first defendant in the landmark National Trading Standards prosecution of the officers of BZZ Ltd for reselling concert and event tickets using multiple names.

The case involved the evidence of Ed Sheeran's manager and promoter. Ben led an abuse of process argument based on Regulators' Code (Adaway consumer abuse) and the law concerning tickets and contractual webs involved in the ticketing industry; and unfairness to consumers in business-to-consumer contracts forming part of contractual webs. Ben led the argument on the law of fraud, fraudulent trading and dishonesty concerning consumer fraud in the secondary ticketing industry.

Meanwhile, Ben, leading Aparna Rao, prosecuting for the Specialist Fraud Division, secured convictions against four men who used the foundry website to distribute films, including The Expendables 3, illegally before their official release dates by torrent software and "seedboxes" for the "MILLENNIUM" release group, costing the film industry a minimum of £8.5 million.

In Operation Atlas Case 1 and Operation Atlas Case 2, Ben, leading Aparna Rao, prosecuting for the Specialist Fraud Division, secured convictions against Philip Bujak, the former CEO of Montessori, for two frauds on Montessori - an expenses fraud and separate fraud relating to the charity's printing budget.

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

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

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.

Before taking Silk, 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 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 Silk, Ben went on to represent Mr Evans successfully in Solicitors' Disciplinary Proceedings.

Ben, led by Patrick Harrington QC and leading Simon Rogers, prosecuted the biggest mortgage fraud ever investigated in England and Wales: Operation Valgus, R v Lowry-Huws and others. After a five month trial they secured six convictions. Later, a further seven defendants pleaded guilty. Appeals against conviction were dismissed: [2014] EWCA Crim 1762.

Facing allegations of creating and operating copycat government websites to defraud the public, Stephen Oliver was represented by Ben - who was led by Graham Trembath QC. 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.

Ben Douglas-Jones QC represented a putative victim of human trafficking, L, in a rare successful challenge to a CPS decision not to prosecute her alleged traffickers.

R v GS [2018] EWCA Crim 1824. The change in law concerning the non-prosecution and non-punishment of human trafficking victims from 2007 to 2018 renders an application for leave to appeal against a 2007 conviction a change in law case and therefore the substantial injustice test applies.

Drug mules commit serious offences. Notwithstanding evidence of duress involving threats of serious injury or death to GS and her young son, if she refused to smuggle drugs, she had not been under such a level of compulsion that her criminality or culpability was reduced to such an extent that it was not in the public interest for her to be prosecuted. It had not been an abuse of process to prosecute GS.

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*.

In *R v 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, in *R v S*, endorsed the *O* and *LZ* line of authority.

Ben appeared for the Crown in *L and others* [2014] EWCA Crim 1483, 5 conjoined appeals, in which the Crown was held right to concede appeals where victims of trafficking had been prosecuted. The criminality had been extinguished by their trafficking circumstances.

In *R v L and others* [2013] EWCA Crim 991; [2013] 2 Cr. App. R. 23, Ben appeared in a 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.

In 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 then 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.

Ben's other notable cases include R v Dastjerti [2011] EWCA Crim 365 - cited where a trafficked victim has pleaded guilty on bad advice. Ben's approach to the safety of convictions in these cases gave its name to the "Dastjerti checklist", applied by Leveson P in the R v K [2017] EWCA Crim 486 and R v LZ [2012] EWCA Crim 1867 - a trafficked adult subjected to repeated rape.

R v O [2011] EWCA Crim 2226 involved a victim trafficked with coercion from "JuJu magic" and who was 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

In R. (on the application of Khalif) v Isleworth Crown Court [2015] EWHC 917 (Admin), Ben appeared for the DPP. This is a leading case concerning 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.

In *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.

In *Mateta and others* [2013] EWCA Crim 1372, Ben appeared for the Crown (CPS Appeals Unit) in a 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”.

Ben’s other notable asylum defence cases include *R v A* [2013] [citation pending] - involving a refugee escaping persecution on grounds of sexuality and *R v Sadighpour* [2012] EWCA Crim 2669; [2013] 1 Cr. App. R. 20; Archbold News February 2013, a leading case concerning the application of burden and standard of proof in refugee-defence cases and the admissibility of FTT decisions in appeals against conviction.

R v C [2011] EWCA Crim 2911 concerned 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

Ben appeared for the DPP in *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. In this case, 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.

Ben also appeared in *R. (on the application of Ewing) v Cardiff and Newport Crown Court* [2016] 1 Cr. App. R. 32, which concerned Article 6 and 10 rights in Crown Court cases.

Consumer and Restraint

In Operation Taylor, Ben – instructed by Kevin Hansford of the Specialist Fraud Division – prosecuted companies and individuals involved in the movement of hundreds of thousands of doses of temazepam and diazepam as well as medicinal products.

Ben also represented Stephen Oliver – the first defendant in Operation Cleo, an alleged multimillion pound fraud involving supposedly copycat “Government Gateway” websites. The cases received widespread national publicity as a flagship prosecution of National Trading Standards.

In Operation Albatross, Ben – instructed by Ayo Awoyungbo and Bryony Dean of the MHRA Unit of the Welfare, Rural and Health Division of CPS HQ – prosecuted 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.

In *DBIS v Rees*, Ben was leading defence counsel in criminal proceedings involving the alleged breaches of a director’s disqualification order in the context of two separate companies.

Ben and Edward Jenkins QC appeared for London Borough of Merton (instructed by Head of Civic and Legal Services, Merton London Borough Council) in *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.

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.

In *Operation Citrus / Bedford County Council v M*, Ben was retained to advise on complex restraint and management receivership issues in a multimillion pound advance fee / consumer fraud.

Ben was counsel for Merton LBC and the Central Fraud Group in *Operation Cantonese* – a successful prosecution of three men for conspiracy to defraud through betting tipster and advance fee frauds relating to bloodstock. The confiscation involved tracing assets in the Middle East and Cyprus.

Ben was also involved in *Merton, LBC v Tesco* as counsel for the Local Authority in a food safety case against Tesco, concerning its flagship store in New Malden. The case resulted in its highest fine ever for a food-safety offence.

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

Serious Crime

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Ben was named The Times Lawyer Of The Week for his successful prosecution of Ieuan Harley for the murder of David Gaut, who had himself served over 30 years in prison for the murder of a baby.

Ben, leading Amy Jackson (of St Ives Chambers), represented a 19-year-old indicted for conspiracy to murder and conspiracy to possess firearms with intent to endanger life in connection with a drive-by shooting in Birmingham in R v B, et al.

Ben also worked on R v C - a case involving a one-punch manslaughter.

Ben appeared in the High Court in a murder concerning the right of a deponent to claim the privilege against self-incrimination.

Baby smuggling.

Ben, leading Sharon Bailey of Tuckers, is instructed in R v L - a baby shaking case involving experts in five disciplines.

Ben secured convictions when he prosecuted 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.

Ben, leading Aparna Rao, represented 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.

In Operation Throughout, Ben secured the conviction of a defendant for importing 144 kilograms of ketamine from India.

Meanwhile, Ben was instrumental in Operations Cook, Siberian, Tuna and other related UKBA and Serious Organised Crime Agency operations.

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 two tons 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.

Appointments

Recorder of the Crown Court.

The Fraud Lawyers' Association.

Fraud Advisory Panel

Accredited advocacy trainer for Gray's Inn.

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

Publications, Training and Seminars

Ben is author and editor of Southwell, Brewer and Douglas-Jones QC – Human Trafficking and Modern Slavery Law in Practice; Bloomsbury Professional.

Blackstone's Guide to the Consumer Rights Act 2015

Ben has co-written the 2019 CPS Guidance on charging and prosecuting victims of human trafficking, the Law Society Guidance on defending people who might be victims of human trafficking and the refugee defence and the Judicial College Guidance on trying defendants who might be victims of trafficking or slavery.

Ben has conducted human trafficking training with Beyond Borders in the Middle East. At these events, Ben trains public prosecutors, judges and ministerial officers – informing them of key legal issues concerning human trafficking and slavery.

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

Conspiring to define conspiracy to defraud – an article published in The Lawyer concerning the changes in the law with regard to conspiracy to defraud.

The difference between civil and criminal contempt of court – a Lexis Nexis interview with Ben Douglas-Jones by Robert Matthews of Lexis Nexis.

Contempt is not a Crime: Written by Ben and Stuart Miller, managing partner of Miller Rosenfalck LLP, European Business Lawyers, and published in The Lawyer.

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

Trading Standards Institute Conference “Big Changes Around the Corner”– The Consumer Rights Bill. Seminar with Denis Barry – concerning the new Bill.

The CPS Guidance on charging and prosecuting victims of human trafficking – written by Ben, , Specialist Prosecutor Carolyn Oakley, 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; a seminar with Edward Jenkins QC about low cost RESA 2008

London Tobacco Control Conference: 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: Ben conducted a seminar concerning the Digital Economy Act 2010.

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

In an opinion piece for *The Lawyer* – *Stagg payout: a unique amount for a unique case* – Ben examined the demise of the ex gratia compensation scheme for miscarriages of justice (having represented Colin Stagg in his Home Office claim).

Ben completed a dissertation for his M Phil in 1999 on *The Rights of the Foetus in Medical Procedures Affecting the Woman and Foetus*.

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