



## Richard Padley

Barrister

Call: 2011

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Richard both prosecutes and defends a broad range of criminal and regulatory matters.

| “A very bright star at the Bar ”

| “Decisive when decisions are required to be made, and can come up with proactive and creative solutions to issues raised by the Defence”

### Specialist areas

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Crime

Fraud, Business and Financial Crime

Consumer Law

VAT number: 180 0971 16

Bar council number: 18844

He confidently leads people through difficult and complex proceedings. Richard is a hardworking and dedicated advocate both on his own but also as part of a team. Richard has worked with a variety of expert witnesses, including cell site experts, psychiatrists and forensic scientists. He presents a series of seminars on the use of expert witnesses in criminal proceedings and is the author of ‘A Practical Guide to the use of Expert Evidence in Criminal Proceedings’ (2nd edition released April 2023).

## Areas of expertise

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### *White Collar Crime, Fraud and Money Laundering*

Richard commenced his career working as part of the white-collar crime teams for both Birds Solicitors and Peters & Peters Solicitors LLP. Richard assisted with matters of fraud, bribery and money laundering both on a national and international scale. During this time Richard assisted in the preparation of the case of an individual charged with insider trading in *Operation Saturn*, at the time the largest insider trading case prosecuted by the FCA, working closely with Patrick Gibbs KC and Alison Pople KC. In January 2015 Richard re-joined Peters & Peters for six months on secondment. Whilst there, amongst other matters, he assisted with the defence of an individual charged in respect of their role in the Barclays-Qatar funding arrangements.

In his own practice Richard is regularly instructed to both prosecute and defend allegations of fraud, money laundering and matters involving financial misconduct. He has worked with a range of experts in assisting to build a case, such as forensic accountants to assist with the explanation of transactions and calculation of loss.

Richard has advised a range of businesses and individuals on the implications of account freezing orders, including challenging such orders. He represented Alex Pabon at the third LIBOR trial (led by Tom Allen QC and Catherine Rabaiotti).

He is currently advising an individual being investigated by the FCA in relation to alleged fraudulent use of company funds, as well as associated disclosure notices. He is long standing disclosure Counsel in relation to allegations of conspiracy to defraud arising from cheating on English language tests. He is presently instructed to prosecute a series of trials relating to alleged fraud on the Construction Industry.

### *Confiscation, Asset Forfeiture and Restraint*

Richard is regularly instructed to advise and represent prosecuting authorities, defendants and third parties at confiscation hearings, whether having been instructed in the substantive proceedings or not. He is well verse with the complexities of the legislation and practical requirements that come with addressing confiscation orders.

Richard has spent time working with the SFO Proceeds of Crime and International Assistance team working on the preparation for contested confiscation and restraint hearings.

Richard has represented both companies and individuals subject to account freezing and restraint orders and has successfully challenged the imposition and sought the variation of these types of orders. He is regularly instructed by the CPS Proceeds of Crime team to secure restraint orders. He is instructed to deal with restraint matters arising from a seven handed money laundering scheme presently before the Crown Court. Further he is instructed on behalf of a foreign government to deal with long standing matters of restraint in the High Court under the Drug Trafficking Act 1994.

### *Regulatory Crime*

Richard is regularly instructed by a range of government departments, local authorities, and defendants in respect of regulatory matters. His recent experience includes matters relating to use of property, trademark infringements and health and safety regulations. Previous matters include allegations contrary to the Food Labelling Regulations 1996, Trademarks Act 1994 and the Town and Country Planning Act 1990.

### *Professional Discipline*

Richard has represented a broad range of professionals at disciplinary tribunal hearings including BAPC, SWE, NMC, HCPC And GDC. Richard has attended at all stages of the disciplinary proceedings process from interim order applications to fully contested final hearings. Richard has provided advice to trade unions about their obligations to respond to disclosure requests issued by regulatory bodies.

### *General Crime*

Richard is experienced in all manner of general criminal matters, from multi handed aggravated burglaries to extensive drug conspiracies. He is confident in presenting complex legal and factual submissions to both lay and legal tribunals. He works well with people of all backgrounds. He can quickly get to grip with cases and is attentive and appreciative of the importance of detail. Richard has expertise in dealing with matters involving aspects of mental health, drawing from his expertise in writing 'A Practical Guide to the use of Expert Evidence in Criminal Trials' and presenting seminars on the topic. Richard is well verse with the practical necessities in ensuring cell site and forensic evidence can be appropriately presented, and in appropriate case, undermined.

## Notable cases

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### *White Collar Crime, Fraud and Money Laundering*

**SFO v OB (Southwark CC):** Presently instructed, led by Andrew Trollope QC, in relation to the ongoing appeal and confiscation proceedings following OB's conviction for conspiracy to defraud.

**R v SF (Aylesbury CC):** Prosecuted SF in relation to allegations of fraudulently abusing her position of employment as a bookkeeper.

**R v R and T (Woolwich CC):** Prosecuted R and T in relation to the fraudulent abuse of a solicitors client account, used by a legal assistant for the purposes of purchasing investment property.

**Op Kraken (Birmingham CC):** Presently instructed, being led by Robert O' Sullivan QC and Stephen Hopper, in the ongoing prosecution of 14 individuals for fraudulently engaging in English language speaking tests on behalf of others.

**Op Limestone (Southwark CC):** Led by James Norman, the successful prosecution of two individuals for money laundering offences in respect of a central London money service bureau, with criminal property exceeding £6m.

**R v AR and others (St Albans CC):** Led by Denis Barry, Richard was instructed to prosecute a seven handed allegation of conspiracy to defraud account holders at Barclays Bank. The case involved fraudulently obtaining approximately £500k from a high net worth individual and the subsequent 'smurfing' of the proceeds. Trial lasted 7 weeks leading to significant convictions. Richard alone dealt with the subsequent POCA applications in relation to 5 convicted defendants.

### *Confiscation, Asset Forfeiture and Restraint*

**Government of Netherlands v HB and others (High Court):** Instructed by Government of Netherlands (via CPS) to represent their interests in ongoing proceedings under DTA94 and POCA02 and enforcement proceedings against HB's brother.

**FA Ltd (Folkstone MC):** Successfully opposed a HMRC application for an account freezing order. Having been instructed shortly before the hearing Richard was able to coordinate the compilation of an extensive bundle of evidence establishing the legitimacy of FA Ltd and its trade, as well as the due diligence conducted on its customers. This was used to persuade the court that HMRC had not met the low threshold required in order to secure an AFO. Further a successful costs argument

was raised against HMRC.

**R v CW (Kingston CC):** Instructed by the defence post-conviction for the purposes of confiscation. Having been convicted of the fraudulent evasion of tax circa £300k and furnishing false information, through analysis of the defendant's bank accounts and financial history Richard was able to secure an agreed order with a benefit of half that originally sought, and an available amount one sixth of that pursued.

**R v MO (Guildford CC):** Prosecuting confiscation proceedings against MO in relation to benefit gained from his role in coordinating 21 separate cannabis factories around the South East. Approximate benefit circa £10m, available circa £3m.

**R v SH (Sheffield CC):** Led by Lisa Freeman, Richard represented SH in relation to POCA proceedings. Following extensive discussions relating to the Crown's forensic accountant an order was agreed with benefit over £435k, £1m less than the prosecution had sought.

**R v PB (Birmingham CC):** Led by Jon Rees QC, advising and representing PB in response to a section 22 application seeking an increase of £1.5m in an amount to be paid by way of confiscation. This case involved extensive argument in respect of the scope of section 22 to cases where civil proceedings had been commenced.

**R v TI (Manchester CC):** Successful contested application to reduce the available amount to a confiscation order from £225k to £28k. The prosecution alleged fraud on the part of TI which was successfully rebutted.

### *Regulatory Crime*

**LBH v AA and ASA Ltd (Wood Green CC):** Prosecuting AA and ASA Ltd, Richard secured fines of £100,000 in relation to multiple breaches of enforcement notices, plus confiscation orders cumulatively exceeding £700,000 against the landlord and their company following a successful breach of the corporate veil.

**LBE v PE Ltd (Highbury Corner MC and Wood Green CC):** Prosecuting PE Ltd on behalf of LBE in relation to allegations of breaching a planning enforcement notice. The case involved extensive legal arguments surrounding abuse of process, the terms of the enforcement notice and its legality. Conviction upheld in the Crown Court. POCA ongoing.

**WBC v EH (Reading CC):** Representing EH at a 12 day trial for allegations of fraud and associated regulatory offences. Following discussions with the prosecution a compensation figure was agreed as well as entering guilty pleas to 'lack of

competence' regulatory offences. EH receiving a low level community order following mitigation.

**Insolvency Service v JM (Southwark CC):** Prosecuting, on behalf of IS, a practising barrister in relation to allegations of failing to disclose bankruptcy proceedings whilst taking funds from clients under the direct access scheme.

**WMC v CG Ltd (Westminster MC):** Advising and representing CG Ltd, a property company with a multi-million pound turnover, in respect of allegations contrary to Environmental Protection Act 1990. Following written representations, the private prosecutor agreed to withdraw the proceedings against CG Ltd.

**LBE v SM Ltd and three others (Highbury Corner MC):** Richard was instructed by LBE to prosecute two companies and their respective directors in relation to the use of a premises for food production. Following acceptable pleas been entered on the day of trial the matter concluded with financial penalties of over £100k imposed.

### *Professional Discipline*

**GDC v IN:** Currently instructed to represent IN in respect of a 10 day hearing set for 2024 alleging falsification of training records.

**SWE v SS –** Represented SS over a five day final hearing relating to allegations of misconduct in her role as a social worker resulting in the injuries to a child. After extensive cross examination of SWE witnesses and investigators the tribunal concluded that SS was the most reliable witness, with the local authority employer having failed to undertake a full and proper investigation. Impairment found on public grounds only, with SS receiving a 3 year warning order.

**HCPC v TW:** Represented TW at a 5 day final hearing, during which successful submissions of no case to answer were made in respect of three quarters of the allegations faced. At an earlier hearing Richard successfully argued for extensive aspects of HCPC's evidence to be removed as hearsay, as well as successfully sought the exclusion of the expert report.

**NMC v OD:** Representing OD at a 12 day hearing involving allegations that OD and another had forced patients to take medication. A successful submission of no case to answer was made at the conclusion of the NMC's evidence, bringing the case to an early conclusion.

**HCPC v MS:** Representing MS, who was alleged to have undertaken an inappropriate procedure on a patient in labour. Following cross examination of the HCPC's expert, it became clear that the expert had made fundamental mistakes in

their conclusions in respect of what had in fact taken place. All allegations dismissed.

**BAPC v SH:** Representing the complainant (the prosecuting regulator not represented) in respect of allegations of sexual misconduct towards her by her counsellor. Following extensive questioning of the registrant, significant allegations were found proven with the result that the registrant was struck off.

### *General Crime*

**R v KB, HMK, FM and JA (Snaresbrook CC):** Prosecution of four individuals for false imprisonment and GBH with intent of three young victims in an abandoned flat over a three-week period.

**R v AF, TQ and MS (Reading CC):** Prosecution of AF, TQ and MS in relation to allegations involving a premediated stabbing outside a college.

**R v DT (Birmingham CC):** Defence of DT, defendant 2 of 4, in a three week trial alleging the importation of large quantities of cannabis through Birmingham and Manchester airports.

**R v GH (Guildford CC):** Successfully defending GH in relation to allegations of rape and controlling and coercive behaviour. A review of the unused material, including extensive telephone records, led to the presentation of material which undermined the complainant's version of events.

**R v A and others (Canterbury CC):** Prosecution of five individuals, including two youths, for aggravated burglary following a raid on a property. The case involved vulnerable defendants and complainants, as well as aspects of 'cuckooing'.

**R v EC (Harrow CC):** Prosecuting EC for aggravating burglary, part of a three-man group who having earlier scoped out a property only to return with weapons, restrain the owner, whilst ransacking the property taking items of value.

**R v HR (Isleworth CC):** Prosecuting HR in relation to two allegations of facilitating illegal immigration. The case involved extensive analysis of mobile phone evidence, cell site, and bank transfers.

## Appointments / Professional

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- CPS List – Level 3

- CPS Specialist Fraud List – Level 3
- CPS Specialist Proceeds of Crime List – Level 2
- CPS Specialist Serious Crime List – Level 2
- Regulatory Panel – C List
- SFO General List – C Panel
- SFO Proceeds of Crime and International Assistance – C Panel