Stephen Harvey KC



Year of Call: 1979
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Overview

For the first 11 years, Stephen Harvey KC had a general common law practice. It developed into a heavyweight criminal practice and, in 1990, he was invited to join the Attorney-General's Chambers where he spent the following 16 years prosecuting and defending in serious criminal cases of all types Over the last 15 years he has developed a direct professional access practice and expanded into regulatory, compliance and professional disciplinary fields.

In 2013 he became Head of Chambers in a multi-disciplinary set of 60 plus barristers. He joined his current chambers (one of the largest in the UK) in 2016.

He receives instructions from throughout the UK and abroad.

Stephen has lectured on a variety of legal issues including corporate governance, bribery, corruption and cross-examination of the expert witness.

Direct access practice

Stephen is qualified to accept instructions directly from members of the public and professional clients under the Direct Public Access scheme. He is one of the few members of the Bar authorised to conduct litigation. He is a director of a barrister-led litigation practice.

Litigation

Stephen is approved by the Bar Standards Board to conduct litigation.

Areas of practice

- Criminal law – all areas.
- Business crime – trading standards, food and safety, pollution, health and safety, fire safety.
- Appeals in all criminal matters
- Private prosecutions
- Compliance and corporate governance – financial regulation, data protection, trademark and copyright breaches, bribery and anti-corruption.
- Public law and regulatory

- Planning enforcement
- Inquests
- Inquiries
- Disciplinary tribunals
- Military law and Courts Martial
- Sports law
- Direct access

Recommendations

Stephen has been rated by both of the two main professional directories:

Chambers & Partners states that 'Stephen is a meticulous and confident performer who is both charming and hardworking'. He is active in a wide range of areas, and has notable specialisations in fraud and copyright theft'.

'...(he) honed his skills in engineering and financial services before coming to the Bar. He wins acclaim for his charming manner and clear-headedness'.

Legal 500 particularly refers to his, '...wealth of experience in the cross-examination of experts (in a variety of fields) and (he) has lectured...on the topic of 'The expert witness'.

Academic qualifications

- 1978: LLB(Hons)(Lond)

Professional qualifications & appointments

- 1986: Associate Chartered Institute of Arbitrators

Professional bodies

- The Criminal Bar Association
- The Proceeds of Crime Lawyers Association
- The British Academy of Forensic Sciences
- The Association of Regulatory and Disciplinary Lawyers
- The Health and Safety Lawyers Association
- The Public Access Bar Association

Expertise

Crime and Regulatory Crime

The following are examples of the cases in which Stephen has been involved.

Sexual offences

PG – Secured the discontinuance of all charges in respect of a man charged with repeated, serious sexual offences.

R v B – Defended in a case in which a 16-year-old was charged with serial rape involving teenage girls.

R v H – Represented a top lawyer charged with historical sexual allegations on two very young girls. The accusations included stupefying them with drugs.

R v X – Represented an Imam charged with sexual offending.

R v B – Prosecuted a medical professional who faced multiple allegations of sexually abusing his patients.

R v H – Prosecuted to conviction a 'cold case' stranger rape.

R v B and Others - Advised the prosecution and drafted a 70 + count indictment against 10 defendants accused of being members of a paedophile ring involving some of the defendant's children, and others, and alleged corruption within Social Services departments of local authorities and outside agencies. T

Fraud

Much of Stephen's fraud practice has involved advisory work at an early stage of an investigation. When defending, he has often influenced its course and negotiated a favourable outcome. In this role he has dealt with the major investigating bodies including the Serious Fraud Office (using its wide-ranging powers), the Financial Conduct Authority in its regulation of financial markets as well as large-scale fraud inquiries conducted by the HMRC, the police and the CPS.

R v AB – Represented a bank manager who had spent many years defrauding his bank using 'ghost' accounts and other devices to conceal and move monies around the world.

R v J – Financial Services Authority prosecution of a large insurance brokerage and allegations of misappropriated premiums. Case involved 'early day' successful appearances in the Chancery Division in respect of a number of world-wide injunctions granted to the investigators.

R v M – An insurance company fraud involving substantial amounts of monies being syphoned off through a complex trail of bank accounts throughout Europe.

R v W – A substantial VAT 'carousel' fraud brought by HMRC involving cross-jurisdictional transactions, money laundering and a 'supergrass'.

R v G – A fraud involving the creation of a company to act as a vehicle for the sales of vast quantities of stolen specialist building materials from the company employing the defendants.

R v H – A seven-figure fraud on an international leasing company by the 'creation' of assets against which funds were borrowed.

F v K and L – Advising on a civil claim to recover tens of thousands of pounds involving accusations of fraud, forgery and an attempt to pervert the course of justice allegedly occurring during the course of earlier civil litigation.

J v JB – A case involving the identification of hidden assets here and abroad and the recovery thereof.

R v G – A civil fraud case before the Companies Court. The client was alleged to have defrauded two British banks of a total of £1.68 million using a BVI company (now in administration) to acquire properties in the UK. The case involved a number of issues arising under BVI company law.

AB – Stephen recently advised on behalf of an American finance investment company in relation to a 'Ponzi' type scheme in which it is seeking to trace and recover £2.7 million.

Proceeds of crime and money laundering

R v M – A large conspiracy to steal and distribute prestige cars throughout Europe with the proceeds being passed through a network of bank accounts.

R v C – An international conspiracy to supply drugs and launder the proceeds through bank and building society accounts in the UK and in Spain. Case stayed as an abuse of the process of the court.

R v B – Successfully retained the client's financial interests in a property in the face of the prosecutions claim that all the property should be the subject of confiscation.

Bribery and corruption

Much of Stephen's work, at home and abroad, has been in relation to the 'adequate procedures' and protocols required for an organisation to insulate itself against the prospect of criminal proceedings. He has advised here and abroad on the Bribery Act 2010 and associated legislation.

He has advised upon corruption and constitutional legal issues in the sub-Indian continent. Recently, he provided the opposition government in Sri Lanka with advice on the serving governments legislative powers and the lawfulness of some of its legislative activities. As a result the government was compelled to institute corruption investigations.

Stephen has investigated organisations who have identified internal corruption and has designed processes and protocols to prevent and detect future abuses.

R v A – Represented a senior tax investigator employed by the Inland Revenue who was acquitted upon all allegations of corruption after an inquiry lasting 4 years and a trial lasting 3 months.

R v GD – An unusually short sentence of imprisonment was achieved for a director of an international company who was convicted of securing contracts for outside contractors.

Espionage

R v M – Successful defence of an army major charged with spying.

Hijacking

R v U – Defended the only defendant who remains unconvicted in the 'Stansted-Afghan Hijacking' case.

Abuse of process

R v H – Successfully argued that the case should be stayed due to errors made by the prosecution during the investigation. The case involved an international drug conspiracy. The legal arguments took three months to advance.

R v E – At the time of trial the case involved the largest UK tobacco smuggling allegation that Customs & Excise had

prosecuted. Successfully argued that case should be stayed due to significant non-disclosure by the prosecution of material it had acquired during the investigation and which was helpful to the defence.

R v C – An international conspiracy to supply drugs and launder the proceeds through bank and building society accounts in the UK and in Spain. Case stayed as an abuse of the process of the court.

Homicide

R v T – Defended in a three-month multi-handed cutthroat murder trial. Stephen's client was the only defendant to be acquitted.

R v J and Others – This was the largest gangland trial that had been brought to court in the North of England. It involved Moss Side gangsters and gun-related violence, homicide, attempted homicides and drug dealing over a number of years. The trial took in excess of 6 months.

R v G and Others – Successfully defended a 17-year-old charged with murder and grievous bodily harm following allegations that he had set fire to a block of flats when he was just 14 years of age. The case was brought to trial after a 'cold-case review', a Crime Watch appeal and following two major police investigations. The client was acquitted following detailed submissions as to the unreliability of the prosecution evidence.

R v W – Successfully defended a young man charged with conspiracy to murder and conspiracy to dispose of the body.

R v N – Prosecuted to conviction a Zimbabwean ex-policeman who killed his wife with an axe.

R v A – Successfully defended a 17-year-old who was accused of being part of a group of youths who broke into the deceased's home twice and on the second occasion attacked him leaving him for dead. The client was acquitted after an 8-week trial.

R v B – Prosecuted to conviction a rare case of infanticide where a young mother, having delivered her own baby, killed it.

R v S – Defended an escaped prisoner who murdered his wife in the presence of their six very young (5 to 12 years of age) children by repeatedly stabbing her. The defence was provocation and a great deal of sensitive advocacy was required in dealing with the children who were witnesses in the case.

R v M – Prosecuted to conviction a difficult and sensitive 'shaken baby homicide' case involving medical evidence from a total of 17 distinguished experts from a variety of medical disciplines.

R v K – Defended in a 'county lines' drugs murder where co-defendants advanced 'cut-throat' defences. Client acquitted of murder.

Kidnapping and Blackmail

R v L – Defended in a trial involving the targeting, kidnapping and blackmailing of family members of lottery millionaires.

R v S – Defended a Turkish client charged with armed kidnapping and blackmail in a 'Kebab wars' trial.

Drugs

R v C – A substantial cannabis smuggling operation involving over 100 armed police officers in a midnight raid at a quiet east coast location.

Computer crime and copyright theft

R v V – Successfully defended in a private prosecution brought by the Federation Against Copyright Theft (FACT). This was the

first case that has come to trial involving accusations against the operators of a 'linking' website. The prosecution originally claimed that the losses of copyright revenues were in the region of £18 billion. The case, at the time, represented the highest value criminal prosecution brought in a UK court. The site was one of the most popular on the world wide web which, at its peak, was the 500th most visited site out of the 40 billion sites there are on the web. Complex cross-jurisdictional issues and a number of internationally renowned computer experts were called during the case. The client was charged with two conspiracies to defraud. Successfully argued that the first of the conspiracies should not proceed beyond close prosecution's case and the jury acquitted the client of the second conspiracy. The trial lasted 8 weeks.

R v S – A private prosecution by FACT. It involved the importation and distribution of illegal set top boxes which facilitated the illegal downloading of copy written material. A significant six-figure loss was alleged. The client was acquitted.

Explosives and firearms

R v K – A case involving the manufacture of two bombs one of which exploded destroying a solicitor's office. The second was a 'video tape' designed to explode and kill the recipient when it was inserted into a video player.

R v E – A case involving the petrol-bombings of two senior police officer's homes.

Modern slavery

TN – By virtue of early intervention, successfully secured the return of a vessel seized by a police force who alleged its crew were slaves. No prosecution followed for any offences.

Criminal appeals

Stephen is often asked to review convictions and sentences in cases he was not involved in which have, on occasions, resulted in him conducting an appeal in the Court of Appeal or the Crown Court, or if the case is suitable, in drafting an application for the Criminal Cases Review Commission.

R v RL – Police eventually persuaded to re-investigate following representations that two of the witnesses at trial had perjured themselves. Matter proceeding to a Criminal Cases Review Commission application for a referral back to the Court of Appeal based upon new evidence.

Military law and Courts Martial

Captain CM – The defendant was an officer in the TA who was eventually charged with spying contrary to section 1 of the Official Secrets Act. with spying. Stephen represented her from the moment of her arrest. She spent some six months in closed custody following which a successful application for habeas corpus was made. Following her release, the matter was passed over to the civilian authorities. The case resulted in an acquittal.

Major JG – This officer was the Range Safety Officer at a live firing range in Alberta, Canada. He served as such during the British Army's tenancy of the range. There were some fatalities culminating in the death of two soldiers who were killed by tank mortar due to an error in the transmission of firing coordinates. The officer was charged with two counts of negligent manslaughter. The courts martial lasted two weeks and resulted in acquittals upon both counts.

Public and Administrative Law

Financial

Stephen has spent some time over the past five years advising on the ever-increasing volume of regulation affecting the financial sectors.

He has advised an overseas investment bank in relation to its obligations under the European Market Infrastructure Regulations (MMIR), the Markets in Financial Instruments Directive (MiFID II), the obligations that the Foreign Account Tax Compliance Act (FATCA) imposes (introduced by the American government with effect from July 2013) and of its responsibilities under the Dodd-Frank Act.

The economic situation has also seen a growth in the number of small to medium sized businesses enter the 'Peer to Peer' lending market. He has advised a small British PLC wishing to create a peer to peer lending operation on the regulatory framework attaching to such an operation.

AL Ltd – Advised upon and prepared detailed skeleton submissions for the Chancery Division in the Financial Conduct Authority's application for a Restitution Order for £17.5 million under s.382 Financial Services and Markets Act 2000.

Other regulatory

R v C Z – Successfully argued for a low-level penalty having analysed the way in which breaches of the Control of Asbestos regulations 2012 had occurred. The fines imposed were 1/5th of those originally expected.

GDC v S – Defended in a General Dental Council prosecution in a case involving cosmetic treatment and breaches of the Dentists Act 1984.

Dr. J – Care Quality Commission application for cancellation of a GP's practice registration under the Health and Social Care Act 2012.

XX – Advised and represented a red brick university in disciplinary hearings of students.

Planning enforcement

Planning Inquiry - Stephen successfully appeared in a public inquiry arguing that the route of an ancient right of way should be changed to allow for commercial development.

R v BP – Alleged breaches of planning regulations over a 10-year period. Successfully argued technical failures in the prosecution case leading to acquittals on all matters and a full indemnity of costs.

R v SL – Successfully argued highly technical issues regarding planning enforcement proceedings taken by a local authority against a person with no legal or equitable interest in the property. Client obtained a full indemnity of the costs incurred.

R v P – A planning enforcement case involving technical submissions regarding the local authority's litigation procedures. Case resulted in an acquittal after three days of legal argument. The client was awarded all of his costs.

Inquests

XX – Represented a senior police officer in an inquest involving a death in custody. Prospective criminal proceedings, particularly under the Corporate Homicide Act 2007, did not follow.

XX1 – Represented the family of a deceased who died as a result of alleged medical negligence whilst in hospital. Key witnesses were cross-examined at this critical stage to facilitate the progress of the civil action in clinical negligence against the doctors and the health authority.

XX2 – Client involved in a fatal road traffic accident and was facing a criminal prosecution for causing the death and a civil action for damages. Successfully cross-examined key witnesses at this key stage of the matter resulting in no prosecution

taking place.

XX3 – Corporate client, and a director of the company, involved as Interested Parties in a fatality on a construction site. Criminal proceedings were not subsequently undertaken by the police.

Disciplinary tribunals

Stephen has successfully represented footballers and police officers before Commissions and Police Disciplinary Tribunals.

Corporate governance and bribery

Stephen has both written and lectured to several audiences on the Bribery Act 2010 and its implications worldwide.

To date, much of the corporate governance and Bribery Act 2010 work has been in the form of advising organisations as to protocols, procedures and processes.

Inquiries

Stephen has appeared in inquiries and public meetings concerning, inter alia, the retention of medical services (a doctor's surgery) in a community during health service restructuring, and the inadequate provision of sewage plant by a water company resulting in environmental pollution in an area of outstanding natural beauty.

Stephen successfully represented a client in a public inquiry regarding an application to alter the path of an ancient and historically significant public right of way. Against considerable opposition from residents and historical societies, he was successful.

Other cases and instructions

R v S – Defence of a fisherman in which the legitimacy of the entire European fishing quota system was in issue. Issues such as the legislation being unlawful due to reasons of anti-competitiveness were advanced as well as other constitutional issues involving the interaction between UK and European legislation.

WV v A School – Successful defence of the Board of School Governors and three of its teachers against an accusation of racial discrimination.

Stephen has also represented a Deputy Head teacher from a different school who was suspended pending accusations which amount to accusations of gross misconduct and potential summary dismissal. The teacher was reinstated.

Stephen has been instructed by the opposition government of Sri Lanka to advise as to the legal and constitutional validity of the sitting governments legislative programmes.

Sports law

Stephen has successfully represented sportsmen and women (some of national significance) before their disciplinary bodies for a variety of matters.

XFC NO 1 – Successfully persuaded the FA to drop an investigation into a footballer alleged to have made racist remarks during a game.

XFC NO 2 – Successfully persuaded the FA not to proceed with an investigation into an allegation that the FC involved failed to cooperate with its investigation.

Sports tribunals

Stephen has sat as the Legal Chair of a Disciplinary Appeal Panel involving international athletes.

Sporting inquiries

Stephen has been in structed to investigate an Olympic athlete's conduct following a series of complaints.

Cricket

Stephen has recently advised an international club on match-fixing issues and investigations by the ICC

He has also advised in relation to matters before the British Horseracing Authority.