

Jonathan Underhill

Year of Call: 2008

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Proceeds of crime

These cases are complex and require experienced representation. Jonathan acts for individual defendants, respondents and third parties, along with corporate bodies and directors.

Jonathan firmly believes that confiscations proceedings should not be viewed as an “add on” to criminal matters. Careful analysis and legal submissions are vital. Jonathan can provide a tactical approach from the outset of a case which is often essential in securing a favourable outcome.

Jonathan can assist in some of the most complex proceeding pertaining to:

- Confiscation of assets
- Cash forfeiture and seizure
- Asset recovery
- Third party confiscation
- Restraint Orders and Freezing Orders
- Account Freezing and Forfeiture Orders
- Unexplained Wealth Orders.

Notable Cases

- **R v MB (2024)** – Defence instruction. Confiscation following FX and Commodities trading fraud
- **R v GB (2024)** – Defence instructions. Confiscation following complex fraud – benefit amount and property rights contested by the Defence
- **R v RH (2024)** – Instructed by Crown (Central PoCA Unit) – Advice and assistance on complex Proceeds of Crime application, involving complex and overlapping property interests
- **R v BB (2023)** – Defence instructions advising on third party challenge to restrain order at the outset of criminal proceedings against both a company and its director
- **R v VA (2023)** – Crown instructions. Successful application for appointment of enforcement receiver
- **PCC v DA (2022)** – Contested confiscation proceedings stemming from Local Authority and Trading standards investigation in counterfeit tobacco products
- **R v F (2021)**
Instructed for the Crown (Central PoCA Unit) to advise on the drafting and making of compliance order under the Proceeds of Crime Act – concerning international accounts and funds
- **R v GM (2020)**

Instructed for the Defence to advise on the making and variation of restraint order concerning multiple properties

- **R v S (2020)**

Instructed for the CPS Central PoC Unit in successful prosecution of fully contested (2 day) PoCA application involving consideration of hidden assets, tainted gifts and proportionality.

- **R v C (2020)**

Instructed to advise pre-Charge on prospect of successfully opposing and/ varying Restraint order covering multiple accounts, properties and company assets

- **R v E (2020)**

Instructed by Central PoCA Enforcement Division

- **R v K and L (2019/2020)**

Instructed for international 3rd Party clients in application to seek return of funds from accounts under AFO relating to an international money laundering investigation

- **R v K (2019)**

Successfully argued against the appointment of a receiver to force the sale of the Defendants Property and family home in PoCA enforcement proceedings.

- **R v K (2019)**

Successfully argued against the issue of arrest warrants following multiple failures of Defendant to satisfy the PoCA order made against him following trial.

- **R v. X (2018)**

Instructed to advise on the rights and interest of third parties involved in confiscation where assets were potentially covered under constructive trust.

- **R v. B (2018)**

Legal argument concerning the proper statutory interpretation of the re-assessment of available assets following further conviction.

- **R v. C (2017)**

Instructed for the Defence solely to deal with contested POCA proceedings arising from large scale drug dealing.

- **R v. B and Ors**

Instructed on behalf of third-party insurance company to provide detailed legal advice on arguments pertaining to the Defendants having "obtained" property; detailed noting brief required of multi day contested hearing.

- **R(S) v. Q and Others**

POCA confiscation. Lifestyle assumptions, multiple properties, bank accounts, hidden asserts, assertion of third-party rights **and assets outside of the jurisdiction.**

- **WSS v. D**

Trading Standards confiscation, legal argument as to the effect of proportionality and R v Waya as relating to tainted gifts and third-party property rights.

Recommendations

"Thanks for this Jonathan and ... for your help on the overall pursuit. This was without question a very serious and challenging issue for our company and you delivered the best result we could have achieved ...I am very happy with the result. I also wish to thank your Chambers admin team for their professional and proactive support that made direct access a simple tool to use."

MS – CEO S Ltd – Direct Access Client (Defence)

"In a conspicuously well-drafted skeleton argument, supported by his oral submissions, Mr Underhill accepts..."

Mrs Justice Farby – In the High Court

"I found his approach to the cases very professional, and his cross examination was excellent, just what is required in cases like this. The council have had several chambers representing the council, I feel that Jonathan has been the best person that

we have had.”

Mike Johnson ACFM (Senior Auditor) – Basingstoke & Deane Borough Council

“Not having been in court before, I found myself in a situation that was very unfamiliar. However, I was instantly put at ease straight away from the approach of my barrister, Jonathan Underhill. He was extremely professional, understanding and took on board everything I wanted to get across in the court room. The attention to detail and the communication filled me with confidence that Jonathan was the right person to get the desired result for myself.

I would highly recommend Jonathan’s services, I couldn’t have asked for a better representation, he kept me calm and positive throughout my trial, and we ended up getting the correct outcome, not guilty! Thank you again”

JS – Defence Client

“You have been nothing short of brilliant... thank you...”

R Cassidy – Levaes Solicitors

“I would not hesitate in instructing Mr Jonathan Underhill in all manner of Regulatory matters. He has an almost encyclopaedic knowledge in all key regulatory areas, including Environmental, Licensing, Housing and Planning offences. His preparation is meticulous with close attention to detail. He is extremely approachable and is great at communicating to a wide range of clients, which has always led to positive feedback and requests to instruct him in future matters. He has an amazing ability to advocate complex issues in law, in a way that is easy to understand for Magistrates, Jurors and Judges. His Advocacy is simply exceptional. He is and will continue to be my first choice of Counsel.”

C Smith – Criminal Litigation Lawyer (London Local Authority)

“I am indebted to Mr Jonathan Underhill...for his realistic and concise submissions... Mr Underhill was utterly realistic in his submissions to this court, which he advanced with commendable brevity and good sense”

HHJ Jeremy Richardson QC – In the High Court

“I was very impressed with Jonathan Underhill – and he had a glowing report from our environmental health manager for his advocacy at the recent noise trial he did for us”

Local Authority Solicitor

“I would not hesitate in instructing Mr Underhill – cases are always thoroughly prepared, time and care taken with clients and outcomes reported back promptly. The client feedback has been excellent and often accompanies with a request that he represent them again. The quality of his representation is first class.”

Lindsey Taylor (Solicitor) – Watkins and Gunn Solicitors

“I have found Mr Underhill to be an excellent advocate who is always well prepared and courteous to all. I have had positive feedback from clients in cases he had conducted on my firm’s behalf. I would not hesitate to instruct him.”

Paul Lewis (Partner) – Quality Solicitors HPJV

Very clearly presented – a dry subject made interesting. Very useful info. Excellent trainer.

Nikki Hutt, West Sussex County Council

Very informative, clear, concise but with a level of relaxed delivery and humour. I enjoyed Jonathan's 'style'.

Dee Plum, West Sussex County Council

Academic qualifications

- BVC (Graded Outstanding) – Cardiff University Law School
- Inner Temple Prize Winner – Outstanding Achievement
- LLB (Hons) Law & Politics – Cardiff University Law School

Professional qualifications & appointments

- Inner Temple Accredited Advocacy Trainer
- SEC Advanced International Advocacy Course, Keble College Oxford
- Level 4 – CPS Panel Advocate
- Level 3 – Specialist Panel Advocate – Fraud
- Level 2 – CPS Specialist Panel Advocate – Proceeds of Crime Panel

Professional bodies

- Western Circuit
- Criminal Bar Association
- Fraud Lawyers Association
- Proceeds of Crime Lawyers Association
- Private Prosecutors Association

Direct Access

Jonathan Underhill is qualified to accept instructions directly from members of the public and professional clients under the Direct Public Access scheme.