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## Christian Jowett

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### Practice Overview

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Christian's core specialisms lie in fraud, environmental and regulatory law (and the interface between their criminal and civil elements), and also in administrative law (focused on immigration and asylum law and environmental law).

Christian's criminal practice focuses on fraud, environmental and regulatory law. With a multi-disciplinary background, Christian has a particular interest in subsidiary confiscation and asset recovery under the Proceeds of Crime Act 2002 and the related areas of property and chancery law with which it interacts, including matrimonial and cohabitee finance, inheritance, and insolvency. His practice is best represented by *R v Morgan* [2013] EWCA Crim. 1307, [2014] 1 All E.R. 1208, [2014] Env.L.R. 5, [2013] Lloyd's Rep FC 655, an appeal arising from an environmental prosecution, which concerned the interface between criminal confiscation, environmental regulation, landfill tax and the effect of Article 1, Protocol 1 to the ECHR. He appears not only in the criminal courts in relation to such matters, but also the County Court, High Court, and related Tribunals. He also writes, blogs and lectures on the interface between criminal confiscation and other areas of law. He is recommended in the Legal 500 2017 for his criminal law practice as Tier 1.

Christian's distinct public law practice is immigration and environmental law based. A longstanding member of the Wales Working Party of the UK Environmental Law Association, Christian was elected to its National Council in 2017 with special responsibility for Wales. An experienced practitioner in all aspects of Immigration, Asylum and Human Rights law, he regularly appears before the High Court, and before both tiers of the Tribunal (Immigration and Asylum Chamber). Christian is recommended in the Legal 500 2015, 2016 and 2017 for his public law practice as Tier 1.

#### Notable and Reported cases

- Fraud, Regulatory & Civil Law

##### **R v M (Cardiff Crown Court; 2012 - ongoing)**

Christian prosecuted this NHS fraud successfully to trial; confiscation proceedings with international element ongoing.

##### **R v SS Ltd (in Administration) (High Court, Chancery Division, Sep-14)**

Application for permission to continue to confiscation and sentence in respect of a company in administration.



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**R v Morgan [2013] EWCA Crim. 1307, [2013] Lloyd's Rep FC 655, [2014] 1 All E.R. 1208, [2014] Env.L.R. 5**

Christian successfully resisted this appeal against a confiscation order made in respect of various waste offences.

- Administrative Law

**R (Akudike) v SSHD IJR [2015] UKUT 213 (IAC)**

Christian successfully represented the respondent in this complicated judicial review brought in respect of a refusal of leave as a Tier 4 (General) Student.

## Administrative & Public Law

Christian has significant experience in judicial review matters and statutory appeals. He has been a member of the Attorney General's Regional Panel (Wales) since 2007.

Christian's core public law practice encompasses immigration and environmental law. He is co-convenor of the Wales working party and member of the National Council of the UK Environmental Law Association.

## Regulatory, Inquiries & Inquests

Christian has a specialist and niche practice encompassing criminal and civil fraud and regulatory law. He also accepts instructions in related civil law matters.

Christian's fraud practice focuses on Revenue, NHS and social security fraud. Significant Revenue frauds include Operation Ukraine (2008-2012): prosecution for evasion of VAT on importation of vehicles from other EU states. He is currently instructed in a Capital Gains Tax fraud and also accepts instructions in civil Revenue matters before the Tax Chamber. Christian recently successfully prosecuted a high-profile NHS fraud and regularly undertakes social security fraud work.

Christian's regulatory practice focuses on environmental law but also involves trading standards and related matters. Noteworthy regulatory cases include Operation Ascot (2010-2012), a prosecution under the Environmental Protection Act 1990 concerning depositing of waste in West Wales, including spoils from a major national infrastructure project. In the substantive prosecution, Christian was led junior at trial, Court of Appeal and re-trial; in the subsequent confiscation proceedings, he appeared as junior alone, both before the Crown Court and, successfully, before Court of Appeal. Christian also deals with non-criminal regulatory matters, with a particular interest in environmental matters including the transfrontier shipments of waste and emissions trading.

Christian has a particular interest in the interface between asset recovery and competing rights under other legislation, such as the Trusts of Land and Appointment of Trustees Act 1996 and the Insolvency Act 1986. He recently appeared before the High Court (Chancery Division) concerning the effect of a company's entry into administration upon outstanding criminal confiscation proceedings.

Christian was appointed to the List of Special Regulatory Advocates in Health and Safety and Environmental Law (B Panel) in 2012 and is a longstanding Grade 4 Prosecutor. He is a member of the Proceeds of Crime Lawyers Association and the UK Environmental Law Association, and is a member of the sub-committee of its Wales Working Party.

## Chancery & Commercial



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Christian's primary chancery and commercial interest lies in the interface between these areas of law and the Proceeds of Crime Act 2002. His advisory and advocacy practice deals with unusual situations where criminal confiscation meets inheritance, insolvency and administration, and other chancery and commercial matters.

Christian also has experience in applications under the Trusts of Land and Appointment of Trustees Act 1996, and in particular those cases where these matters overlap with the Proceeds of Crime Act 2002. He has also appeared in the High Court (Family Division) dealing with the interface between matrimonial finance and criminal confiscation.

## Immigration & Asylum

Christian's practice encompasses statutory appeals and judicial review across the spectrum of Immigration, Asylum and Human Rights law. He is a member of the Immigration Law Practitioners' Association. Christian regularly appears in First-Tier and Upper Tribunals in addition to the High Court.

## Appointments

### Panel Appointments:

- 2018: Attorney General's regional civil panel A
- 2012-date: Specialist Regulatory Advocate in Health and Safety and Environmental Law: List B; (previously appointed to the former Unified List of Prosecuting Advocates for the Wales & Chester Circuit, C List 04-Sep-06 to 02-Sep-11).
- 2009-date: Crown Prosecution Service List: Grade 4
- 2007 (renewed 2010 & 2015)-date Attorney General's Panel of Junior Counsel: Regional Panel (Wales)

### Judicial Appointments:

- August 2010 Deputy District Judge (Civil)

## Career

- Having undertaken pupillage in London from September 2000, Christian subsequently moved to Cardiff where he joined chambers as a tenant in 2003.
- Christian Joined 30 Park Place in September 2015.
- 14 May 2014 to date: Door tenancy, Foundry Chambers (formerly 9-12 Bell Yard), London

## Education & Qualification

- 1999-2000: LL.M. (Merit) University College London
- 1998-1999: Bar Vocational Course; Inns of Court School of Law (Very Competent)
- 1995-1998: LL.B. (Hons) (Iii) University College London

## Memberships

### Crime, Regulatory and Civil:

- Criminal Bar Association



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- Proceeds of Crime Lawyers' Association
  - Revenue Bar Association
  - UK Environmental Law Association (member of the sub-committee of the Wales Working Party)

#### **Administrative, Public and Immigration:**

- Immigration Law Practitioners' Association

## **Awards**

### **Academic Awards**

- 1999-2000: Joseph Hume Scholarship in Law (University College London)
- 1998-1999: The Holt Award (Gray's Inn)
- 1996-1997: Simmons and Simmons Property II Prize (University College London)
- 1995-1996: Andrews Prize for Laws (University College London)

## **Related News**

### **Recent Lectures**

- Nov-14: Confiscation and Civil Recovery (Cardiff & District Law Society)
- Oct-14: Confiscation and Civil Recovery (Local Authority Solicitors)
- Oct-14: Confiscation and Civil Recovery in Environmental Crime (UK Environmental Law Association)

## **Related Publications**

- [www.christianjowett.com](http://www.christianjowett.com) : personal 'blog' on criminal confiscation and its interface with other areas of law
- Equitable accounting and bankruptcy [2017] Fam. Law. 652
- The illegality defence, trusts of land and the family lawyer: Patel v Mirza [2016] Fam. Law. 1208
- 2015: Confiscation Orders and Waste Depositing Offences, e-law, the Journal of the UK Environmental Law Association, Vol. 90 Sep/Oct-15
- 2011: The Proceeds of Crime Act 2002 in Financial Remedy Proceedings (Family Law Week; co-authored with Rhys Taylor)

## **Recommendations**

- 'A painstaking, professional and courteous barrister.' (Legal 500, 2017)
- 'He combines a terrific eye for close detail with gritty determination'. (Legal 500, 2017)
- 'An expert in human rights and immigration cases.' (Legal 500, 2016)



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- 'He has extremely wide and up-to-date knowledge' (Legal 500, 2015)

## Mediation

Christian is a Civil Mediation Council registered Civil and Commercial mediator.

