



# Robin Barclay QC

Call 1999 | Silk 2020

*"A class act with the brain of a commercial silk and the court-craft of a criminal one."*

*The Legal 500*

 [rb@fountaincourt.co.uk](mailto:rb@fountaincourt.co.uk)  +44 (0)20 7583 3335

Robin Barclay QC practices in commercial, criminal, financial services and public law.

His work is almost exclusively international and multi-jurisdictional. He has been recently described in the UK legal directories as "a class act with the brain of a commercial silk and the court-craft of a criminal one", "a star individual" and "very impressive".

Robin's expertise spans disputes and investigations before the Commercial Court and Chancery Division, Crown Court, Administrative Court and a range of regulatory and disciplinary tribunals in the UK and offshore. Uniquely for the London Bar, his practice traverses very different legal and procedural spheres and he is used by a range of global and domestic corporates, shareholders, directors and high net worth individuals as a premium 'one stop shop' for high-value and high-stake commercial litigation.

Robin's practice includes a range of interim applications and other matters including civil and criminal search orders, freezing injunctions, directors' duties and liabilities, shareholder disputes and derivative actions, the UK Listing Rules and Takeover Code, corporate self-reports and deferred prosecution agreements, unexplained wealth orders, immunity agreements, extradition, legal privilege, privacy and confidentiality, sanctions and criminal confiscation.

## Recent Highlights

**Terra Services Limited v NCA & Secretary of State for Home Department [2019] EWHC 3165 (Admin); [2020] EWHC 130 (Admin); [2020] EWHC 1640 (Admin)**

Civil and criminal proceedings connected to the Mueller Investigation into fraud and money laundering and Russian interference in the 2016 US Presidential Election. Judicial review, mutual legal assistance, letters of request, confidentiality, public interest immunity, closed material procedures, special advocates, legal privilege, privacy.

### Wirecard AG

\$2 billion corporate accounting fraud, insider trading and market manipulation BaFin/FCA cross-border regulatory investigation.

---

## X LP & Y LTDA

Commercial claim for deceit, conspiracy and inducing breach of contract. Ten pre-action Norwich Pharmacal Orders and freezing injunctions.

---

## Autonomy Corp

SFO criminal, FRC regulatory and HP civil fraud probes into allegations of \$5 billion corporate accounting fraud, breach of fiduciary duty, deceit, misrepresentation and misleading public statements under s90A FSMA.

---

## Q Plc

Confidential FTSE100 corporate bribery investigation into sales contracts in Brazil, India, Indonesia, China, South Korea, USA, Iran, Kuwait, Oman, Bahrain, Saudi Arabia, Taiwan, Nigeria, Jordan, Malaysia. Notifications and self-reports to SFO and DOJ.

# Expertise

---

## Administrative & Public Law

---

### Notable Administrative & Public Law cases

---

R (on the application of Unaenergy Group Holding Pte Limited) v SFO [2017] EWHC 600 (Admin)

R (on the application of Newcastle United Football Club Limited) v HMRC [2017] EWHC 2402 (Admin)

R (on the application of Terra Services Limited) v NCA [2019] EWHC 1933 (Admin)

R (on the application of Terra Services Limited) v NCA [2019] EWHC 3165 (Admin)

R (on the application of Terra Services Limited) v NCA [2020] 1 WLR 1149

R (on the application of Terra Services Limited) v NCA [2021] 1 WLR 1

---

## Banking & Finance

---

### Notable Banking & Finance cases

---

FCA v Cenkos Securities plc, 2016

X bank, 2021-2022 (advisory)

## Civil Fraud

---

Robin is regularly instructed in a wide range of commercial fraud disputes, big and small, international and domestic, arising out of many industry sectors and professions. He is experienced in all aspects of the preparation and conduct of heavy trials and all types of interlocutory dispute.

### Notable Civil Fraud cases

---

#### S Ltda (2018-2019)

Multi-million-dollar multi-handed international conspiracy, deceit, inducing breach of contract and dishonest assistance claim; Commercial Court; 4 freezing orders; 6 Norwich Pharmacal orders.

#### F Ltd (2018-2019)

Multi-million-dollar multi-handed breach of fiduciary duty, constructive trust and dishonest assistance claim; Guernsey Royal Court; freezing order; Norwich Pharmacal order.

#### R Plc (2018-2019)

Multi-million-pound multi-handed bribery and fraud claim; Chancery Division.

#### N Ltd v F Spa (2018-2019)

Multi-million-pound misrepresentation claim; Technology & Construction Court (expert Investigations and LPP counsel).

#### ENRC Ltd v Dechert (2018)

Privacy order (expert criminal counsel).

#### ENRC Ltd v SFO (2018-2019)

Pre-action disclosure order; misfeasance in public office and inducing breach of contract / fiduciary duty.

#### A Investments Ltd (2018)

Multi-million-pound libor / swaps misrepresentation claim; Commercial Court (expert criminal counsel).

---

## Autonomy Corp Ltd (2015)

Multi-billion-dollar breach of fiduciary (directors) duties, misrepresentation claim; Chancery Division.

---

## Commercial Crime - Corporates

Robin is widely recognised as one of the London Bar's experts in cross-border fraud, bribery and money laundering investigations and prosecutions. He is regularly instructed to advise and represent FTSE100 and FTSE250 companies and their Boards of directors on their potential rights, duties and liabilities at the outset of an investigation; the appropriate case strategy and negotiations; and on disclosing or otherwise reporting problems to the SFO, FCA, international law enforcement agencies and/or to the securities markets. He has appeared in many of the biggest Crown Court jury trials of recent years and is considered an expert on Confiscation.

---

## Notable Commercial Crime - Corporates cases

---

### Q plc and subsidiaries

Multi-million-pound internal bribery investigation into sales contracts in Brazil, India, Indonesia, China, South Korea, USA, Iran, Kuwait, Oman, Bahrain, Saudi Arabia, Taiwan, Nigeria, Jordan, Malaysia; notifications and self-reports to SFO and DOJ (2017-2019).

---

### SFO v Barclays plc and Barclays Bank plc

Multi-billion-pound fraud and financial assistance prosecution; Crown Court (2017-2018)

---

### Fortune 500 subsidiary

Fraud investigation (2018)

---

### Fortune 500 subsidiary

Bribery investigation (2018)

---

### FTSE250 Co

Bribery investigation (2018)

---

### Punjab National Bank, India

Multi-billion-dollar bank fraud investigation (2018)

---

## SFO v Afren plc

Multi-million-pound fraud prosecution (2018)

---

## R (Newcastle United) v HMRC

Multi-million-pound tax fraud investigation; Administrative Court; application for judicial review (2017)

---

## SFO v ENRC Ltd

Multi-million-pound corruption investigation; LPP claim; High Court (QBD)(2016-2017)

---

## R (Unaoil Ltd) v SFO

Multi-million-pound corruption investigation; Administrative Court; application for judicial review (2016)

---

## SFO v Alstom Power Ltd

Multi-million-pound corruption prosecution; Crown Court; £17m financial penalties (2016)

---

## 1MDB

Multi-billion-dollar global money laundering probe; asset freezing (2016)

## Commercial Crime - Individuals

---

As well as acting for companies in criminal investigations and prosecutions, for many years Robin has acted for company directors, officers and other individuals under investigation by the SFO, police, FCA, HMRC and other law enforcement agencies. Robin has many years' experience of preparing and conducting a range of heavy jury trials and all types of interlocutory dispute.

### Notable Commercial Crime - Individuals cases

---

## M

Multi-million-pound multi-handed fraud prosecution (2018-2019)

---

## FCA v Anderson & Ors

FCA insider trading prosecution; Crown Court (2016)

---

### FCA v Shah

FCA insider trading prosecution; Crown Court (2013)

---

### FCA v Sidhu

FCA insider trading prosecution; Crown Court (2011)

---

### SFO v Kallakis

Billion-dollar bank fraud prosecution; Crown Court; asset restraint, confiscation, receivership orders (2010-2014)

---

## Financial Services

---

Robin routinely acts in FCA, FRC, Takeover Panel and other financial services regulatory investigations and proceedings. This work focuses on market abuse, authorisation and integrity issues, financial promotion, all forms of financial crime (including cyber crime and sanctions), corporate governance, the London Stock Exchange Listing Rules and AIM Rules for Companies and Nomads, and the Takeover Code. As with his criminal work, Robin is often instructed at the outset of an investigation to advise on case strategy, document production notices and/or interview planning. Robin has appeared in regulatory tribunals in London and overseas. He has acted in all the major insider trading jury trials in London in recent years.

---

### Notable Financial Services cases

---

#### X Plc (2020)

FCA inquiry into breaches of the Listing Rules and MAR.

---

#### Y Plc (2020)

Advising UK corporate convertible bond holder seeking to exercise conversion rights in Euro stock re MAR.

---

#### Z Plc (2020)

Advising UK corporate secured debt holder seeking to exercise conversion rights in Dutch stock re MAR.

---

#### M Ltd (2019)

FCA investigation into breaches of the general prohibition and financial promotion rules.

---

#### FTSE250 Co (2018-2019)

---

Advising CEO on whistleblower report to FCA; market abuse.

---

#### JL (2018-2019)

Takeover Panel investigation into breaches of Rule 9 of the Takeover Code.

---

#### B Ltd (2018-2019)

Guernsey Financial Services Commission investigation into breaches of the Fiduciaries Law.

---

#### V Ltd (2018)

Guernsey Financial Services Commission investigation into breaches of the Fiduciaries Law.

---

#### S Plc (2017)

FRC investigation into breaches of audit and accountancy regulations.

---

#### FCA v Cenkos Securities Plc (2016)

UKLA Listing Rules investigation; settlement.

## Offshore

---

### Notable Offshore cases

---

Re Modi, India, 2015

Re Aliyev, Malta, 2015

GFSC v Marlborough Trust Company Limited and ors, 2016

Re Nigerian Code of Conduct Tribunal, Nigeria, 2017

Re Punjab National Bank, India, 2017

GFSC v Blenheim Fiduciary Group Limited, 2017

GFSC v Louvre Trust (Guernsey) Limited and ors, 2019

GFSC v Criteria Wealth Management Limited and ors, 2020

GFSC v Standard Chartered Trust (Guernsey) Limited and ors, 2020

GFSC v X Limited and ors, 2021-2022

## Privilege, Confidentiality & Conflicts of Interest

---

Notable Privilege, Confidentiality & Conflicts of Interest cases

---

SFO v Eurasian Natural Resources Corp Limited [2017] 1 WLR 4205

R (on the application of Terra Services Limited) v NCA [2019] EWHC 3165 (Admin)

FRC v Jones, May 2021

GFSC v X Limited and ors, 2021-2022

## Professional Discipline

---

Notable Professional Discipline cases

---

FCA v Cenkos Securities plc, 2016

FRC v Hussain, 2018

FRC v Sports Direct, 2018

FRC v Jones, 2021

GFSC v Marlborough Trust Company Limited and ors, 2016

GFSC v Blenheim Fiduciary Group Limited, 2017

GFSC v Louvre Trust (Guernsey) Limited and ors, 2019

GFSC v Criteria Wealth Management Limited and ors, 2020

GFSC v Standard Chartered Trust (Guernsey) Limited and ors, 2020

FCA v X Limited and ors, 2021-2022

GFSC v X Limited and ors, 2021-2022



## Directory Quotes

*"Robin Barclay QC is known for his expedient strategic advice, practical approach and provision of great client service."*

---

Chambers & Partners

*"His encyclopedic knowledge of this area of law, coupled with his positive and robust approach, makes corporate and executive clients feel at ease in some of the most testing cases."*

---

Chambers & Partners

*"Robin Barclay QC is a leading practitioner in many areas of financial services, whose widely acknowledged expertise in financial crime, fraud and other regulatory matters makes him an increasingly popular choice for both individuals and companies."*

---

Chambers & Partners

*"He is very user-friendly, responsive, knows his stuff and is great with clients."*

---

Chambers & Partners

*"Robin is an extremely hands-on and user-friendly silk. He combines the best of both the criminal and the commercial Bar. Perfect for complex civil fraud claims as well. Overall a very impressive and insightful silk."*

---

The Legal 500

*"Robin has fantastic knowledge of the MAR rules, and his instincts regarding tactical considerations are excellent."*

---

The Legal 500

*"He is bright, extremely able and commercial, and thinks outside the box to find the solution." "We were very impressed because he was so quick to respond and user-friendly."*

---

Chambers & Partners

*"Has an excellent command of the intersection between criminal and civil practice. He is also able to see the wider picture, grasp the client's priorities and think outside the box. He offers solutions or alternatives instead of merely identifying problems." "He is one of the most personable barristers I have dealt with - he's vastly experienced and pays attention to the detail."*

---

Chambers & Partners

*"Very clear in his advice, instils confidence in the client, and it is evident he knows his field and the regulator's mindset."*

---

The Legal 500

## Directory Rankings

Chambers & Partners

- Financial Services
- Financial Crime
- Financial Crime: Corporates

The Legal 500

- Business & Regulatory Crime (including Global Investigations)
- Financial Services Regulation

## Education

- BVC, College of Law (1999)
- CPE, College of Law (1998)
- BA, Durham University (1997)

## Memberships

- COMBAR
- Commercial Fraud Lawyers Association
- Financial Services Lawyers Association

- Middle Temple Gottlieb Prize (1999)
- Middle Temple Ede & Ravenscroft Prize (1999)
- Grammy Award (1994)

## Publications

- Co-author *“Bribery – Criminal Sentence & Regulatory Sanctions”* chapter with Simon Paul (to be published 2020)
- *“Impact of Brexit”* by Sir Francis Jacobs QC, Timothy Dutton QC, Richard Lissack QC, Bankim Thanki QC, Nicholas Medcroft, Robin Barclay, Tamara Oppenheimer, Eleanor Davison and Philip Ahlquist as published by GIR (July 2016)

## Awards

