



Adam Kane QC
BA (Oxon), CPE

Year of Call: 1993

Year of Silk: 2015

Adam Kane's practise areas are

- **Fraud and Financial Crime**
- **Homicide**
- **Organised Crime**
- **Asset Protection**
- **Public Law & Human Rights**

FRAUD AND FINANCIAL CRIME

Adam Kane QC is a leading Silk and specialist in white-collar crime. He acts for company directors, entrepreneurs, lawyers and accounting professionals, senior bank officials, financial advisors, medical professionals and investigators in heavy and high-profile proceedings predominantly brought by the Serious Fraud Office, the Financial Conduct Authority and HMRC. He has particular expertise in investment fraud, and dealing with accounting professionals. He has been involved in several of the more significant cases of financial market abuse prosecuted by the SFO and FCA recently, often complex, multiple complainant cases. He advises and appears in high-profile bribery, corruption and 'misconduct in public office' cases. He represented the turnaround consultancy accountant in HBOS, the chief engineer at Harrods in the Royal Household corruption case, and acted at first instance and on appeal for the cartel organiser in the Marine-Hose case (the first prosecution of Cartel Offending under the Enterprise Act).

HOMICIDE

In Silk, Adam has developed a nationwide homicide practise, defending in gangland killings but also acting for young and mentally vulnerable clients, and acting in gross negligence / corporate manslaughter cases complimentary to his fraud expertise.



ORGANISED CRIME

Adam has defended in high-value organised crime, often with an international element, throughout his career. He has particular expertise in massive smuggling cases (drugs and people) often involving complex PII / disclosure / SOCPA issues, and in firearms.

ASSET PROTECTION

Adam has been involved in testing, at first instance and appellate levels, the threats to assets posed by criminal investigations since the early days of Drug Trafficking Offences Act and Criminal Justice Act 1989. He advises and appears for respondents to pre-action restraint proceedings in the Crown and High Courts, in the variation and discharge of extant restraint orders, in confiscation proceedings, and in the adequacy and enforcement of confiscation orders. His core clientele are the subjects of investigations, and criminal defendants, but he also acts for interested parties to pre-charge and confiscation stage proceedings. He brings his forensic expertise in fraud, and knowledge and experience of organised crime, to asset portfolios often valued in the millions and overseas assets with jurisdictional issues.

PUBLIC LAW & HUMAN RIGHTS

The holistic defence of the individual involves consideration of their common law and Convention rights both within, and beyond, the process of a criminal trial. The preservation of those rights by Judicial Review in the High Court can be determinative of decisions and outcomes in the Crown Courts. Adam advises prospective applicants, and appears for applicants for Judicial Review at all stages of the evolution of the criminal investigation. He has acted to review pre-action search warrants, a decision to prosecute by the Information Commissioner, the lawfulness of the s.51 sending procedure, the search of a Solicitors firm to recover privileged Special Procedure material, the refusal of the Attorney-General to issue a nolle prosequi to a defendant medically unable to give evidence at trial, the naming of juvenile offenders in “truly exceptional” murder cases, and the need to enforce confiscation orders within an Article 6 “reasonable time”.

Within the trial process, Convention rights – particularly Article 6 rights – are an integral part of Adam’s approach, at first instance and on appeal, where he has argued issues of direct applicability or incompatibility on subjects such as the right of the defence pre-trial, to cross-examine the ailing complainant to ensure a fair trial, before the coming in to force of s.28 YJCEA, the compatibility of the hearsay provisions of CJA 2003, the breach of Article 6(3) by continuation of proceedings against a defendant too ill to give evidence, and the reverse burden in s.90 [and within ss 90 (1) &(2)] Financial Services Act 2012.



TESTIMONIALS

Ranked as a leader in fraud by **Chambers & Partners** since 2010:

"An incredible silk and effective defence barrister. He is very determined in his language." – Chambers and Partners, 2022

"A wonderful advocate with a lovely turn of phrase - juries like him very much." "He is a strong advocate for his clients" – Chambers and Partners, 2022

"Insightful and perceptive with excellent client care skills."—Chambers & Partners, 2021

"Has exceptional cross-examination skills and is very good at identifying the issues of the case sometimes at very short notice." (C&P, 2020)

"Very good with clients and very approachable... He is very committed to his cases." (C&P, 2019)

"An effective experienced silk who has a rising market profile. He handles matters involving suspected corruption, tax evasion and money laundering... Frequently instructed to represent professionals facing charges of tax and investment fraud." (C&P, 2018)

"An accomplished advocate who is a regular in high-calibre fraud cases." (C&P, 2017)

"He finds legal loopholes and arguments that nobody else would have thought of." (C&P, 2016)

"He is very good in court" (C&P, 2015)

"Stands out for his work as a criminal fraud junior. He is praised for his capacity for hard work, and his accessible manner with clients." (C&P, 2014).

The **Legal 500** describes him:

"Adam is a persuasive and eloquent advocate whose turn of phrase was enjoyed by the jury and judge alike and was whose style is well suited to dealing with a detailed fraud."—Legal 500, 2021

"a real fighter, which is why his clients love him." Legal 500 2020



Listed in 2015 Legal 500 in Fraud: *'Fast becoming a serious contender as a new QC.'* Legal 500 2015

APPOINTMENTS / MEMBERSHIPS:

BA (Oxon), CPE

Adam is a member of:

- South Eastern Circuit;
- Criminal Bar Association;
- the Fraud Lawyers Association;
- Administrative Law Bar Association and
- Grays Inn

PRACTICE AREAS

FRAUD AND FINANCIAL CRIME

Recent cases which have attracted national publicity have included:

Fraudsters who ran fake visa scam and stole £13m from HMRC – The Telegraph
<https://www.telegraph.co.uk/news/2018/11/23/fraudsters-ran-fake-visa-scam-and-stole13m-hmrc-sentenced-31/>

HBOS manager and other City financiers jailed over £245m loans scam - The Guardian
<https://www.theguardian.com/business/2017/feb/02/hbos-manager-and-other-cityfinanciers-jailed-over-245m-loans-scam>

Royal Household worker Ronald Harper jailed for £100k bribes - BBC News
<https://www.bbc.co.uk/news/uk-england-london-37497808>

City traders jailed in film tax scam - Financial Times
<https://www.ft.com/content/cb6aea3a-9f50-11e5-8613-08e211ea5317>



Real life Wolf of Wall Street fraudsters who fleeced British investors out £60m – Daily Mail
<https://www.dailymail.co.uk/news/article-2650954/Real-life-Wolf-Wall-Street-fraudsterssplashed-champagne-lifestyle-fleeing-British-investors-60million-jailed.html>

RECENT CASE SYNOPSIS:

Operation Comfort: for organizer and managing director of energy comparison and switching companies fraudulently trading and defrauding consumers and energy suppliers in Trading Standards prosecution.

Operations Berg/Meeker & Bygone: for chartered accountant dealing in dozens of bogus companies supporting £8 million PAYE tax fraud and Home Office fraud.

R -v- B & Another: Joint CTU and HMRC prosecution of owner and director of internet trading company for fraud, corporation tax and VAT evasions, and channeling criminal funds through Dubai.

Operation Alfreton: for GP and medicare entrepreneur in FCA prosecution of FSMA and FSA offences from investment fraud raising funds for asset acquisition across free-zone and non-free zone in Dubai.

Operation Hornet: for company accountant in bribery, corruption and fraudulent trading SFO prosecution of senior HBOS executives, and officers of corporate turn-around consultancy, exposing the Bank to £35 million losses.

Operations Crystalline and Chainmail: for assistant to director of Wealth Management company advising high net worth individuals in HMRC film-investment sideways tax relief fraud. Sole defendant acquitted in both prosecutions.

Operation Hayrack: for director of engineering consultancy and chief engineer at Harrods in cartel involved in bribery and corruption of Privy Purse and Treasurers Office of the Royal Household over contracts for the Royal Palaces.

Operation Bellum: for 1st defendant Nat West Business Banking manager authorizing massive bogus business loans in fraud / abuse of authority case.



Operation Kyrenia: for director and company secretary in NHS Direct prosecution of conspiracy to defraud NHS by officers of private perfusion science company in delivery of NHS contracts.

Operation Janitor: for alleged controlling mind company secretary to fulcrum company in conspiracy to cheat HM Revenue & Customs in VAT repayment fraud.

Operation Pursuit: for first defendant in £6.9 million commercial property transfer fraud involving brokers, solicitors and estate agents.

Operation MFB: for first defendant in HMRC prosecution of £300 million MTIC investigation into rag trade, and associated pre-action restraint proceedings for family of principal.

Operation Nanobot: for off-shore IFA in conspiracies to defraud the Revenue and to launder the proceeds of a fraud upon DEFRA.

Operation Raiment: for company director employment agent in massive tax fraud enquiry, acquitted of fraud on management receivers and liquidators, and money-laundering conspiracies through payroll companies.

Operation Steamroller: for first defendant in SFO prosecution of \$100 million investment fraud involving 'Reg S' U.S. stock.

Operation Affair: for principal in SFO prosecution of £15 million boiler-room fraud involving investors in the alternative energy bio-tech sector.

Operation Groat: for practise manager acquitted of conspiracy to defraud and false accounting charges relating to contract between Dental Practise and NHS Primary Care Trust.

Operation Dwight: for first defendant, managing director & former probation officer in £1 million intellectual property fraud on the European Social Fund.

R –v- M & another: for IFA in corporate & private client bond-stripping and life-assurance & pension policy churning fraud.

R –v- Whittle & 2 others: for Cartel organiser in SFO prosecution of the marine hose cartel.

Operation XCL (Beijing Olympic ticketing fraud): for first defendant in SFO prosecution of £4 million entertainment and event ticket-touting fraud.

Operation Duma: for managing director of buffer company in £50 million MTIC VAT fraud.



R –v M (& Others): for contractor in building contracting bribery conspiracy, to defraud the Ministry of Justice.

HOMICIDE

Recent cases which have attracted national publicity have included:

Man jailed after partner suffocates during bondage sex – BBC

<https://www.bbc.co.uk/news/uk-wales-56999895>

'Evil' murderer who stabbed vulnerable friend to death then tried to behead him jailed

<https://www.mirror.co.uk/news/uk-news/evil-murderer-who-stabbed-vulnerable-23423856>

Knife-man who murdered Russian businessman - Daily Mail

<https://www.dailymail.co.uk/news/article-8675047/Knifeman-29-murdered-Russianbusinessman-39-east-London-street-row-cannabis.html>

Bradford gang jailed for sadistic torture and murder - BBC News

<https://www.bbc.co.uk/news/uk-england-leeds-51840188>

Daniel Fitzjohn murder: Drug dealer jailed for 'senseless' killing – BBC News

<https://www.bbc.co.uk/news/uk-england-northamptonshire-47318612>

Revealed: Boy 17, who raped and murdered 14 year-old girl - The Mirror

<https://www.mirror.co.uk/news/uk-news/revealed-boy-17-who-raped-18775401>

Mother and daughter known as the 'lady killers' have convictions quashed after appeal court rules there is no evidence husband and father is dead and may just be missing – Daily Mail

<https://www.dailymail.co.uk/news/article-2381961/Lady-killers-Shirley-Lynette-Banfieldmurder-convictions-quashed-Court-Appeal.html>

RECENT CASE SYNOPSIS:



R -v- M - 17 year-old acquitted of murdering one gang member and attempting to murder another, and of assisting offenders, in gang "hunting" case in Derby

R -v Mustapha - for 14 year-old shooter in youth gang-murder in broad daylight in Birmingham

R -v- Meanley - for 16 year-old shooter in drive-by slam-gun killing in Sheffield

R -v- Azad - for principal in murder and attempted murder revenge sword attacks in Watford

R – C: Defendant convicted of gross negligence manslaughter following asphyxiation of partner during drink and drug fuelled sado-masochism

R – v- Rushworth & 3 Others: Defendant acquitted of murder and of assisting offenders following luring of victim to hub for drug dealing and prostitution

R -v- J: Defendant acquitted on appeal of murder by attempted decapitation of former cohabitant of psychiatric ward following their mutual release into the community

R-v- Yusuf & Another: Defendant acquitted of murder, manslaughter and weapons charges over Somali / Russian feud

R -v- Wainwright: Defendant convicted of murder in torture case video'd on mobile phones of assailants

R -v- Walters & Others: Youth acquitted of murder and convicted of manslaughter during spate of knife-point robberies in Birmingham

R -v- Page: Defendant with Asperger's Syndrome acquitted of murder, guilty of manslaughter (diminished) having killed his mentally vulnerable mother for whom he was carer.

R -v- Sanghera & Another: Defendant acquitted of murder and convicted of manslaughter following revenge machete attack in Northampton

R-v- Aziz: Rape and murder of a 14 year-old in Wolverhampton by a schizophrenic youth requiring an intermediary through trial; guidance from Lord Chief Justice on appeal re anonymity and reporting restrictions in "shocking" cases

R -v- Ingram & Another: Murder of a youth following a knife-fight in Sutton Coldfield



R -v- Sadiq: Murder in a drugs feud; considerations of remoteness where victim 'left for dead' in road and struck by bypasser in Sheffield.

R -v- Czyz & Others: Joint liability of getaway driver in drugs war amongst Polish community in Staffordshire

R -v- Taburak & Another: for parent in multiple-injury and baby-shaking case in South London with public law family proceedings in background.

R -v- Banfield: Former tax inspector acquitted on appeal of murder of husband who disappeared from West London 10 years before proceedings.

R -v- Pakulski: Head of far-right Neo-Nazi organisation acquitted of murder, convicted of manslaughter of fellow officer of 'Wolf's Hook White Brotherhood' in Nottingham.

R -v- Wheeler: Royal Mail lorry-driver acquitted over crushing death of colleague in HSE prosecution at Reading.

R -v- Burnett: HGV-fitter acquitted of gross negligence manslaughter of apprentice in HSE prosecution at Kingston.

ORGANISED CRIME

R -v- Savastru & 3 Others: Defendant acquitted of conspiracies to burgle and to launder money, following Britain's largest burglary conspiracy (£26 million), involving the burglary of the homes of the manager of Chelsea FC, the owner of Leicester City FC, and the Ecclestone F1 family's London home

Operation Tavernier: For principal of Immigration Practice and managing director of tailoring business trafficking multiple Pakistani nationals to the UK for commercial exploitation.

Operation Birkhill: Defendant acquitted following 5 month people-trafficking for sexual exploitation and domestic prostitution conspiracy trial involving multiple Central European sex worker complainants

R -v- A, Court of Appeal: sentencing considerations for organiser of 5 tonne cannabis importation.



R –v- Camp & Others: for alleged armourer acquitted in case involving super-grass discredited in notorious Morgan murder investigation

R –v- Rob & Others: for principal importing largest seizure of heroin on UK mainland.

ASSET PROTECTION

Re K: for defendant in POCA and inadequacy proceedings with alleged £14 million asset portfolio mainly in arms-length UAE assets

Re M: for offender compromising multi-million POCA proceedings in FCA fraud on the basis of the irrecoverable nature of non-Free Zone assets in Dubai

Re P: for two children of operational target of £350 million tax fraud, in pre-prosecution restraint proceedings

Re O: for offender upholding post-conviction divorce settlement against POCA and LA contribution claims

Re G: For offender achieving variation and settlement of POCA order following £60 million fraud by intervention of management receiver for property portfolio

Re C: for respondent to pre-charge restraint proceedings in £10 million VAT & other frauds

Re W: for successful appellant establishing that the maximum default term for cases exceeding £1 million should be reserved for egregious cases (ref **[2011] EWCA Crim 1485**)

Re F: for offender establishing the applicability of Art 6 reasonable time requirements to enforcement of POCA confiscation orders (ref **[2008] EWHC 2589 (Admin)**)

Re D: for offender challenging enforcement of £5.5 million confiscation order under Drug Trafficking Act 1994 on reasonable time / legitimate expectation grounds (ref **[2006] EWHC 2221 (Admin)**)

Re E: for offender successfully appealing both benefit and available amount in Drug Trafficking Act proceedings (ref **[2003] EWCA Crim 3150**)

Re H: for offender successfully appealing adverse judicial finding of his quantification of realisable assets under CJA 1989 (ref **[2002] EWCA Crim 2631**)



PUBLIC LAW & HUMAN RIGHTS

R -v Aziz : Guidance on lifting reporting restrictions on juveniles guilty of “exceptionally grave offences”, and the competing jurisdictions of JR and appeal (ref **[2019] EWCA Crim 1568**)

Re M: Whether the reverse burdens in s.90 (1) and (2) Financial Services Act 2012 are compatible with the presumption of innocence in Article 6 ECHR.

Re G: challenging the implied promise of the Information Commissioner not to prosecute a Private Investigator during the interview process about collection and disclosure of confidential information

Re Flaherty’s application: Applying the reasonable time requirements in Article 6 to confiscation enforcement proceedings, as part of the sentencing procedure engaging those minimum rights

Re Hallinans’ application: Applying the exception in **Cox & Railton** to the use of a Special Procedure warrant to force solicitors acting in good faith to disclose draft witness statements

Re Deamer’s application: applying the administrative concept of disappointed legitimate expectation to the enforcer’s inactivity over confiscation orders

Re Harmer’s application: test cases on the sending procedure that replaced committal: whether a prosecuting authority may change an information when a defendant is before the Court so as to engage sending procedures otherwise inapplicable.

REPORTED CASES

R -v- Wainwright, [2021] 2 WLUK 61: Propriety and terms of **Lucas** directions in s.34 inference from silence cases

R -v- Cartwright, [2020] Lloyd's Rep. F.C. 547: Applicability of the principles of secondary liability attributable to an aider and abettor in respect of offences of fraudulent trading under the Companies Act 1985 s.458



R -v Aziz, [2020] Crim. L.R. 356: Guidance on lifting reporting restrictions on juveniles guilty of “exceptionally grave offences”, and the competing jurisdictions of JR and appeal

R -v- Hamburger, [2017] 2 Cr.App.R. 9: ‘Clarification’ that in exceptional circumstances a defendant may apply to adduce his “proof of evidence” rather than testify, and the limitations of video-link directions for defendants

R -v- Kapikanya [2015] 7 WLUK 225: Voice recognition and the permissibility of comparison by a jury unaided by expert evidence

R -v- Banfield [2014] Crim L R 147: Crown obligation in a 2 party joint enterprise murder to prove concert, rather than shared motive and opportunity

R –v- Whittle & Others [2009] Lloyds Rep. FC. 77: Aggravating and mitigating features of cartel offending per s.188 Enterprise Act

R –v- McPherson [2006] 1 Cr.App.R. 30: Determining competence in very young witnesses, interpretation of s.54 YJ&CA 1999

R –v- H [2006] 1 Cr.App.R. 4: Applying CJA 2003 hearsay provisions to preparatory hearing in serious fraud trials (acting for managing director of £35 million company as engine of £20 million series of fraud trials)

R –v- Harmer [2005] 2 Cr.App.R. 2: Defining essential elements of conspiracy to launder the proceeds of crime (acting for principal moving £2.5 million to Spain)

R [Hallinan Blackburn Gittings & Nott (a firm)] –v- Middlesex Guildhall Crown Court [2005] 1 W.L.R. 766: Defining the scope of the fraud exception to legal professional privilege, ref special procedure order per Sch 1 to PACE 1984

R–v-Hare & O’Sullivan, The Times, December 16th 2004: Judicial impropriety and the effect of judges intervention on fairness of proceedings

R–v-D (Video testimony) [2002] 2 Cr.App.R. 36: Determining competence in very old witnesses at common law; limitations to right of cross-examination under Human Rights Act and at common law

R (Harmer)–v-Comms for Customs & Excise & other cases [2002] 2 Cr.App.R 40: Test cases on the application of s.51 Crime & Disorder Act 1998 sending procedure.

R–v-Crisp, The Times, 18th June 2002: Application of s.22 Criminal Appeal Act and Article 6 rights to attend appeals.