



LIBERTAS  
CHAMBERS

Gerard Hillman

ghillman@libertaschambers.com

clerks@libertaschambers.com

**Year of Call: 1999**



**“Highly intelligent and his client manner is exceptional” – Chambers & Partners 2021**

**“His calm and personable style puts the most nervous and apprehensive of clients at ease” – Legal 500 2021**

Recognised as a leading practitioner in financial crime in both Chambers & Partners and Legal 500 for many years, Gerard continues to be instructed in high profile leading junior work.

Gerard acts a leading junior in complex crime, with a focus on complex fraud.

Gerard’s practice includes instructions in confiscation, civil recovery and asset forfeiture matters. He has also represented defendants in a range of serious prosecutions including terrorism and murder.

Gerard also acts in civil law matters, Judicial Review proceedings, professional disciplinary tribunals and the VAT and Duties Tribunal. He also advises and represents companies and individuals in respect of regulatory proceedings, including matters concerning the Information Commissioner and the Environment Agency.

Spanish speaker.

### **TESTIMONIALS**

Chambers & Partners have consistently ranked Gerard as a leading practitioner in Financial Crime since 2012

2021 – “Highly intelligent and his client manner is exceptional.”

2020 – “An incredibly understated performer, who is really effective and has a very good brain.”

2019 - "Knowledgeable senior junior with an outstanding eye for detail who juries warm to."



2018 - "He is known for his detailed preparation and excellent client care skills."

2017 - "An excellent advocate with a great breadth of knowledge."

2016 - "He has a very technical mind and deals well with expert witnesses."

2015 - "He's a brilliant junior counsel for fraud work."

2014 - "Very able in court and extremely good with clients".

2013 - "Solicitors favour him as he is responsive and has 'an ability to see beyond the ordinary' when defending complex fraud cases".

2012 - "An excellent advocate with a great breadth of knowledge, he has the ability to pull the rabbit out of the hat when required."

Gerard has been consistently ranked in Legal 500 every year since 2015.

2021 – "His calm and personable style puts the most nervous and apprehensive of clients at ease. Recommended in the 2017 edition of the Legal 500 for his defence in boiler room, VAT fraud and money laundering cases"

2020 – "Recommended for defending in complex fraud cases"

2017 – "Recommended for his defence in boiler room, VAT fraud and money laundering cases"

2015 – "His strategic style of advocacy gets results"

#### **RECENT CLIENT FEEDBACK**

2021 – "You worked tirelessly to ensure the best possible outcome on my behalf, and I can't thank you enough.

I would like to express my gratitude to you for all the care and concern you have shown me. Thank you for your help and determination to take on the people who have caused so much turmoil in my life for such a long time.

Thank you for representing me, I feel I can now conduct my normal business again without out having this prolonged dread I'm going to be accused of something else. I have been blown away by your integrity and all the hard work you have done my behalf".



## **APPOINTMENTS / MEMBERSHIPS**

Gerard is an accredited pupil supervisor and a member of the Criminal Bar Association.

## **EXPERTISE**

### **BUSINESS CRIME**

Gerard has been recognised as a leading practitioner in business crime for many years. He has represented the lead defendant in the largest case prosecuted by the FCA involving a series of international investment companies.

His instructions also include the representation of a client accused of spot-fixing in major international cricket leagues, a company director accused of a significant trading standards fraud relating to council tax rebanding and a freezing injunction in the civil court with related civil proceedings.

**R -v- YA, MI & NJ** – Manchester Crown Court– professional cricketer alleged to have committed bribery as a result of spot-fixing in international league.

[BBC article](#)

[Guardian article](#)

**Operation Yulitide** – Southwark Crown Court. Gerard appeared as leading junior representing a solicitor accused of laundering the proceeds of a €100 million fraud.

[Telegraph article](#)

[Guardian article](#)

[The Times article](#)

[Daily Mail article](#)

[RT.com article](#)

**Operation Tidworth** – Southwark Crown Court. Representing the first named and principle defendant in the largest prosecution undertaken by FCO. The case centered on several investment companies that were selling products relating to international property amongst other commodities.

[BBC article](#)

[Financial Times article](#)

[FCA press release](#)

**Operation Cornflower** – Southwark Crown Court. Representing client in multi-handed and multi-million pounds boiler room fraud. Trial ran for over 3 months at a Nightingale Court (during the pandemic).

**Operation Epsom** – Southwark Crown Court. Representing client in multi-handed missing trader fraud where the value of loss to the revenue is estimated at in the region of £5 million.



**Operation Conclave** – Chester Crown Court. Represented one of 4 defendants indicted with an advance fee fraud relating to the advanced payments for recategorisation of their council tax payments.

**Operation Nacreous** – Nottingham Crown Court. Represented first named defendant charged with forced labour and multiple allegations of fraud.

**Operation Heterodon** – Birmingham Crown Court. Represented a defendant charged with money laundering who, following detailed written representations, the National Crime Agency and CPS offered no evidence shortly before trial. Operation Heterodon is well publicised following litigation concerning the lawfulness of the search warrants.

**R -v- DK & MC** – Winchester Crown Court. Represented 2 company directors concerned with defrauding a third party company. CPS offered no evidence against both defendants (leaving a third defendant represented by separate legal representatives to face charges alone) following their consideration of the Skeleton Argument for dismissal drafted by Gerard.

**Operation Janitor** - Birmingham Crown Court. Represented a defendant in a multi-million pounds VAT fraud.

**Operation Dogstar** – Cardiff Crown Court. Leading junior representing a defendant accused of fraud and money laundering counts valued into the hundreds of thousands of pounds.

**R -v- TFO** – Cardiff Crown Court. Defendant successfully defrauded 2 women of over £400,000 through a dating scam by falsely representing that he was in the US Army serving in Afghanistan.

**R -v- JC** – Cardiff Crown Court. Successfully defended an employee accused of stealing over £100,000 from his employer, a Charity running a nursery.

**R -v- PR** – Worcester Crown Court. Represented first named defendant on the indictment in an alleged investment scam, run from Northern Cyprus and the Czech Republic, prosecuted by the Serious Fraud Office.

[Telegraph article](#)

[Independent article](#)

**R -v- AB** – Ipswich Crown Court. Represented chief executive of a private psychiatric hospital who was first on the indictment (of 2 defendants) in an alleged multi-million pound fraud against a number of Primary Care Trusts (NHS). Case involved significant local press interest in Norfolk both before and after the prosecution being forced to offer no evidence prior to the conclusion of their case. Client offered apology by Solicitor General in Parliament.



**Operation Ukraine** – Cardiff Crown Court. First on the indictment in a case concerning an alleged fraudulent acquisition tax scheme leading to the evasion of £15 million of VAT. The system employed for the alleged fraud involving the VAT 414 scheme for the importation of cars into the UK is alleged by the Crown to mirror the system employed in MTIC / carousel frauds with missing traders.

**Operation Dwight** – Teesside Crown Court. Represented the second named defendant on an indictment with five defendants. The case alleges that the defendants fraudulently received approximately £1 million in grants from Europe.

**Operation Houndstooth** – Southwark Crown Court. Represented first named defendant on indictment charged with various complex frauds including a mortgage fraud the value of which was estimated at £10 million.

**R v DV** – Ipswich Crown Court. Represented first named defendant on an indictment concerning a conspiracy to defraud investors who invested through a boiler room in the South of Spain. The loss is estimated to be in the region of £7 million. The case was prosecuted by the Serious Fraud Office.

**Operation Perfume** – St Albans Crown Court. Represented one of six defendants charged with a complex conspiracy to defraud lending institutions. The value of the fraud was between £500,000 and £1 million.

**R v LF** - Southwark Crown Court. Represented one of six solicitors who was acquitted in a mortgage fraud prosecuted by the Serious Fraud Office. The alleged conspiracy was valued at approximately £50 million.

**Operation Forbear** – Liverpool Crown Court. Multi-defendant and multi-million pound “missing trader” fraud.

**R v OSC** – Ipswich Crown Court. Represented one of two defendants charged with 2 separate conspiracies relating to their involvement in the operation of boiler rooms located abroad.

**Operation Sunbird** – Southwark Crown Court. Acted for first on the indictment in a four-month trial relating to the fraudulent evasion of £15 million from a major high street bank. Client was the director of one of the companies through whom the money was transferred under cover of 6 substantial mobile telephone deals. The background to the case involved allegations of substantial MTIC / carousel related activities.

**R v JB** – Southwark Crown Court. Indictment alleging a conspiracy to launder £16 million arising out of an MTIC fraud valued at £202 million. Defendant was acquitted after trial lasting several months.



**R v LC** – Blackfriars Crown Court. 2 month trial involving 2 antique dealers alleged to have targeted wealthy individuals in fashionable areas of London. The allegations included alleged benefit of over £600,000. The indictment contained 21 counts including conspiracy to defraud and money laundering. Defendant acquitted on all counts.

**R v AB** - Chester Crown Court. Alleged fraud committed by individual improperly holding themselves out as an Independent Financial Advisor. Indictment included 31 counts alleging a fraud of in excess of £1 million through the use of derivatives and C.F.D.s

**R v MT** – Northampton Crown Court. Represented director of logistics company alleged by HMRC to have conspired to evade duty in respect of tobacco. The value of the fraud was placed in the hundreds of thousands of pounds. Defendant acquitted after trial.

**R v PZ** - Worcester Crown Court. Conspiracy to evade duty imposed on tobacco assessed at approximately £15 million. Trial lasted several months.

**R v GS** – Maidstone Crown Court. Conspiracy to evade duty on tobacco (£15m).

#### POCA AND SECTION 10A LITIGANTS

Gerard has considerable experience in representing clients in confiscation, civil recovery and forfeiture proceedings. He is also regularly instructed to represent those applying to take part in confiscation proceedings as interested parties under section 10a of POCA. In 2021, Gerard represented an interested party who the prosecution asserted held substantial assets (including businesses and properties) on behalf of a convicted money launderer. Notwithstanding all parties were represented by QC and junior, at the conclusion of the hearing none of the disputed assets were ordered to have formed part of the confiscation proceedings. Gerard has been instructed in respect of freezing injunctions and related High Court proceedings. Gerard is also instructed in respect of a substantial Restraint Order in respect of a criminal investigation that has lasted 4 years. Examples of cases include:

**R v Michael Nascimento** – FCA application for a determination of hidden assets to the value of almost £2 million. Following a contested hearing the court determined MN’s hidden assets to be under £190,000.

**R v Graham Smith** - Court of Appeal. Successfully argued that an employee of a freight forwarding company was not liable for the value of the entire fraud for the purposes of confiscation under the Criminal Justice Act 1988 (following the House of Lords’ Opinion in Regina -v- May & Others and Regina -v- Jennings & Others). Accordingly, a benefit figure of in excess of £15 million was reduced to “nil”. HMRC employed Standing Counsel to lead trial Counsel at the Court of Appeal.



**RT** – Represented a section 10 litigant in respect of who the prosecution alleged many hundreds of thousands of pounds of assets belonged to a respondent against whom confiscation proceedings had been initiated. Following 3 days of negotiations at the commencement of the contested hearing the prosecution accepted the arguments advanced on behalf of RT and did not proceed to argue her assets had been acquired by the respondent.

**MK & CK** – represented 2 section 10 litigants in respect of interests in the matrimonial home the prosecution claimed was wholly owned by the respondent. Following negotiations the prosecution conceded both section 10 litigants held interests within the property.

#### RESTRAINT ORDERS

Gerard has been instructed to resist the imposition of restraint orders for many years.

Recent experience includes a fully contested hearing relating to proceeds of a fraud estimated to be valued at £40 million.

#### DEFENCE CRIME

Gerard is regularly instructed in matters of organised crime, usually related to organised criminal gangs operating through the country and internationally. These include allegations of modern-day slavery and major drug operations (including those referred to as 'county lines').

Currently instructed in a number of cases arising out of Operation Venetic that are based on evidence obtained through international agencies cooperation in infiltrating the Encrochat telephone system.

**Operation Legato** – Sheffield Crown Court. Large scale supply of Class A drugs. Represented the principle defendant.

**Operation Cicilian 3** – Liverpool Crown Court. Large scale supply of class A and B drugs including county lines operation together with the employment of teenagers for the purpose of street supply.

**Operation Camino** – Teeside Crown Court. Large scale supply of Class A drugs into the Teeside area (defendant was based in Middlesbrough). Defendant acquitted following legal argument at outset of trial.

**Operation Starlight** – Liverpool Crown Court. Nationwide supply of cocaine and heroin in amounts that far exceeded the SGC guidelines. Case involved a re-trial following which the defendant was acquitted.



**Operation Nightjar** – Cardiff Crown Court. Nationwide supply of cocaine in amounts that far exceeded the SGC guidelines. Case involved Albanian gangs.

[ITV News article](#)

**R v VE** – Southwark Crown Court. Drugs gang (principally Albanian nationals) operating from a property in Oxford supplying huge quantities of cocaine in amount that exceeded the SGC guidelines.

[The Times article](#)

**Operation Phobos** – Swansea Crown Court. Large supply of super-strength cocaine (£18.5 million) from Liverpool to South Wales.

[Liverpool Echo article](#)

**Operation Nebraska** – Bristol Crown Court. Supply of huge amounts of cocaine throughout the South West following purchase from Albanian gangs.

**Operation Bionic** – Bristol Crown Court. Supply of large quantities of Class A throughout the South West of England and South Wales.

## HOMICIDE

Gerard continues to be instructed in high profile homicide cases. Examples include:

**R v H** – Cardiff Crown Court. Represented (as led junior) client charged with 4 others as part of a joint enterprise murder. Client acquitted of murder.

**R v BR** – Bristol Crown Court. Represented individual charged with attempted murder and fraud. Client pleaded guilty to attempted murder.

**R v BG** – Bristol Crown Court. Represented individual charged with attempted murder and historical rape at knifepoint (over 16 years) on the same individual. Gerard's client pleaded guilty to the attempted murder that resulted from a frenzied knife attack in front of children in the family home. The victim gave evidence at trial in respect of the allegations of multiple rapes at knifepoint and controlling behaviour. The jury acquitted Gerard's client in less than 2 hours.

## HUMAN TRAFFICKING & MODERN SLAVERY

Gerard has considerable experience in this developing area. In addition to those potential victims caught up in common forms of criminality, such as drug trafficking, Gerard has experience of the application of this area of law in other areas, including terrorism.





**Operation Puma** – Warwick Crown Court. Instructed to represent a principle defendant in this complex multi-allegation and multi-defendant case relating to the supply of Class A drugs over a lengthy period. The case includes a count indicted under the Modern Slavery Act 2015. Currently on-going.

**Operation Nacreous** – Nottingham Crown Court. Represented lead defendant in fraud and human trafficking case. High profile, sensitive and legally complex. The client arranged travel to UK for Polish nationals who were forced into crime.

**Operation Embroidery** – representing a 14 year old charged with terrorism offences. The case is being defended, in part, under section 45(4) of the Modern Slavery Act 2015. Gerard is arguing that the court's preliminary view (that the LCJ's judgment in Regina v Brecani is authority for courts continuing in all cases before the determination of the Single Competent Authority) is wrong.

#### TERRORISM

Gerard has developed a practice representing individuals charged with offences under the terrorism legislation. He is currently instructed to defend a number of individuals accused of offences contrary to the terrorism legislation.

**R v CS** – Birmingham Crown Court. Represented a defendant accused of being a member of a proscribed organisation, namely National Action. The case resulted in proceedings before the Court of Appeal at which Gerard, as leading junior counsel, was successful.

[BBC Article](#)

[Guardian Article](#)

**Operation Embroidery** – representing a 14 year old charged with terrorism offences. The case is being defended, in part, under section 45(4) of the Modern Slavery Act 2015. Gerard is arguing that the court's preliminary view (that the LCJ's judgment in Regina v Brecani is authority for courts continuing in all cases before receipt of the determination of the Single Competent Authority) is wrong.

**R v CC** – Central Criminal Court – representing client charged with offences contrary to the Terrorism Act 2000.



## APPELLATE

Gerard has considerable experience in the Court of Appeal. Examples of cases include:

**R -v- Connor Scothern** [2020] EWCA Crim 1540 – successfully argued for certain categories of terrorist offenders that the change in the law resulting in terrorists being detained in custody for 2/3rds of their sentence prior to being eligible for consideration by the parole board should not apply to those adults who were under 18 when they committed the offence.

[BBC article](#)

**R -v- Keanu Foster** [2019] EWCA Crim 744 – application for leave (following refusal by the single judge) resulting in a sentence of 10 years and 9 months' imprisonment being reduced to 8 years.

**R -v- Joshua Jones** [2018] EWCA Crim 2709 – sentence of 4 years' imprisonment reduced to 3 years and 4 months imprisonment.

**R -v- Michael Martin** [2017] EWCA Crim 840 – sentence of 14 years' imprisonment reduced to 11 years' imprisonment.

**R -v- Jean-Pierre Bestel** [2013] EWCA Crim 1305 – successfully argued appeal lodged out of time following a change in the law of confiscation. Confiscation order quashed and remitted back to Crown Court for re-hearing.

**R -v- Graham Smith** [2008] EWCA Crim 3253 - successfully argued that an employee of a freight forwarding company was not liable for the value of the entire fraud for the purposes of confiscation under the Criminal Justice Act 1988 (following the House of Lords' Opinion in Regina -v- May & Others and Regina -v- Jennings & Others). Accordingly, a benefit figure of in excess of £15 million was reduced to "nil". HMRC employed Standing Counsel to lead trial Counsel at the Court of Appeal.

## REGULATORY

Gerard continues to be instructed in high profile and complex regulatory proceedings arising out of professional discipline and defending corporates and individuals prosecuted for regulatory breaches.

## PROFESSIONAL DISCIPLINE

Gerard has represented clients in a number of professional disciplinary tribunals including the Horseracing Regulatory Authority and the Solicitors Disciplinary Tribunal.



**Horseracing Regulatory Authority v BR & Others** (Horseracing Regulatory Authority, Shaftesbury Avenue, London). A jockey who faced allegations of corruption in racing following suspect betting on Betfair betting exchange.

**Horseracing Regulatory Authority v FF & Others** (Horseracing Regulatory Authority, Shaftesbury Avenue, London). A jockey who faced allegations of corruption in racing following suspect betting on Betfair betting exchange.

**Horseracing Regulatory Authority v TC & DM & Others** (Horseracing Regulatory Authority, Shaftesbury Avenue, London). Represented two jockeys facing allegations of corruption in racing following suspect betting on Betfair betting exchange.

**SRA v BK** - In the Solicitors' Disciplinary Tribunal, Gerard represented a client who was convicted of money laundering in the Crown Court who, following the SDT hearing remained in practice, receiving a fine and restriction order. The SRA were unsuccessful in their appeal to the High Court.

#### REGULATORY PROSECUTIONS

Gerard continues to represent clients prosecuted in respect of regulatory offences.

**R v AH** – Leeds Crown Court. Representing individual accused by the Health & Safety Executive of failing to discharge his duty of taking reasonable care of others, resulting from an employee severing his arm on a conveyor belt.

**R v M E Foley Limited & Mark Foley** – Bristol Crown Court. Represented first 2 defendants (company and individual) in a substantial case of prosecuted by the Environment Agency for permitting waste to be deposited otherwise than in accordance with the permit.

[Construction News](#)

[Somerset County Gazette](#)

**R v NB** – St Albans Crown Court. Currently instructed to represent company director in a substantial case of prosecuted by the Environment Agency for permitting waste to be deposited otherwise than in accordance with the permit.

#### CIVIL LITIGATION

Throughout his career Gerard has continued to be instructed in civil litigation. He is currently instructed in respect of a dispute before the High Court arising out of a disagreement within a company.



LIBERTAS  
CHAMBERS

Gerard Hillman

ghillman@libertaschambers.com

clerks@libertaschambers.com

A number of Gerard's notable cases include:

**Bowes v Richardson & Son Ltd** 28 January 2004 unreported – Gerard's successful argument in a case concerning the Sales of Goods Act was cited in a [Law Commission Consultation Paper](#) concerning consumer remedies for faulty goods.

#### ACCOUNT FREEZING & ASSET FORFEITURE

Gerard has experience of representing clients in respect of applications for freezing orders and applications for Unexplained Wealth Orders. These include:

**Director of the Asset Recovery Agency v R. (High Court of Justice)**. Represented client accused by SOCA of having substantial amount of recoverable property.

#### TAX TRIBUNAL

Gerard has represented many client's in respect of proceedings before the Tax Tribunal. A number of these have reached the appeal courts including:

**Commissioners of Customs & Excise v Kingscrest Associates Limited, Montecello Limited (Together Trading as Kingscrest Residential Care Homes)** [2002] EWHC 410(Ch)

#### JUDICIAL REVIEW

**R. (Barrat & Co.) v Legal Services Commission** [2003] EWHC Admin, October 22, 2003, Archbold News, LSC Focus, Judicial Review of the Legal Services Commission.