



JAMAS HODIVALA

MAIN AREAS OF PRACTICE:

Crime and Regulatory Law
Fraud, Financial and Business
Crime

Called to the Bar 1998

CONTACT:

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Jamas Hodivala is ranked and recommended as a leading junior by Chambers & Partners and the Legal 500 in the areas of Criminal Fraud, Health & Safety, Environmental Law and Professional Discipline.

He specialises in complex financial and business crime, judicial review and professional discipline. He is particularly instructed to advise and assist corporate clients from the early stages of an investigation, and has the specialist skills to represent such clients throughout all stages of the investigation or prosecution.

He can act with, or lead, a team in cases that often involve an international element including serious fraud, bribery and corruption, money laundering, restraint, confiscation and civil recovery proceedings as well as regularly being instructed in investigations and prosecutions brought by specialist regulators such as the Health & Safety Executive, the Marine Management Organisation, the Environment Agency, and the Medicines and Healthcare products Regulatory Agency.

Jamas offers specialist advice and advocacy in areas of criminal law that often overlap with public law, such as challenges to the use of investigatory powers by regulators and prosecutors, where early advice can be vital to the future shape of an investigation. He brings a range of specialist knowledge in different areas to help clients achieve the best possible result and is sensitive to the complex non-legal issues that often arise as a result of representing corporate clients.

He accepts instructions on a Direct Access basis.

He is also instructed to represent professionals facing disciplinary proceedings and has appeared in the General Dental Council, General Optical Council, General Medical Council, the Solicitors Disciplinary Tribunal, the Police Disciplinary Tribunal, the England & Wales Cricket Board, the FA Appeals Board and in Rule K arbitrations, and the Court of Arbitration for Sport.

Jamas has considerable experience in proceedings in the Divisional Court, Court of Appeal House of Lords / Supreme Court and the European Court of Human Rights.

DIRECTORIES' RECOMMENDATIONS

“Clever and charismatic on his feet.”

“Jamas stands out for his client service and accessibility. He has a calm, measured manner which reassures clients faced with pressurised situations.”

“Highly intelligent.”

Chambers & Partners 2019

“Bright, tactically astute and a great person to be in a case with.”

“He is always impressively prepared and operates well under pressure.”

“Scrupulously well-prepared and unafraid to take on inventive lines of defence.”

Legal 500 2019

“His work includes challenging pre-charge advisory matters.”

Legal 500 2018

“His advocacy skills are finely tuned and very persuasive.”

Legal 500 2017

“He has a brilliant technical ability and he is hardworking and has great knowledge of the cases he is dealing with.”

Chambers & Partners 2016

“He is an intellectual giant who is extremely thorough in terms of preparation and the way he conducts hearings.”

Chambers & Partners 2015

“He is a calm and measured advocate, he leaves no stone unturned and possesses excellent forensic skills.”

Chambers & Partners 2015

RECENT CASES

Fraud/Bribery

- **Re: X Ltd:** Advising on criminal liability risks arising from the purchase of a company involved in fraudulent misuse of a landlord deposit scheme.
- **R v K:** defending a doctor charge with fraud
- **TM Eye v P Ltd and F Ltd:** defending a private prosecution for corporate fraud and trademarks offences, brought by Apple, Inc.
- **R v France:** representing a convicted News International journalist on appeal.
- **R v P:** (Operation Elveden) News International journalist alleged to have made corrupt payments to public officials in return for information.
- **R v L:** (Operation Elveden) News International journalist alleged to have made corrupt payments to public officials in return for information.
- **R v D:** (Operation Aardvark) £8m mortgage fraud involving PII applications relating to ARIS agreement.
- **R v C:** (Operation Stingray) £26m inward duty diversion fraud.
- **R v M:** Pakistan cricketers charged with spot-fixing during Lord's Test match.
- **R v W:** Essex cricketer charged with spot-fixing.
- **R v T:** (Operation Civilian 2) £130m money laundering through Bureau de Change.
- **R v L:** (Operation Rize) £600,000 cash seized from safety deposit box as part of Operation Rize.

Judicial Review

- **R (KBR, Inc.) v SFO:** Challenge to the power to issue a s.2 CJA 1987 Notice to a US company requiring the production of material held abroad.
- **R (Hayes) v CPS:** challenge to CPS' inflexible policy of refusing to consider VRR representations until after it had concluded a case.
- **R (Association of British Commuters) v Secretary of State for Transport:** Acting on behalf of commuters in challenge to the Government's handling of Southern trains and the Govia Thameslink Railway franchise. Crowdfunded case.
- **R (X and others) v HMP Bronzefield:** Acting for a private prison in relation to a group challenge to the legality of the prison's policy on strip-searching.
- **R (W and ors) v HMP Bronzefield:** Acting for a further group challenge to the legality of the prison's strip-search policy alleging systemic failings.
- **R (London Borough of Southwark) v London Fire and Emergency Planning Authority:** Acting for the Claimant in relation to LFEPA's refusal to transfer to the HSE a criminal investigation into a fire at Lakanal House in 2009.
- **R (Dennehy) v HMP Bronzefield:** Defending a challenge brought by a notorious serial killer as a result of the prison's decision to segregate her for 2½ years.
- **R (Hopkins) v HMP Bronzefield:** Acting for a private prison. The Claimant sought a declaration and damages as a result of the prison's

enforcement of a policy preventing those in an intimate relationship from sharing a cell.

- **R (Gill and others) v Central Criminal Court:** acting for the Claimants in relation to whether the Crown Court had jurisdiction to entertain an application by HMRC to retain unlawfully seized material, pursuant to s.59 of the Criminal Justice and Police Act 2001.
- **R (ACA) v HSE:** Case settled two days before final hearing. Challenge to Enforcement Notice issued by HSE. Case involved challenge to the UK's implementation of EU Regulation 1107/2009 by the Plant Protection Products Regulations 2011 (and the HSE's related policy). The Claimant relied upon the derogations contained in Article 28(2)(c) and (d) of EU Regulation 1107/2009 to support its case that active ingredients for pesticides and pesticides did not need to be "identical" to those approved in the UK, where the products were simply imported into the UK in order to be further exported. The HSE claimed that these derogations did not apply because the UK had no "inspection requirements" in place. The case subsequently resulted in industry-wide consultation in which we continued to advise stakeholders, following which the HSE dropped its proposals.

Professional Discipline

- **SDT v A:** Application to remove restrictions on practice following conviction for money laundering.
- **GDC v X:** Over 600 specific allegations including fraudulent NHS claims, radiographic failings, periodontal examination failings and inadequate treatment.
- **GDC v X:** Allegations of fraudulent NHS claims.
- **GOC v X:** Case involved the use of expert psychological evidence to demonstrate why the client's acceptance of a police caution for theft was not a reliable admission of guilt.
- **GOC v X:** Optometrist alleged to have failed to take necessary care in the examination and treatment of over 200 geriatric patients.
- **ECB v W:** Disciplinary proceedings following criminal prosecution.
- **PSD v B:** Police Misconduct hearing involving allegation that constable had dishonestly failed to declare £64,000 in salary overpayments over 7 years.
- **PSD v Ds A:** represented a Counter-Terrorism officer accused of dishonestly claiming overtime.
- **PSD v Pc X:** represented a Pc accused of being a member of Combat 18.
- **PSD v Dc F:** allegation that a number of officers had either corruptly or negligently failed to pursue sex abuse inquiries.
- **GOC v C:** changed GOC policy regarding ability to resolve a review hearing by way of retirement and undertakings, as opposed to erasure.
- **GDC v Ofondu:** dentist accused of failing basic clinical abilities.

Regulatory

- **R v T:** Director charged with gross negligence manslaughter.
- **MHRA v G:** (Operation Singapore) £7m international counterfeit medicines fraud involving EU law.
- **MMO v C:** Breach of UK fishing quota case involving abuse of process and EU Competition law arguments.

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- **R v S:** Packhouse manager of a large apple farm charged with gross negligence manslaughter
- **EA v ES Ltd:** Haulage company charged with depositing waste.
- **EA v O’G:** Owner of a waste transfer station charged with depositing 25,000t of waste.
- **HSE v C Ltd:** defending a prosecution following the death of two employees at a steel manufacturing plant as a result of an explosion of the H-cellar system.
- **HSE v XX Lift Company:** representing a lift company in a jury inquest and retained to advise and act in all subsequent criminal enforcement proceedings by the HSE. An elderly patient in a care home was killed when an internal lift failed and crashed three floors to the basement.
- **HSE v XX:** representing a national company with a £350m turnover in an asbestos-related incident during renovation works. HSE investigation and employment claims ongoing.
- **HSE v Hanson Concrete and anor:** Prosecuting Hanson Concretes as a result of a lifting operation that resulted in the loss of 4 fingers of a worker.
- **EA v LA:** Defending in £4.1m confiscation proceedings against a director of several companies owing waste wood recycling sites, which each had fires.
- **HSE v QF International:** Prosecuting a case arising from a fall from height onto concrete.
- **HSE v Martin Baker Aircraft Limited:** Defending a leading company in the global ejection seat industry. This high-profile case involved the death of a Red Arrows pilot who inadvertently ejected whilst stationary on the runway, following which his ejection seat parachute failed to open.
- **EA v UKW:** Defending a waste wood recycling facility following a huge fire at one of its sites.
- **R v S:** Defending an apple-farm manager for gross negligence manslaughter following the deaths of two junior employees who were instructed to hold their breath whilst entering a zero-oxygen storage facility to retrieve apples.
- **HSE v AL Ltd:** Defending an incident at an aircraft respraying facility where a fire destroyed an entire aircraft hangar.
- **LA v XX:** Junior (Richard Matthews QC). Advising and representing a FTSE 250 company in a local authority investigation and related judicial review proceedings in relation to LPP material stolen by a whistle-blower and retained by the investigator.

QUALIFICATIONS

- Certified Fraud Examiner (ACFE)

Jamas is regulated by the Bar Standards Board and accepts instructions under Standard Contractual Terms, details of which can be found on our website under Code of Conduct.