



JAMAS HODIVALA QC

MAIN AREAS OF PRACTICE:

Crime and Regulatory Law
Fraud, Financial and Business
Crime

Called to the Bar 1998
Appointed to Silk 2020

CONTACT:

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Paul Venables, Senior Practice
Manager
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James Hodivala QC is ranked and recommended 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.

James 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.

James is a Grade A prosecutor for the HSE, EA and ORR.

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.

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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

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.

EXAMPLES OF RECENT CASES:

Corporate crime

- **G Ltd:** advising an offshore company in relation to money-laundering proceeds of gambling in China.
- **A Ltd:** Advising on money-laundering and fraud liability arising from the purchase of a company involved in the fraudulent misuse of a landlord deposit scheme.
- **P Ltd and F Ltd:** defending a private prosecution for corporate fraud and trademarks offences.
- **C Ltd:** challenging search warrants and 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.
- **X Ltd:** advising a national company with a £350m turnover in an asbestos-related incident during renovation works.
- **Y Ltd:** Advising and representing a FTSE 250 company in relation to LPP material stolen by a whistle-blower and retained by the investigator.
- **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.

Fraud/bribery

- Advising in relation to the Petrofac investigation.
- **K:** defending a doctor charge with fraud
- **D:** defending in an £8m mortgage fraud involving PII applications relating to ARIS agreement and related CRO proceedings.
- **Defending three journalists in Operation Elveden.**
- **G:** defending in a £7m cross-border counterfeit pharmaceuticals fraud involving EU law.

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 (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 (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:** Challenge to Enforcement Notice issued by HSE relating to the UK's implementation of EU Regulation 1107/2009 by the Plant Protection Products Regulations 2011 (and the HSE's related policy).

Professional Discipline

- Advising in several ongoing investigations by the SRA into allegations of dishonesty.
- **GDC v T:** extensive allegations by four patients into dishonesty, informed consent, implants, bridgework, orthodontic treatment, and treatment plans in which none of the four patients' evidence was accepted by the Committee.
- **GDC v X:** Over 600 specific allegations including fraudulent NHS claims, radiographic failings, periodontal examination failings and inadequate treatment.
- **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.
- **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.

Business / Regulatory crime

- Advising in the first gross negligence manslaughter prosecution in Guernsey
- **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.
- **R v T:** Defending a director charged with gross negligence manslaughter following an explosion in a warehouse.
- **EA v LA:** Defending in £4.1m confiscation proceedings against a director of several companies, resisting an application to pierce the corporate veil.
- **MMO v C:** Defending a breach of UK fishing quota case involving abuse of process and EU Competition law arguments.
- **EA v O'G:** Defending the owner of a waste transfer station charged with depositing 25,000t of waste.
- **HSE v XX Lift Company:** representing a lift company in a jury inquest and in the subsequent criminal prosecution by the HSE. An elderly patient in a care home was killed when an internal lift failed and crashed to the basement.

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- **EA v UKW:** Defending a waste wood recycling facility following a large fire at one of its sites.

QUALIFICATIONS

- Certified Fraud Examiner (ACFE)

Jamas is regulated by the Bar Standards Board and accepts instructions under Standard Contractual Terms. To find out more information on this and the way we work at Matrix, including our fee transparency statement, please see our [service standards](#).