

Matthew started practice in 2014 with the Banking and Finance litigation team for one of the World's largest law firms, Baker & McKenzie. During his early practice Matthew defended a large FTSE 100 Company as part of the LIBOR Scandal. He has extensive experience in Fraud and Financial Crime as a result, with a vast experience in dealing with complex issues arising from Legal Professional Privilege.

Joining Chambers in 2016, Matthew has sought to develop a practice that encompasses Public Law, Regulatory and Criminal matters. As a result, he has gained numerous prestigious appointments that make him stand out amongst his peers at the Bar. He has a strong practice on behalf of HMRC, the Government Legal Department and the Serious Fraud Office. Recently he was instructed as a junior counsel in the Independent Inquiry into Child Sex Abuse, and assisted in a Judicial Review for the Victim's Rights Group 'Hacked Off' following the Phone Hacking Scandal.

He has vast experience of dealing with complex Judicial Reviews applications and POCA matters, Regulatory offences and mainly Fraud (including VAT and MTIC). He sits on the Attorney General's specialist Panel of Counsel, the Serious Fraud Office Panel, Regulatory Panel and is a specialist CPS POCA Prosecutor. He has extensive experience defending in these areas also. He is currently defending a multi-handed transfer of firearms and Class A PWITS matter in Nottingham.

In 2020 Matthew was called to the Bar of Northern Ireland.

## Financial Crime, Fraud & POCA

- Matthew has extensive experience in POCA and Fraud matters. In 2021, Matthew was one of five barristers out of London to be appointed to the Serious Fraud Office Panel C of Prosecution. He is currently instructed in an on-going large scale investigation into Fraud on behalf of the SFO.
- Coupled with his experience from the Financial Litigation Team at Baker & McKenzie, he is routinely instructed to handle large scale complex financial litigation dealing with disclosure, legal professional privilege and advising on litigation.
- Matthew was one of two Manchester barristers appointed to the Attorney General's Panel C in 2020. He often deals with cases brought by HMRC from Forfeiture and confiscation hearings, through to Commercial Account Freezing Orders and POCA proceedings in the Crown Court to the Court of Appeal. He was appointed to the specialist CPS Panel Level 2 for POCA in 2021.
- Matthew also has experience with Tax Fraud. Recently he was instructed by HMRC to prosecute a multi-million pound MTIC Fraud case before the Tax Tribunals. (Kittle and Mecsek). He has also dealt with numerous VAT and Tax applications before the High Court on appeal.
- Matthew also has extensive experience in dealing with general criminal litigation and is recognised in this area of law by his appointment to the CPS General Crime Panel Level 3 and POCA Panel Level 2 in 2021, and Serious Crime Panel Level 2 in 2020. He is currently being led on a large scale drugs and gun conspiracy at Nottingham Crown Court.



## CONTACT DETAILS

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## PRACTICE AREAS

Business Crime & Financial Regulation

Civil Law

Criminal Law

Health & Safety

Housing Law

Immigration & Asylum Law

Industrial Disease

Inquests

Judicial Review Law

Licensing

Local Government

Regulatory

Property Law

Professional Negligence

Environmental Law

Legal Professional Privilege

## ASSOCIATIONS

Northern Circuit

Personal Injury Bar Association

## AWARDS

Diana Princess of Wales Major Scholar  
(Awarded by HRH Duke of Cambridge)

## EDUCATION

RBAI

Newcastle Law School - LAW LLB

City Law School - BPTC

## Public Law (Immigration and Judicial Review) and Civil Law

- As a specialist barrister for the Attorney General, Matthew is routinely instructed in claims for False Imprisonment relating to periods of Unlawful Detention by the Secretary of State. He is instructed in this area of law regularly keeping up to date through publications and case law updates. He has recently dealt with a number of Judicial Review applications and interim relief hearings, and is often sought to advise on Quantum in the County Court and QBD. He has dealt with EEA cases under Dublin III and Non-EEA Hardial Singh claims and is often instructed to offer advice for Government Departments and grounds of appeal in this work. Recently he had conduct of a number false imprisonment claims made during COVID-19 under Article 3 & 5 ECHR and in relation to failure to provide s.95 and s.4 Accommodation.
- In addition to providing expert advice in unlawful detention/false imprisonment claims, both for judicial review and civil claims, Matthew has extensive experience in substantive claims for failure to provide asylum support.
- Matthew has recently been instructed to conduct inquest hearings on behalf of the Secretary of State. He has experience developed as a junior in the IICSA inquiry and through the Phone Hacking Scandal on behalf of 'Hacked Off'.
- Matthew has also conducted a wide range of multi-track and fast-track personal injury and public liability claims. He is routinely instructed in county court claims and to draft papers on behalf of Government and Claimants. He has also a great deal of experience with landlord and tenant disputes.
- Matthew is also experienced in Immigration litigation from the First and Upper Tier Tribunals through to Fresh Submission Judicial Review claims. He has been instructed recently to propose a number of interim relief applications before the High Court. Further to this he has had conduct of a Habeas Corpus claim in the High Court and recently before the Court of Appeal. It is currently pending application before the Supreme Court.

## Disciplinary/Safeguarding/Professional Negligence

- Coupled with this experience he has conduct of a number of Disclosure and Barring Service (DBS) appeals under the Safeguarding Vulnerable Group Act 2006 in the Upper Tier Tribunals and is on hand to offer representation within this area on a Direct Access Basis. He is willing to draft submissions and make representations on short notice. Matthew Has represented both the DBS and Appellants from initial advice on paper, drafting submissions for court, conference and on appeal to the Upper Tier Tribunals.
- Matthew is often instructed on a wide range of professional negligence matters against and for doctors, dentists and solicitors. He is routinely instructed to draft advices, assist with letters before action and represent professional clients at court

## Regulatory Law & Road Traffic Offence

- In 2019 Matthew was appointed to the Specialist Regulatory Panel C of Prosecution Advocates. This recognised his experience in the fields of Environmental Law and Health & Safety Law.



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- Matthew has extensive experience in representing haulage companies in relation to Road Traffic matters both in the Crown Court and before Traffic Commissioners Office in the Upper Tribunals. He has conducted a number of disputes in relation to tachographs and operators licenses through to fly-tipping offences. He is able to offer advice in this area.
- Recently he has advised Government on a range of Civil Penalty Appeals for Clandestine Entrants and Operator Licensing disputes.
- Matthew is routinely instructed to defend Environment Offences, from fly tipping through to advising large companies in relation to waste and water disputes.
- Matthew has also represented a number of companies. In the Crown Court he has conducted cases in relation to gross-negligence manslaughter through to Health and Safety at work offences in construction disputes.
- Recently he has appeared as advocate prosecuting and defending a number of licensing and Trademark/counterfeit goods offences. He has successfully represented a number of companies in relation to Fraud allegations as to HGV licences and individuals in Taxi license appeals.
- Matthew has gained substantial experience in Road Traffic Offences. He recently was instructed on a Death by Dangerous Driving at Leeds Crown Court through and is often sought to argue exceptional hardship/special reasons mitigation in the Magistrates Court.
- Through appointment on the Attorney General's Panel Matthew has experience in a number of cases relating to Driving License Disqualification and appeals of DVLA decisions in relation to licensing following bans for drink driving or medical reasons.

## Summary of Appointments

**2021** – Serious Fraud Office – Panel C appointment

Crown Prosecution Service – Level 3 General Crime Panel Appointment and Level 2 POCA Panel Appointment

**2020** – Attorney General Specialist Panel of Civil Counsel – C Panel

Level 2 Serious Crime Prosecution Panel CPS

Call to the Bar of Northern Ireland Michaelmas Term 2020

**2019** – Specialist Regulatory Panel C Prosecution Advocate (Environment Agency and Health & Safety Executive)

**2017** – Public Access Qualified.

Matthew was Junior for the Northern Circuit in 2019 and currently sits on the Northern Circuit Executive Committee as Representation on the Bar Council <https://www.northerncircuit.org.uk/about-us/circuit-officers/>



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## RECENT CASES

### Public Law/Human Rights/ Immigration

**O v SSHD** – Unlawful Detention claim Matthew was instructed to draft summary grounds for defence, extension of time application and to defend the case at oral permission hearing and subsequently full substantive hearing. Matthew was successful with each application prior to the substantive hearing and was able to negotiate a settlement prior to final hearing.

**AA v SSHD** – Panel B instructed case relating to classification of whether or not an individual was a victim of slavery and or trafficking. Matthew drafted grounds in defence and represented the SSHD at Oral Permission Hearing.

**SQS v SSHD** – Matthew advised the SSHD on the lawfulness of claims in and outside of the relevant period relating to the Supreme Court case of Hemmati and whether or not there was a successful step created (as identified in the case of DN (Rwanda)) in order to exclude liability following the relevant period.

**JK v SSHD** – case relates to 317 days of unlawful detention transferred to QBD. The Claimant was an Adult at Risk level 3 and an EEA National. Case was resolved.

**K v MOJ** – Matthew successfully defending an application before the High Court for Habeas Corpus. The matter is currently pending application before the Supreme Court, Matthew retains instructions.

**MP v SSHD** – Matthew advised government on the adequacy and delay relating to provision of s.95 support accommodation. Matthew defended the application for Judicial Review at substantive hearing.

**M v SSHD** – a claim for false imprisonment and Data Protection Breach, Matthew was instructed to defend the claim and draft extensive pleadings and negotiate at settlement, advising government on issues relating to quantum of damages. Claim related to lawfulness of court orders.

### Proceeds of Crime/Fraud

**HMRC** – Matthew has represented the Revenue in numerous section 298 POCA application before the magistrates and on appeal to the Crown Court. He is an expert in this field.

**B v HMRC & DWP** – Matthew represented both defendants successfully in this appeal of a tax decision before the High Court.

**LE v HMRC** – Matthew represented the Revenue in this MTIC fraud hearing led by senior counsel. The hearing took place in the Tax Tribunals over a number of days submissions, and examination of witnesses.

### Safeguarding

**MG v DBS** – Matthew represented an appellant in the Upper Tier Tribunal on an appeal of a decision to add the individual to the adults and childrens barred lists. He was instructed at first instance, advising at conference, on paper and providing detailed legal submissions. He represented the individual at the final hearing and on matters relating to appeal.



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**CO2 v DBS** – Matthew advised and represented the DBS in an appeal to include his name in the adults barred list. This matter relating to professional competence due to the nature of the Appellants work. This case was regarding a professional health provider and the provision of their services.

**DH v DBS** – Matthew represented the DBS in an appeal. The importance of this case at final hearing was regarding error of law, irrational or disproportionate decision making and the legality of errors of law and fact. This individual was a professional working with vulnerable adults.

**SC v DBS** – an appeal relating to inclusion the barring lists for a professional . Matthew took the case on an initial advice regarding grounds of defence. He also assisted in the nature of evidence required at final hearing, advising the DBS on what elements needed further investigation in order to mount a defence.

## Regulatory

**G v HSE** – Matthew defended a building contractor, an individual, throughout proceedings at PTPH through to sentencing. This was s33 offence for two defendants. The case was unique in that there was successful legal argument regarding counts on the indictment. Once this was resolved the case was able to proceed to sentence. Matthew was able to secure a community sentence.

**PJC & C v EA** – This was a Crown Court trial held at Cambridge over three days. Matthew represented the Company and the Director securing an acquittal. The case involved a number of complex issues. There were numerous legal arguments on applications to dismiss, and admissibility of key evidence at the hearing.

**VGM v DVLA** – this was in relation to defence of a charge for fraudulent use of an operators licence. The Case was taken out at half time following the use of the case R v Stringer [2008] EWCA Crim 1222 in submitting that the Prosecution had to establish evidence relating to the state of mind of the Defendant in order to prove intention to deceive. Subsequently, had the case continued after half time the defence was one of acting in good faith and not having an intention to deceive which in this case the Prosecution could not prove on the evidence. The Court returned not guilty verdicts.

**HSE v A & Ors** – Represented the HSE in a case involving asbestos. Prepared the hearing at PTPH, reviewed the indictment and advised on issues relating to bad character/plea.

**CEC v K** – instructed on sentence and POCA in relation to an offender who was selling counterfeit goods and tobacco. He was able to secure a stringent Community Order.

**MCC v MI** – instructed to represent a Taxi Driver who had his licence revoked and lost his appeal in the Magistrates Court. This case involved prolonged argument on the Fit and Proper Person test, including argument on costs.

**R v MM** – represented, on sentence, a disqualified director of a business that went into liquidation. The Director who was disqualified opted to act for the company when its owner had fallen ill.

**SF v OCC** – successfully represented at trial a scrap metal dealer on an appeal against a Local Council regarding a revocation of his licence. This case contained considerable legal argument, as there is very little within the case law that defines the applicability of the Legislation.

**HSE v R Housing** – de facto junior to Ms Roberts on a Section 2 and 3 Prosecution of a Housing Company where a death had occurred due to serious shortcomings by the Company. He drafted a skeleton argument for the Prosecution regarding a reverse burden of proof argument.



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## Professional Negligence

**Dr C v EL Solicitors** – Professional Negligence against a firm of solicitors who had failed to apply for an extension of a lease. Mr Howarth was instructed to draft an advice on the law and assist with a Letter before Claim including a standstill agreement.

**Dr K** – Matthew was instructed to draft a Letter Before Action and legal argument on a case involving a Limitation Argument where the Claimant did not issue proceedings within the relevant period when there was a severe Mental Health illness.

## Serious Fraud Office

**SFO** – Instructed across a two year investigation by the SFO as lead review counsel to advise prosecution team on key pieces of disclosure and evidence, both in terms of the quality of the evidence for trial and elements that were not to be disclosed due to LPP.

## Road Traffic Act

**DVSA v H** – Represented a company and it's directors at trial for an offence of intending to deceive a transport officer by transferring a Operators License. Succeeded on a submission of no case to answer after the close of the Prosecution case.

**R v CW** – successfully argued special reasons for a medical professional who responded to a medical emergency and exceeded the legal speed limit.

**R v MH** – successfully argued on appeal to the Crown Court that that disqualification of a driver amounted to exceptional hardship. The Driver was a specialist engineer who needed to drive for work and would lose his job otherwise.

**R v TS** – instructed to represent a defendant charged with Death by Dangerous Driving at Bradford Crown Court. This trial involved the death of one older gentleman and the serious injury to his wife.

## Crime

**HS2** – Matthew was instructed by Government to assist Police and staff members of HS2 on the legal position regarding trespass and criminal offences around train stations and trespass.

**R v JD** – Large Scale Multi-handed Conspiracy to transfer firearms and Class A drugs. Instructed as Junior Counsel for leading Defendant. Review of covert monitoring evidence across four jury trials. Key arguments on disclosure in relation to material unfairly withheld and disputes over PII material and its relevance.

**R v FVG** – secured the acquittal of a renowned footballer who allegedly assaulted a witness in court proceedings.

**R v BWA** – successfully excluded a interview with 15 admissions of guilt under section 76 PACE after a day of legal argument at voir dire.

**R v DH** – mitigated on behalf of a dangerous offender who had mugged a number of people a knife point. He was able to mitigate the sentence from a life sentence to a six-year sentence with a extended licence period.



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**R v ML** – successfully represented the wife of a defendant in confiscation proceedings. The Police sought to confiscate money that was legitimately acquired from her Hair Styling business.

**R v S** – successful defence of an individual accused of running a cannibas farm. The Court accepted evidence that he was a victim of slavery and he was acquitted.

## Inquiry Work

**Independent Inquiry into Child Sexual Abuse** – Matthew was instructed along with a team of barristers to review allegations of abuse against leaders of the Church of England. This involved review of LPP and Public Interest Immunity material.

**Hacked Off** – Matthew was instructed to advise the victims rights group in relation to a Judicial Review regarding a failure to prosecute criminal offences relating to phone hacking.

## Prison Law

**HMP Strangeways** – This case involved a number of competing Public Interest and Human Rights arguments both for and against release following a self declared recall. Release was allowed following the hearing and submissions of counsel. The Prisoner was serving a life sentence for murder.

Through the AG panel Matthew has advised on numerous cases relating to False Imprisonment due to failure by Prisons to take into consideration the appropriate time in custody and to action release dates.

## Professional

Matthew represents the Northern Circuit on the Bar Council Executive. He was elected as the first ever Northern Chair for the Middle Temple Young Bar Association and has a particular emphasis on Mental Health and is well equipped to deal with vulnerable clients and children.

Matthew was Junior for the Northern Circuit in Trinity Term 2018.

Matthew Howarth is Public Access qualified.



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