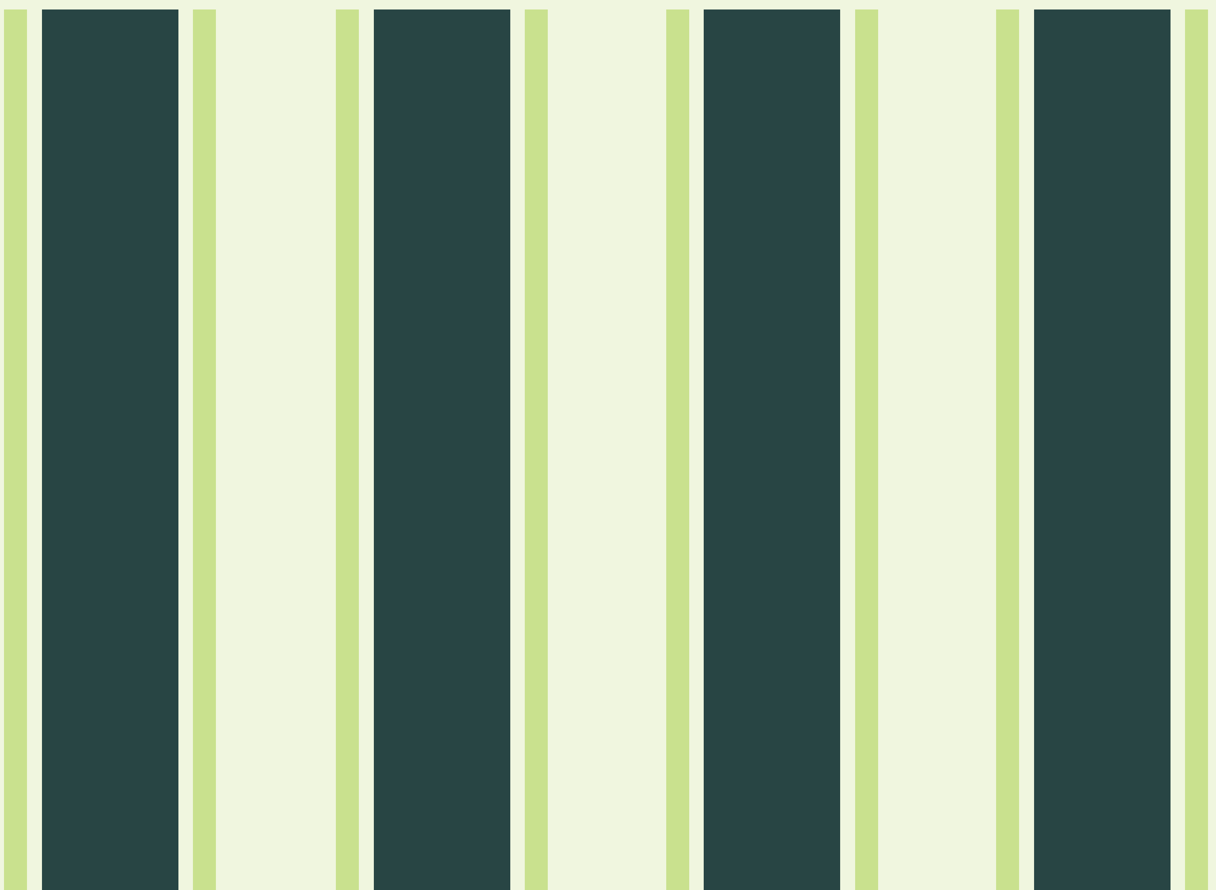
CLOTH FAIR CHAMBERS

EDMUND LAWSON QC

TANGO ALONE?

A CAUTIOUS WELCOME TO THE FRAUD ACT 2006 – AND FAREWELL TO CONSPIRACY TO DEFRAUD?

ISSUE THREE
SUMMER 2007
PUBLISHED BY CLOTH FAIR CHAMBERS



CLOTH FAIR CHAMBERS SPECIALISES IN FRAUD AND COMMERCIAL CRIME, COMPLEX AND ORGANISED CRIME, REGULATORY AND DISCIPLINARY MATTERS, DEFAMATION AND IN BROADER LITIGATION AREAS WHERE SPECIALIST ADVOCACY AND ADVISORY SKILLS ARE REQUIRED.

TANGO ALONE?

A CAUTIOUS WELCOME TO THE FRAUD ACT 2006 – AND FAREWELL TO CONSPIRACY TO DEFRAUD?

EDMUND LAWSON QC

1. It always took two to tango. And two or more to defraud. The common law offence of conspiracy to defraud, much loved by prosecutors for its breadth, had and has one significant limitation: it can have no application unless two or more persons agree to defraud. It is useless when dealing with an individual fraudster who acts alone.

2. Hence, in part, the Fraud Act 2006, in force from 15 January 2007.

3. Conspiracy to defraud remains available to prosecutors, the Government having overridden the Law Commission's recommendation (Report No. 276) to abolish it. (It is a survivor, having previously survived the abolition of other common law conspiracies by s.5 of the Criminal Law Act 1977.)

4. The common law offence is very broad, encompassing an agreement to prejudice or to risk prejudicing another's rights, the conspirators knowing that they have no right to do so. (See *Welham* v. DPP [1961] AC 103.) Whether dishonesty *per se* is required to be proved is moot but probably academic: to (agree to) act to another's prejudice knowing that you have no right to do so is, by most people's standards, dishonest.

5. But, is it broad enough to survive the new Fraud Act 2006? Probably not. Conspiracy to defraud, it is suggested, will die from disuse – with scarcely a whimper, let alone a bang.

THE NEW ACT

"It is more than a decade since the late Lord Taylor of Gosforth C.J. called for a reduction in the torrent of legislation affecting criminal justice. Regrettably, that call has gone unheeded by successive governments. Indeed, the quantity of such legislation has increased and its quality has, if anything, diminished. The 2003 Act has 339 sections and 38 schedules and runs to 453 pages. It is, in pre-metric terms, an inch thick... ." (per Rose V-P in *Bradley* [2005] 1 CAR 24 at para. 39, with reference to the Criminal Justice Act 2003.)

6. The Fraud Act is commendably short, running to

a mere 16 brief sections. And, with some notable exceptions identified below, it is reasonably clear.

7. Generally, it abolishes the former statutory 'obtaining by deception' offences (e.g. ss. 15, 15A & 16 of the Theft Act 1968), replacing them with the specific 'fraud' offence identified in s.1 and committed by breaching one of ss. 2, 3 and/or 4.

8. Contrary to some expectation and to the assertion in the Explanatory Notes to the Act (that it "provides for a general offence of fraud..."), there is no general fraud offence, nor indeed is there any statutory definition of 'fraud' in general, as opposed to a new, specific offence of fraud, capable of being committed in one of three ways:
   - Fraud by false representation (s.2)
   - Fraud by failing to disclose information (s.3) and
   - Fraud by abuse of position (s.4)

9. Ancillary offences are created in ss.6 and 7: possession of and making or supplying articles for use in frauds. The s.458 Companies Act fraudulent trading offence is extended to apply to sole traders (s.9); and a new offence is created of obtaining services by deception (s.11).

SENTENCING

10. All the new offences carry a maximum of 10 years' imprisonment on conviction on indictment (that also being the new maximum for the s.458 CA offence), save for the ss. 6 and 11 offences which, perhaps curiously, have a 5-year maximum. It remains to be seen whether any increase in 'tariff' for fraud sentences will result: recent US extradition cases from the UK have revealed concerns on the part of the US authorities that we are too 'soft' on fraudsters, certainly by comparison with US sentences for fraud, based, as they are, on the notorious 'points' system (which post *Booker* 125 S. Ct. 738 may 'only' be advisory as opposed to mandatory – but try to spot the difference in practice!). It would, however, buck the trend and fly in the face of recent judicial encouragement of shorter sentences (not least by reason of prison over-crowding) for substantially longer sentences to flow from the new Act.

11. In any event, it is submitted that, in the case of the average (if there is an average) white collar fraudster
   - the fact of conviction plus a prison sentence, even a short one,
   - plus confiscation of ill-gotten gains,
   - plus possible/discretionary disqualification from acting as a director or in the management of a company

   ought to satisfy the 'punishment' element of sentencing. To the extent that deterrence is a factor, such consequences ought to deter the potential offender who thinks of them. (But who has come across a fraudster who has been troubled by the thought of what will happen if he gets caught? Deterrence of potential offenders is more notional than real.)

THE EVIL LIES IN INTENT

12. The new ss.2-4 offences (strictly, there is only one offence, i.e. that in s.1, capable of being committed by breaching one of the ss.2-4 prohibitions) have in common that the *mens rea*, in addition to 'dishonesty', lies in the alleged offender's **intent**: did he **intend** by his dishonest and false representation to make a gain for himself or to cause loss to another or expose that other to a risk of loss (s.2)? Or did he **intend** by his dishonest failure to disclose information (s.3) or his abuse of position (s.4) to make such a gain or cause such a loss?

NO MORE 'OPERATIVE DECEPTION'?

13. The/an effect of the new Act removes the need to prove an 'operative deception' (e.g. in the s.15 Theft Act offence of obtaining property by deception): provided the offender commits the *actus reus* (such as, positively, making a false representation or, by omission, failing to make disclosure which he has 'a legal duty' to make), his guilt depends **not** upon the effect which such conduct has upon the victim but upon his, the offender's, intentions (and dishonest state of mind).

14. Hence the suggestion above that conspiracy to defraud will wither on the vine. The new offences are, in terms of *mens rea*, yet wider than the already wide terms of the common law conspiracy offence and the *Welham* 'fraud' test: no actual prejudice to the intended victim's economic interests is required to be proved under ss. 2-4; and no intention to deceive is required under the new Act. A prosecutor might, it should be acknowledged

(howsoever unreasonably/persecutorially), perceive that some advantage is to be gained by pursuing the common law route where a prosecutorial advantage might be sought to be gained from the *Welham* test not, in theory at least, requiring proof of dishonesty (expressly required in respect of ss.2-4); but such cases will – certainly should – be very rare. (See para. 4 above.)

THE SPECIFIC 'BREACHES'/OFFENCES

15. FRAUD BY FALSE REPRESENTATION (s.2) A representation is false if "it is untrue or misleading" – but only if the person making it knows that it is or might be untrue or misleading (s.2(2)), that addition qualifying the *actus reus* (was a false, that is an untrue or misleading, representation made?) by importing an element of *mens rea* (did the offender know that it was/might be false?).

16. 'Misleading' is, presumably deliberately, left undefined. The Explanatory Notes suggest that this may encompass something "less than wholly true and capable of an interpretation to the detriment of the victim", which is both immensely wide and introduces an element of victim-impact which the Act has otherwise sought to eschew. Will the Courts impose a narrow definition of 'misleading'? It is suspected not: it is an 'ordinary' English word arguably not requiring further or 'legal' definition.

17. Consider the breadth of 'misleading' in the context of the *mens rea* requirement which is satisfied if the maker knows that his representation "**might be** ... misleading". If, as suggested above, a jury may be left to their own devices in deciding what is or is not 'misleading', this may send a shiver down the spines of some of the more florid of the estate agents and car dealers wont to be a little expansive in their selling techniques. (A jury is, of course, in the context of fraud trials, now an endangered species; but, for the time being at least, the jury survives as the ultimate arbiter of fact in fraud trials: surely this is a good example of where a jury is best equipped to assess what is or is not acceptable conduct. The author, a defender usually but also a sometime prosecutor/prosecution adviser, freely admits to being a strong supporter of jury trials for fraud, as with other criminal allegations, but will not divert the reader further into this area now: perhaps this might be a topic for a future Cloth Fair paper?).

"The trouble with white collar crime is that nobody knows what the hell it IS!"

www.CartoonStock.com

www.CartoonStock.com

18. To add to the breadth of the new offence, a representation may relate to fact **or** law or to 'the state of mind' of the maker or another (s.2(3)); **and** it "may be express or implied" (s.2(4)).

19. Thus, an **implied** representation as to the maker's **state of mind** is caught by the section if the maker knows that it **might** be **misleading**. By any standards, this is astonishingly broad.

20. To complete the offence proof is required of dishonesty (s.2(1)(a)) **and** an intention to make gain or cause loss (s. 2(1)(b), above). The making of an obviously false factual representation might be thought to be *ipso facto* dishonest. Presumably, dishonesty as a separate consideration is more likely to come into play in less obvious circumstances, such as in 19 above.

21. '**No Phishing**': emphasising the departure from deceptions capable of being shown to have been 'operative' on the victim's mind is the new s.2(5): a representation may be regarded as having been made if "submitted in any form to any system or device designed to receive, convey or respond to communications".

22. Thus, using an illicitly-gained PIN number and cashcard to withdraw money from a hole-in-the-wall machine is caught: there is at least an implied and false representation to the machine that the person entering the number has authority to do so.

23. And 'phishing' via the Internet for the bank details of the intended recipient with a view to the 'phisher' using such details for his own gain is caught, regardless of whether the intended human recipient is deceived: the substantive offence under s.2 is made out.

24. FRAUD BY FAILING TO DISCLOSE INFORMATION (s.3)
    The *actus reus* of this new offence lies in failing to disclose to another information which the alleged offender "is under a legal duty to disclose". It is, unusually, an offence only committed by omission.

25. The Act is silent as to the meaning or effect of "...legal duty to disclose". *A fortiori* whether an alleged offender did owe such a legal duty must be a matter for direction by the trial judge, complicated by the likelihood/possibility that whether such a duty arose may depend upon resolution of factual issues by the jury. This could arise, for example, if the

duty was alleged to have arisen contractually and there is a factual dispute as to the terms of the contract. (If that dispute is or may be a genuine one from the Defendant's viewpoint, that would also go, presumably, to the Defendant's dishonesty, below.)

26. There may/will be situations where the existence of the 'legal duty' will be solely a matter of law to be the subject of judicial direction, for example in relation to the statutory obligations of disclosure in company prospectuses, insurance contracts which are *uberrimae fidei* or 'obvious' fiduciary positions. There, the existence of the duty will or should be apparent – and the focus will be upon the Defendant's state of mind.

27. But in greyer areas, such as anticipated by the Law Commission's Report No. 276, where the duty may be said to arise "from the custom of a particular trade or market", surely the position will be more difficult: a jury would have to consider evidence, presumably expert evidence, as to the custom alleged, then applying the judge's directions as to when and in what circumstances a 'legal duty' to disclose has arisen.

28. The Government was anxious, as indicated by the Attorney-General when the Fraud Bill was under debate, to avoid any disparity between the civil and criminal law systems as to when a legal duty to disclose arose. Thus, without any help from the Act, (some at least) Crown Court Judges may not relish having to navigate some of the reef-infested waters surrounding the civil law issues.

29. The potential use of s.3 is further hindered by the Act containing no assistance as to **what** information may be legally disclosable. Take a straightforward insurance case where no problem should arise: D fails to disclose in his application for car insurance that he has convictions for driving offences. D is prima facie guilty under s.3. But what if D, who has a contractual obligation to keep V informed of possibly material events which could affect V's investments, fails to disclose a rumour which has reached his ears which, if true, could have a material effect? Is D there legally duty-bound to disclose the rumour? If he is, presumably D would have a fallback position by denying **dishonest** non-disclosure and/or the requisite intention to make a gain or cause or risk the cause of loss.

30. Assuming that the legal duty is capable of establishment **and** that the undisclosed information is caught by s.3, there remains to be proved (a) dishonesty and (b) the intent to make a gain or to cause or risk the cause of loss. Those are likely to be fruitful areas for litigation save in the most obvious cases.

31. S.3, it is suggested, is unlikely to be used save in the most obvious cases and is thus, perhaps, the least interesting of the new provisions in terms of likely practical application.

32. Further, prosecutors may prefer, in a non-disclosure case, to pin their colours to the broad mast of s.2: an omission to disclose material information may be caught by the implied representation catch-all of s.2 in the context of information being allegedly 'misleading'. Information given (and, thus, representations made, by D) may be 'misleading' by omission.

33. FRAUD BY ABUSE OF POSITION (s.4)
The potential problems in the application of s.3 are insignificant compared with the difficulties likely to arise from the woolly drafting of s.4. S.3 is at least tied to the concept of 'legal duty', which, albeit by imposing difficult burdens upon judge and jury, has some clarity.

34. S.4 criminalises conduct by one who "occupies a position in which he is expected to safeguard or not act against the financial interests of another person" and who "dishonestly abuses that position" while intending to make a gain for himself or cause, or risk the causing of loss, to another.

35. The Act gives no assistance as to what is meant by "... a position in which he is expected to safeguard .. the financial interests of another". The Explanatory Notes refer to the Law Commission's Report (para. 7.38) which recognised that in most cases such a position would amount to a fiduciary position leading to fiduciary duties being owed. But, the Commission continued, "We see no reason .. why the existence of such duties should be essential. This does not mean of course that it would be entirely a matter for the fact-finders whether the necessary relationship exists. The

question whether the particular facts alleged can properly be described as giving rise to that relationship will be an issue capable of being ruled upon by the judge and, if the case goes to the jury, of being the subject of directions."

36. Doubtless fortified by those observations, the Government declined to limit the new offence to circumstances giving rise to a fiduciary relationship, lest anyone should slip through the net.

37. The result is that we have a new offence the meaning or ambit of which is not readily susceptible of legal definition or understanding.

38. Where a fiduciary relationship is alleged to have existed, at least the 'position' occupied by D is capable of legal analysis and jury direction (although, as with 'legal duty', the jury's answer to the initial question, i.e. whether D did occupy such a 'position', may be fact-sensitive).

39. If no fiduciary relationship is alleged, who decides – and according to what criteria – whether the position occupied is such that D "is expected to safeguard the financial interests of another"? Is that exclusively a jury question, a question of fact? It is not, of course, solely a question of 'fact', since it must involve some value-judgment or assessment. How are judges to 'help' or direct the jury in this area?.

40. Compounding that difficulty, the Act requires proof that D "abuses that position", with no guidance as to what amounts to 'abuse'. The Explanatory Notes unhelpfully observe that, "The term 'abuse' is not limited by a definition because it is intended to cover a wide range of conduct" (!). But the Notes, apart from a few examples, do not even indicate what are the ambits of the "wide range of conduct".

41. 'Abuse' in this context could – and probably should - mean, simply, acting in breach of fiduciary duty or in breach of some analogous duty. Or does it mean, more generally, 'misuse', that is not acting in a manner appropriate to his 'position'?

42. Note that, by s.4(2), it is expressly provided that an abuse of position, whatever that is, may consist of an omission to act, thus widening the offence further and, potentially, introducing a further complication.

43. Assuming those hurdles to be capable of being surmounted by a prosecutor, it remains to establish the *mens rea*, that is, as with the

"In a further effort to increase profits, control costs and satisfy shareholders, we've decided to steal stuff."

www.CartoonStock.com

other offences (a) dishonesty and (b) an intent "by means of that abuse.." to make a gain or cause loss etc..

44. **If** the new s.4 offence is used to prosecute abuses of recognisable **fiduciary** positions, then, subject to judges having to wrestle with formulating comprehensive and comprehensible directions to juries, it is workable. Once prosecutors stray outside that comparatively 'safe' area, the problems of application will become obvious.

45. It has been suggested (by Professor Spencer QC to the JSB) that examples of behaviour caught by the new offence will or may include:

    - Misapplying property under a power of attorney;
    - An executor failing to pay a legacy (and hence increasing the residual estate);
    - An employee making a secret profit: bribes, selling his own beer, diverting customers to his own rival business;
    - Insider dealing
    - Solicitors concealing material information from clients as in *Kitchen v. RAF Association*

    Insider dealing is interesting: on the face of it, such conduct is or may be caught by s.4: will prosecutors prefer the new, 'simple' s.4 offence to the more complex but specific statutory offence under Part V of the CJA 1993?

OTHER PROVISIONS OF THE NEW ACT

46. GAIN AND LOSS (s.5)
    S.5 uncontroversially reproduces, in substance, the definitions of 'gain' and 'loss' (and of 'property') previously contained in s. 34(2) (and s.4(1) in respect of 'property') of the Theft Act 1968.

47. POSSESSION, MAKING OR SUPPLYING ARTICLES FOR USE IN FRAUD (ss. 6 & 7)
    These provisions create in a sense ancillary provisions to ss.2-4, enabling the prosecution of D who possesses fraud equipment but has yet to use it or who makes or provides it to others. 'Article', used in both sections, is defined in s.8 to include "any program or data held in electronic form", consistent with a declared aim to target, for example, credit card cloning. (Any reader willing to be distracted may wish to refer, in a different context, to the 5-judge Court of Appeal in *Rowe*, decided 15.03.07, where consideration was given to whether 'articles' referred to in s. 57 of the Terrorism Act 2000 could include 'documents', expressly provided for in s.58, ibid.)

48. POSSESSION (s.6)
    S.6(1) creates an offence if D "has in his possession **or** under his control any article **for use** in the course of or in connection with **any fraud**". (Emphasis added.)

49. No indication is given beyond that as to the *mens rea* of the offence. The Government declined to add, expressly, a requirement that the article should be possessed with the intention that it was to be used for fraud (cf. s.7(1)(b), below) and denied that the offence, as created, was of strict liability.

50. Avoidance of strict liability may lie in the 'for use...' words above, importing, arguably, that D must intend or know of their intended use for fraud.

51. Note that the prohibition extends to articles for use in connection etc. 'with any fraud'. S.6 does **not** say "any fraud as defined in s.1 above". Thus presumably, the possession offence extends, as it says, to 'any fraud' in the common law sense, including a common law conspiracy to defraud.

52. MAKING OR SUPPYLING ARTICLES (s.7)
    S.7, unlike s. 6, does expressly identify the *mens rea* required. The *actus reus* consists of the making, adapting, supplying or offering to supply of any article which (this being the *mens rea*) D **either** knows to be designed or adapted for use "in the course of or in connection with fraud" **or** intends to be used to "commit or to assist in the commission of fraud".

53. The language used is slightly different from s.6 ('any fraud') but the 'fraud' referred to in s.7 is, again, not restricted to the new statutory offences.

54. A little anachronistically, the Explanatory Notes cite as the only proffered example of the conduct caught by s.7 the making of a device to enable the dishonest or unrecorded abstraction of electricity. A more modern example would surely be the writing/provision of software to facilitate Internet fraud – and phishing.

"How can it be insider trading if a little bird told me?"

www.CartoonStock.com

55. FRAUDULENT TRADING (s.9)
A relatively uncontroversial provision, as recommended by the Law Commission in its Report No. 277 of 2002, extending the s.458 Companies Act 1985 offence of fraudulent trading through the medium of a company to apply to sole traders, partnerships etc.

56. The extension to s.458 Companies Act 1985 may be uncontroversial but its implications may, in practice, be far reaching.

57. Once it was appreciated by the SFO and other agencies that s.458 Companies Act 1985 was not 'just' a liquidation offence or one to be used where a corporate business was used to defraud creditors, s.458 became a favourite. It extends to the carrying on of a business "for any … fraudulent purpose." It does **not** require that the whole of or even a substantial part of the business is carried on fraudulently: even a single, if large, transaction may suffice. And 'fraudulent purpose' is as defined/refined by the common law, not being limited in any way by the new statutory fraud offences.

58. It is to be expected that the 'new' s.9 offence will attract prosecutors dealing with non-corporate business activities where they hope to establish that a significant part of the activities were, in broad terms, 'fraudulent'.

FAREWELL CONSPIRACY TO DEFRAUD?

59. This may be a further nail in the coffin of conspiracy to defraud. Guidance to be issued by the Attorney-General will, apparently, require prosecutors to justify further use of the common law offence, a further disincentive. One justification for its use was that it avoided a possible problem with duplicity in the indictment, since under the 'old' Rules a count could not be 'rolled-up' so as to include a number of separately-identifiable transactions forming part of a course of conduct. With effect from 2 April 2007, the amendment to Part 14.2 of the CPR permits the inclusion of "more that one incident of the commission of the offence" in a single count if "the incidents taken together amount to a course of conduct… ".

60. Further, it is difficult readily to envisage circumstances in which allegedly fraudulent conduct would not be capable of being indicted under the Fraud Act as contravening s.1 and/or s.9 (or s.458 of the Companies Act) or as a statutory conspiracy to commit the s.1 offence. In *Rimmington* [2006] 1 AC 459, the House of Lords deprecated the use of the common law offence of causing a public nuisance where statutory offences fitted the

bill: "I would not go to the length of holding that conduct may never be lawfully prosecuted as a generally-expressed common law crime where it falls within the terms of a specific statutory provision, but good practice and respect for the primacy of statute do in my judgment require that conduct falling within the terms of a specific statutory provision should be prosecuted under that provision unless there is good reason for doing otherwise" (per Lord Bingham at para. 30).

61. The same 'good practice' approach must surely apply to the common law conspiracy to defraud offence. (But how is the application of such good practice to be enforced? Would it be some form of abuse of process for a prosecutor to maintain a common law conspiracy where alternative statutory offences are available? Probably not. As observed in *Rimmington*, it is for Parliament, not the courts, to abolish common law offences. Could a trial judge, exercising his 'trial management powers', direct – as opposed to encourage – the Crown to substitute statutory offences?)

62. The final, final nail may be inserted if or when legislative action is taken following the Commission's Report No. 300, *Inchoate Liability for Assisting or Encouraging Crime.*

63. OBTAINING SERVICES DISHONESTLY (s.11)
This, in effect, up-dates s.1 of the Theft Act 1978 so as to catch defaulting payers who subscribe to a service via an electronic or automated process. It is, unlike the new fraud offences, a 'result crime', i.e. it depends for its proof upon D having obtained the services upon the basis that he will pay for them. It is a sensible provision requiring no further comment.

64. LIABILITY OF COMPANY OFFICERS ETC. (s.12)
This provision in substance repeats s.18 of the Theft Act 1968, rendering directors, managers, secretaries etc. guilty of an offence if they consented to or connived at the commission of "an offence under this Act" by a body corporate.

65. The approach is curiously circular: the offences under the Fraud Act being offences requiring proof of specific *mens rea*, the current common law rules as to corporate criminal liability require, as a condition precedent to the company being liable, proof that one or more of the company's directing minds committed the offence with which the company is charged. Thus, the only 'route' to establishing corporate guilt is first to establish the guilt of the individual(s).

66. EVIDENCE AND PRIVILEGE (s.13)
S.13 repeats the effect of s.31(1) of the Theft Act 1968, extending the removal of the privilege against self-incrimination (against the *quid pro quo* that answers will not be used against the maker) to issues relating to 'related offences', namely conspiracy to defraud and "any other offence involving any form of fraudulent conduct or purpose".

67. MONEY LAUNDERING POSTSCRIPT
No note on new criminal legislation can be completed without at least one reference to money laundering. The Fraud Act has created new and very broad offences. The proceeds of the commission of any such offence will constitute 'criminal property' in POCA terms. Compliance officers, particularly for those in the regulated sector, will need to be mindful of the new offences. A Bank which suspects that its customer may have misled it in obtaining facilities and which enters an arrangement with that customer which facilitates the customer's retention of sums advanced should henceforth consider its position, not only in relation to s.330 reporting but also in respect of s.328 of POCA.

68. CONCLUSIONS
The Fraud Act 2006 is, broadly, to be welcomed. It is unfortunate that to some extent, in particular in s.4, the desire to 'catch-all' may result in confusion where clarity was needed (and was achievable). Combined with the 'new' fraudulent trading offence, the new statutory offences will, probably, herald the demise of the common law offence of conspiracy to defraud. This Note might fade out to the strains of *The Last Waltz...*

If you have not received Issues One or Two of the Cloth Fair Newsletter and would like a copy, you can download them by going to the **Latest News** section of the website and scrolling down to **Newsletters**. www.clothfairchambers.com or contact Charlotte Bircher, email charlottebircher@clothfairchambers.com

CLOTH FAIR CHAMBERS

39-40 Cloth Fair, London EC1A 7NT
tel: 020 7710 6444
fax: 020 7710 6446
tel: (out of office hours) 07875 012444
dx: 321 Chancery Lane/London
email@clothfairchambers.com
www.clothfairchambers.com

Nicholas Purnell QC
Julian Bevan QC
Richard Horwell QC
John Kelsey-Fry QC
Timothy Langdale QC
Edmund Lawson QC
Ian Winter QC

Senior Clerk: Nick Newman
nicknewman@clothfairchambers.com

Commercial Director: Charlotte Bircher
charlottebircher@clothfairchambers.com

Consultant Clerk: Michael Greenaway
michaelgreenaway@clothfairchambers.com