
Brendan Kelly QC

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Year of Silk: 2008

As well as being ranked as a 'Leading Silk' in Crime and Financial Crime in Legal 500 and a 'Leading Silk' for Crime in Chambers UK, Brendan is ranked in Band 1 for Financial Crime in this years' Chambers UK Guide where he is described as "A very measured advocate who commands considerable respect. He is a popular choice for individuals facing charges of fraud, money laundering and bribery. Of late, his focus has been on high-value tax fraud.

Recent instructions include:

- Represented Oil and Gas Associates in the recent SFO prosecution. Brendan appeared for the owner of the company charged their alleged part in the 'Bertling Corruption' cases concerning gas installations in the North Sea....The owner was acquitted of all counts following a three month trial.
- Advising a North American Investment fund in respect of Investigations being conducted by the Northern Irish Parliament into the selling of NAMA assets. The matter is being investigated by the SFO.
- Representing an individual suspect in an ongoing SFO inquiry.
- Advising the FCA on Financial Regulation and matters relating to licensing of both Building Societies and Credit Unions.
- Representing an Internet Sales Company charged for their part in a substantial mail fraud.
- Representing first defendant in Ireland's largest VAT trial.
- Representing series of companies and further their directors in ongoing VAT investigation and forthcoming trial.
- Representing the first defendant in the UK's largest Tax Fraud. Operation Amazon took one year to try and led the team representing the first defendant the alleged designer of the scheme in question.

EXPERTISE

Crime

BUSINESS CRIME & FINANCIAL SERVICES

Throughout his career, both as a junior and in Silk, Brendan has always been cited by the industry directories as a leading barrister for fraud matters. Since his call to the Bar, complex financial crime has always formed a substantial part of his practice, and he is well experienced in matters involving MTIC and VAT issues, Ponzi schemes, land banking, carbon credit, FOREX / currency exchange, advance fee, boiler room and mortgage frauds.

He also regularly advises on cases involving money laundering, and ancillary proceedings including asset forfeiture, restraint and confiscation. In particular, he is regularly instructed by individuals and corporates on a private basis for confiscation proceedings in a bid to secure as favourable an order as possible.

Brendan is also an acknowledged specialist in the law of bribery and corruption. He advised a director, pre-charge, in the Innospec case, and regularly advises UK and international clients on how the provisions of the Bribery Act 2010 may impact upon their business operations. He also lectures and trains extensively in this area, and recently shared a platform with the US Attorney General for a lecture on the Bribery Act for US lawyers in Washington DC.

Forthcoming white-collar crime matters include representing the first defendant in the largest carbon credit fraud to come before the Crown Court, as well as appearing in the Crown Exchange currency fraud trial, and three further major fraud trials at Southwark Crown Court over 2014/2015. He will also appear in one of the series of cases involving fake bomb detection equipment sold to the Iraqi Ministry of Defence.

CASES

R v R: Represented the first defendant in the largest fraud tried in some years. An allegation of £400 million loss in respect of a conspiracy to defraud the revenue.

Re: PC: Advised a US PLC in respect of allegations of corruption between Ireland and the USA.

Re: C: Advised African Government officials re matters of corruption.

R v McNally: Brendan represents Mr McNally on a matter of alleged corruption. Mr McNally is alleged to have been involved in a corrupt relationship with Oil Company Executives in respect of issues relating to procurement

FCA: Brendan advised the FCA in respect of NI legislation concerning regulatory matters within the Irish Banking Sector.

CRIMINAL DEFENCE

Alongside his fraud practice, Brendan's jury-friendly style of advocacy has led to his instruction in some of the most serious criminal trials in recent years. In particular, he is requested for cases involving high-profile defendants; recent instructions include Ireland's 'highest ever profile case', representing Irish rugby player Paddy Jackson in a rape trial, the defendant charged with the murder of Welsh schoolgirl, April Jones, as well as the son of a notable Conservative MP who was charged with a serious of offences of violence.

Brendan has also been a regular visitor to the Northern Ireland courts, where he represented with success in a series of terrorist trials. He is also one of the only English barristers to have appeared regularly in the Northern Ireland appeal court and divisional court.

CASES

R v Jackson: Brendan represented Ireland and Ulster rugby player Paddy Jackson. Jackson was acquitted of rape following a high profile 9 week trial. Jackson and fellow rugby player Stuart Olding were accused of raping a woman in Jackson's house in the early hours of 28 June 2016.

R v Webster: Brendan secured an acquittal for Xeneral Webster who was accused of murder following a fight with rivals. Webster allegedly attempted to throw a bottle of sulphuric acid over his 2 opponents but it was knocked from his hand and sprayed over a nurse who sat nearby. The nurse contracted sepsis and died 11 days later.

R v K: Brendan secured an acquittal for a Solicitor accused of Perverting the Court of Justice. The allegation, regarded unique in its kind, arose when a number of jurors alleged that the solicitor had been prompting and guiding his lay client when he was giving evidence before them. The Solicitor had been sitting behind counsel when the series of gestures were said to have occurred. The Solicitor was cleared of all charges.

R v JL: Acquitted of all charges in the longest ever UVF supergrass terrorist trial to be heard in Northern Ireland. Brendan's client and his co-defendants were charged with more than thirty offences, including the murder of UDA leader Tommy English, kidnapping, hijacking, wounding, firearms offences and UVF membership. The case relied almost entirely on the evidence of so-called supergrasses Robert and Ian Stewart. After extensive legal argument, Mr Justice Gillen ruled that, in this case, the credibility of the principal witnesses was not such as to allow him to be satisfied beyond all reasonable doubt as to the guilt of the defendants. In his judgment he said that the Stewart brothers had been "ruthless terrorists who had lived on a daily diet of lies", and that they were "witnesses of very bad character who have lied to the police and to the court; on some occasions wrongly implicated a number of men who were clearly not present at the crimes suggested". The collapse of the case has led to significant debate over the future use of supergrass evidence. Brendan was instructed by John Greer at Reavey & Co.

R v Thakrar & Others: 20 year old charged with the murder of three and the attempted murder of two others. Following a drugs transaction the defendant was said to have called a meeting to which all five victims were invited. He was said to have discharged in excess of 20 rounds of machine gun fire. The case lasted 8 weeks at St Albans Crown Court in front of Cooke J.

Regulatory

PROFESSIONAL DISCIPLINE

Brendan's reputation as an advocate has also led to his being instructed in a variety of other tribunals. He appears for pharmacists who face proceedings brought by their regulatory body, and also appears on behalf of police officers; a recent case involved persuading the Police Appeals Tribunal to re-instate a Detective Inspector with full pension rights.

Sport, Media and Entertainment Law

Brendan is often instructed to represent sports professionals, and recent work has included a racehorse trainer and a Formula One racing driver.

RECENT CASES

BHA v Suzie Best: Brendan successfully represented Suzie Best in her application for a Horse Training Licence before the Licensing Committee of The British Horse Racing Authority. The application permits Mrs Best to train and run her own business from the family stables, Grandstand Stables in Lewes, formerly run by her husband, who was suspended as a trainer in December 2016. The application was opposed by the BHA, but despite their varied objections Mrs Best was granted a Licence permitting her to train forthwith.