



Michael Newbold

'Mike Newbold is very on top of the law and is a good crafter of argument'

Chambers and Partners (2024)

YEAR OF CALL 2004

Education

Bar Vocational Course –
Nottingham Law School,
(2003 – 2004)

BA (Hons) Jurisprudence –
Hertford College,
University of Oxford,
(2000 – 2003)

Appointments

Appointed to the CPS
Advocate Panel

Appointed to the CPS
Proceeds of Crime Panel
Qualified to accept
instructions by way of
direct public access

Memberships

Criminal Bar Association
Proceeds of Crime
Lawyers' Association
Fraud Lawyers'
Association

Overview of Practice

Michael Newbold is instructed on behalf of prosecution agencies, defendants and interested parties (both individuals and businesses) in cases involving asset forfeiture and the proceeds of crime. They include restraint and receivership proceedings, confiscation hearings, the enforcement of orders, account freezing and forfeiture proceedings, cash forfeiture proceedings, proceedings for the condemnation of goods and restoration appeals.

Publications and Lectures

Contributor to:

Millington and Sutherland Williams on The Proceeds of
Crime (6th Edition – OUP 2023) – Chapters 4 and 5

Author (with Nicholas Chapman) of:

Mutual Legal Assistance – Civil Recovery (LexisPSL
Corporate Crime)

*'Michael is instructed on some high-profile
confiscation matters for the SFO and is highly
regarded.'*

Legal 500 (2024)



Expertise

- Asset Recovery, Restraint and Confiscation

Michael advises and appears for prosecuting authorities, defendants and interested parties at all stages of restraint and confiscation cases. He has extensive experience in the enforcement of confiscation orders and is presently instructed in relation to the enforcement of several multi-million pound orders.

Recent instructions have included:

- Pre- and post-charge restraint order applications;
- Management receivership applications;
- Confiscation hearings;
- Registration of overseas orders;
- Enforcement receivership applications;
- Contempt of court applications;
- Certificate of inadequacy and s.23 POCA variation applications;
- Certificate of increase and s.22 POCA variation applications;
- Enforcement Hearings (including those involving a potential breach of Article 6 ECHR on grounds of delay);
- Appeals against confiscation orders;
- Judicial review applications;
- Civil recovery proceedings.

In addition, Michael has experience of appearing in the Chancery Division of the High Court, in the Family Court and in the County Court in civil and family proceedings overlapping with ongoing restraint and confiscation applications.

He has also been instructed in cases where registration of overseas orders has been sought in this jurisdiction, and cases where certification of domestic restraint and confiscation orders has been sought to permit their enforcement in the EU.

Michael regularly acts in proceedings pursuant to the

Proceeds of Crime Act 2002 for the detention and forfeiture of seized cash, both at first instance in the Magistrates' Court and, on appeal, to the Crown Court. He is often instructed in cases involving large amounts of cash or those which have significant complexity.

He also has experience of account freezing and forfeiture orders, including applications for the freezing of multi-million pound account balances.

– **Business Regulation (LA, TS, IP, CP)**

Michael is often instructed, whether by local authorities, companies or individuals, in regulatory prosecutions and associated proceedings for matters as diverse as fraud, trade mark offences, breach of abatement notices and failure to comply with the Food Hygiene (England) Regulations (both in respect of civil complaints and criminal breaches), licensing matters and animal welfare offences.

As well as representing parties in Court, Michael is experienced in advising businesses and individuals, who may be the subject of anticipated proceedings, on the approach they should take during any investigation, with particular reference to potential restraint and confiscation proceedings.

– **Extradition and MLA**

Michael deals regularly with issues arising across international borders. He has experience of advising on the appropriate use of material which has been obtained by way of mutual legal assistance, particularly where attempts are made to use that material in proceedings other than those for which it was obtained.

He is also instructed to act in cases where applications are made to register overseas restraint and confiscation orders in England and Wales for domestic enforcement, and in cases where applications are made to certify

domestic orders for enforcement outside the jurisdiction.

- [Tax Litigation](#)

Michael acts in varied litigation involving indirect tax. He has experience of acting for HMRC in the First Tier Tribunal (Tax) in a number of cases, both as junior alone and as led junior, in which the right to deduct input tax has been denied by HMRC on the basis of a connection with Missing Trader Intra-Community Fraud.

He is also frequently instructed in proceedings relating to the seizure of goods by relevant authorities, including condemnation proceedings brought pursuant to the Customs and Excise Management Act 1979 before Magistrates' Courts (together with appeals against such orders), along with appeals against decisions not to restore goods which have been seized in the First Tier Tribunal (Tax).

[Reported Cases](#)

- [View All](#)

Dines v DPP [2020] 1 WLR 3007; [2020] 2 Cr App R 15 – Appeal against an order registering Italian confiscation orders for enforcement in this jurisdiction. The Court was required to consider whether a 'patteggiamento' was a 'conviction' for the purposes of the relevant domestic legislation.

Regina v S [2020] 1 WLR 109; [2020] 1 Cr App R 13 – Led junior for the Crown in the leading case on discharge of restraint orders as a result of delay in criminal investigations. The Court allowed the Crown's appeal against discharge of the restraint order by the Crown Court.

Regina v Moss [2019] 1 WLR 6033 – Led junior for the Crown. The Court refused an appeal against certification of a domestic confiscation order for

enforcement in Spain, pursuant to the Criminal Justice and Data Protection (Protocol No.36) Regulations 2014.

Ahmed v CPS [2019] 1 All ER 1003 – Appeal against an enforcement receivership order, considering whether a pension policy had to have been immediately available to a defendant to constitute ‘realisable property’ for the purposes of the Criminal Justice Act 1988. Led junior for the Crown.

Regina v Gohil [2018] 1 WLR 3697; [2018] 1 Cr App R 30 – Leading case on the circumstances in which an appeal against conviction can be re-opened. Led junior.

Notable Cases

– **Asset Recovery, Restraint and Confiscation**

Rex v Glencore Energy UK Limited (Southwark Crown Court, 2022) – Instructed on behalf of the SFO in confiscation proceedings following the defendant’s conviction for Bribery Act offences. The resultant confiscation order, of £93.4m, was the largest ever imposed in a case prosecuted by the SFO. Led junior.

Regina v Bijou (Birmingham Crown Court, 2022) – Instructed for the applicant CPS in proceedings to vary a confiscation order under s.22 POCA. The order was granted following arguments as to the interpretation of the statute, with the variation resulting in recovery of an additional £1.4 million.

Regina v Baybasin [2022] EWCA Crim 357 – Instructed for the Crown to respond to an appeal against the appointment of an enforcement receiver by the Crown Court, with issues arising as to the appropriate procedure to adopt before the lower court.

City of London Police v D LLP and X Limited (Westminster Magistrates’ Court, 2021) – Account forfeiture proceedings in relation to funds held in an overseas law firm’s UK accounts. Instructed as junior counsel by the DPP on behalf of the applicant. The proceedings

resulted in recovery of €34 million, at the time the largest court-ordered account forfeiture orders. Subsequently commended by the City of London Police.

Metropolitan Police v P Limited (Westminster Magistrates' Court, 2021) – Instructed on behalf of the liquidators of an overseas investment scheme in account freezing order proceedings. Case resulted in agreement that the funds subject to the freezing order should be released to the liquidators, with in excess of £3m recovered.

Regina v Carroll [2020] EWCA Crim 1119 – Instructed for the Respondent in an appeal against a confiscation order made in the sum of £4.5 million after the Appellant had left the jurisdiction. The appeal was dismissed.

Re Khan [2019] EWHC 2683 (Admin) – Successfully resisted an application pursuant to CPR 3.1(7) by the defendant to set aside an enforcement receivership order previously made by consent.

Re Austin [2019] EWHC 2574 (Admin) – Instructed to respond to an application by a third party to vary a restraint order. The purpose of the intended variation (which was refused) was to fund legal representation in ongoing receivership proceedings. The Court considered the regime for exceptional funding available under LASPO.

Regina v Preko (Southwark Crown Court, 2019) – Confiscation proceedings arising from the defendant's conviction for money laundering offences. Confiscation order made for £7.3 million. Led junior for the Crown.

Re Kone [2017] EWHC 3763 (Admin) – Application for the appointment of an enforcement receiver to realise a matrimonial home. The application was made some years after the original confiscation order had been made in respect of 'hidden' assets and involved consideration of Articles 6 and 8 together with Article 1 Protocol 1 of the ECHR.

Re Price [2016] EWHC 455 (Admin) – Instructed for the Respondent in Certificate of Inadequacy proceedings in which the defendant sought to re-litigate matters resolved against him in the Crown Court in the original confiscation proceedings when a £2.3 million order had been made.

Re A & A [2016] EWHC 304 (Admin), (2016) CrimLR 577 – Junior in proceedings to appoint an enforcement receiver in respect of two £16 million confiscation orders. Consideration of the extent to which Article 1 Protocol 1 ECHR required the courts to credit sums recovered from money launderers as if paid towards the defendants' own confiscation orders.

– [MLA](#)

R (Price) v Crown Court at Snaresbrook [2020] EWHC 496 (Admin) – Resisted judicial review proceedings arising from the Crown Court's decision to register a previously made confiscation order pursuant to the Criminal Justice and Data Protection (Protocol No.36) Regulations 2014 for enforcement against a property in France.

– [Condemnation / Restoration](#)

Langley v Director of Border Revenue [2022] UKFTT 83 (TC) – Tribunal proceedings considering the extent to which allegations of dishonesty should be pleaded in an appeal against a restoration decision.

Director of Border Revenue v Turek [2020] UKUT 167 (TCC) – Successful appeal against a decision by the FTT to extend time for the making of a late appeal. The Upper Tribunal held that the FTT had erred in its application of the principles in *Martland v HMRC*.

Director of Border Revenue v Dockett [2020] UKUT 141 (TCC) – Instructed for the Director in an appeal against a decision in restoration proceedings. The Upper Tribunal allowed the appeal, holding that the FTT had made

impermissible findings in favour of the owner of the goods at first instance.

Projosujadi v Director of Border Revenue [2015] UKUT 297 (TCC) – Instructed on behalf of the Respondent in an appeal against a tribunal decision where CITES requirements had not been complied with.
