



Katherine Hardcastle

Call 2011

"Unbelievably clever, a real problem solver and has the commercial background that means she understands every aspect of corporate life. Her research, drafting and inventiveness in knowing how to deploy the law to her clients' advantage is astounding. A brilliant academic lawyer as well as a great tactician."

Chambers & Partners

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Described in Chambers & Partners' as "unbelievably clever" and in Legal 500 as "probably one of the best juniors of her generation", Katherine has a broad practice with a particular specialism in commercial crime and investigations. She regularly appears in her own right, as well as working with leading silks.

Her work spans fraud, bribery and corruption, sanctions, money laundering, confiscation and extradition. Her cases regularly cross over with other practice areas such as tax, shipping, competition, sports and technology. She has particular expertise in representing corporate defendants, though she is regularly instructed for high net worth and high-profile individuals.

Katherine was named 'Corporate Crime Junior of the Year' by The Legal 500 in 2022 and is recognised by both Chambers & Partners and The Legal 500 in the highest band for financial crime.

She is appointed to the SFO A Panel and the Attorney General's B Panel. She contributes to *Blackstone's Criminal Practice*, *Millington and Sutherland Williams on the Proceeds of Crime* and *Montgomery and Ormerod on Fraud*.

Recent Highlights

R v Bernie Ecclestone

Defending Mr Ecclestone against allegations of a £400 million tax fraud. In a landmark resolution, the HMRC investigations and criminal proceedings were settled in parallel, resulting in a suspended sentence and £650 million fine for Mr Ecclestone.

R v Entain

Acting in a £615 million deferred prosecution of the FTSE-50 gaming company, defending Entain plc. The DPA was the first to be concluded by the Crown Prosecution Service.

WUC v SSHD, HMRC and NCA [2023] EWHC 28 (Admin)

Acting in the leading case on the requirements of civil and criminal money laundering investigations.

P&O Ferries

Acting for P&O in the resolution of a criminal investigation into the dismissal of employees.

R v Glencore

Acting for Glencore in its £280 million resolution of a long-running global investigation including the first conviction of a corporate for substantive UK Bribery Act offences.

Expertise

Administrative & Public Law

Katherine has significant experience of judicial review proceedings relating to the criminal justice system, especially in cases concerning commercial crime. She has expertise in resolving criminal litigation with a view to minimising future civil litigation risks.

In addition, she has significant experience of contempt of court proceedings and is regularly instructed by the Attorney General and Solicitor General. Katherine also has an interest in inquests involving the criminal justice system (including prison inquests). Her work includes advising the Director of Public Prosecutions for Mauritius and the Director of Public Prosecutions for the Cayman Islands.

Notable Administrative & Public Law cases

WUC v SSHD, HMRC and NCA [2023] EWHC 28 (Admin)

Acting in relation to a challenge concerning allegations of supply chain money-laundering and breach of import restrictions.

R (Forsey) v Northern Derbyshire Magistrates' Court [2017] EWHC 1152 (QB)

Acting in relation to a challenge to an attempted prosecution of a former director of Sports Direct.

R (Merida Oil Traders) v Central Criminal Court and ors [2017] EWHC 747 (Admin)

Acting in relation to a challenge to the seizure of US\$20 million by the City of London Police from traders on London's oil derivatives market.

R (Soma) v SFO [2016] EWHC 2471 (Admin)

Acting in relation to a challenge to the continuation of an SFO investigation.

Acting in relation to a challenge to the lawfulness of section 2 notices.

Acting for Liberty (as intervener) in a Supreme Court challenge to the legality of police “stop and search” powers under section 60 of the Criminal Justice and Public Order Act 1994.

Acting for the family of Cheryl James, the trainee who died at Deepcut Barracks in 1995, in the 2016 inquest.

Instructed by Liberty in the case of Sean Benton, a recruit who died at Deepcut Barracks in 1995, in the proceedings to secure a second inquest.

Co-representing the sisters of Anne-Marie Ellement, a Royal Military Policewoman who died by suicide, having been subject to a campaign of bullying following her allegation of rape against two colleagues.

Acting for the Director of Service Prosecutions in the trial of Sgt Alexander Blackman (‘Marine A’), and in the subsequent appeal following referral by the CCRC.

AI, Crypto & Technology

Katherine has experience of advising corporates and individuals on ‘cybercrime’ issues. She has particular interest in cryptoassets and blockchain and the regulatory implications of these technologies. She has advised on data protection offences and on the commission of offences online via social media. Katherine has substantial experience in providing advice and representation on money laundering issues which touch on cryptoassets.

Aviation & Travel

Katherine has substantial experience in acting for clients in the shipping and logistics space. She has provided advice and representation in arbitrations raising issues of fraud, money laundering and false accounting.

Notable Aviation & Travel cases

Acting in a major shipping arbitration.

Advising in a corporate criminal investigation into a large domestic shipping and logistics provider.

Banking & Finance

Before coming to the Bar, Katherine practiced as a banking and finance lawyer at Slaughter and May, where she specialised in securitisations, syndicated lending, derivatives and insolvency. She was heavily involved in the firm's work arising from the 2008 financial crisis, advising HM Treasury on the nationalisation of the Icelandic banks including acting in *Brazill v Wiloughby* [2009] EWHC 1633 (Ch).

Katherine's background as a banking lawyer informs her specialisation in financial crime. She has appeared in three of the appeals to the Court of Appeal Criminal Division in the LIBOR/EURIBOR line of cases and is currently instructed in their appeal to the Supreme Court.

Notable Banking & Finance cases

Acting in appeals against conviction and sentencing arising from LIBOR/EURIBOR trials: *R v Merchant, R v Palombo, R v Hayes and Palombo* [2024] EWCA Crim 304.

Acting for several high value traders on London's oil derivatives market in respect of an investigation by the City of London Police.

Civil Fraud

Katherine has significant experience of civil proceedings relating to the criminal justice system, especially in cases concerning corporate crime. She has particular expertise in resolving criminal investigations and proceedings with a view to minimising future civil litigation risks.

Recent civil work includes advising a number of major corporate clients on litigation brought in the wake of criminal investigations, domestically and overseas.

Notable Civil Fraud cases

Acting for the SFO in a £300 million damages claims brought by the Tchenguiz brothers, following an SFO investigation.

Acting for the Metropolitan Police in relation to the 'undercover police officer' claims.

Commercial Crime

Katherine regularly advises on matters concerning fraud, bribery and corruption, sanctions, money laundering, confiscation and extradition.

She acts for business including FTSE-100, 250 and AIM-listed companies and companies held privately by large

funds, such as in the context of SFO, HMRC and Insolvency Service investigations. She has unrivalled expertise at the Bar in advising defendant companies in Deferred Prosecution Agreement negotiations and proceedings.

Katherine also advises individual officers and senior employees in major investigations and cross-border proceedings, with extensive experience in the financial sector. She has been retained in relation to several investigations concerning the sports industry and the gaming and gambling industries and has been retained to advise in connection with the criminal aspects of several large-scale competition investigations.

She is also frequently asked to provide ad hoc advice in respect of criminal investigations in the United States and other common law jurisdictions, particularly in relation to extradition issues.

Notable Commercial Crime cases

Acting for Entain plc in a £615 million deferred prosecution agreement with the CPS / HMRC.

Acting for Bernie Ecclestone in the resolution of fraud proceedings arising from an HMRC COP9 investigation.

Acting for P&O Ferries in the resolution of criminal investigations into the dismissal of employees in March 2022.

Acting for Glencore plc in the SFO and concurrent DoJ investigations.

Acting for Amec Foster Wheeler in the tenth SFO Deferred Prosecution Agreement.

Acting for G4S plc in the SFO's eighth Deferred Prosecution Agreement.

R v Barton [2020] EWCA Crim 575

Acting for the CPS in the leading case on dishonesty in the criminal law.

Acting for Rolls-Royce plc in its Deferred Prosecution Agreement with the SFO.

Acting in appeals against conviction and sentencing arising from Euribor and LIBOR trials.

Acting for Soma Oil in respect of an investigation by the SFO.

Acting for several high value traders on London's oil derivatives market in respect of an investigation by the City of London Police.

Acting for two high-profile non-executive directors of a major global natural resources group (unled).

Acting for Malcolm Brinded (Shell Executive) on criminal proceedings in Italy (unled).

Acting for Goldman Sachs on global litigation strategy in the 1MDB “scandal”.

Competition

Notable Competition cases

Advising in relation to questions of potential criminal liability arising from competition investigations and litigation.

Advising the CMA on questions of criminal liability.

Construction, Energy & Infrastructure

Notable Construction, Energy & Infrastructure cases

R v Glencore

Acting for Glencore in the first conviction of a corporate for UK Bribery Act offences.

R (Soma) v SFO [2016] EWHC 2471 (Admin)

Acting in relation to a challenge to the continuation of an SFO investigation.

Acting for Malcolm Brinded (Shell Executive) on criminal proceedings in Italy (unled).

Acting for Glencore plc in the SFO and concurrent DoJ investigations.

Acting for several high value traders on London’s oil derivatives market in respect of an investigation by the City of London Police.

Acting for Amec Foster Wheeler in the tenth SFO Deferred Prosecution Agreement.

Acting for Rolls-Royce plc in its Deferred Prosecution Agreement with the SFO.

Acting for Soma Oil in respect of an investigation by the SFO.

Acting for two high-profile non-executive directors of a major global natural resources group (unled).

Media & Entertainment

Katherine is regularly instructed to consider issues of privacy and reputation management arising from criminal investigations and proceedings. She has provided advice and representation to corporates and individuals in connection with applications for anonymity and reporting restrictions, as well as in relation to the disclosure of sensitive information.

Privilege, Confidentiality & Conflicts of Interest

Katherine frequently advises on questions of privilege arising from criminal investigations and proceedings. She is particularly experienced in navigating issues around the disclosure of privileged information to law enforcement agencies and the protection of privileged documents in criminal litigation.

Sports

Katherine has been retained in relation to investigations in the sports industry including a sensitive matter concerning a Premier League football club.

Tax

Notable Tax cases

R v Bernie Ecclestone

Defending Mr Ecclestone against allegations of a £400 million tax fraud. In a landmark resolution, the HMRC investigations and criminal proceedings were settled in parallel, resulting in a suspended sentence and £650 million fine for Mr Ecclestone.

Regularly instructed to advise on COP8 and COP9 investigations especially where there is potential criminal liability arising.

Advising high net worth individuals in the context of tax investigations.

Directory Quotes

A “top choice junior”, Katherine has “unparalleled experience having played a key role in almost all of the major matters in recent years. Nothing fazes her – she has exceptional technical and strategic insight that clients and instructing solicitor love.”

Legal 500

“She is absolutely committed and reliable, probably one of the best juniors of her generation. She is knowledgeable and has great judgment as well as being a reassuring presence trusted by bench and Bar.”

Legal 500

“Extremely hard working. She has encyclopaedic knowledge of the law and court procedure. She can fix all problems.”

Chambers & Partners

“Full of humility and super nice to deal with. A very clever lawyer and great advocate...”

Chambers & Partners

“Practical, responsive and phenomenally hard-working.”

Chambers & Partners

“Katherine has an enviable place in the market, seemingly being instructed in some capacity on all of the major white-collar enforcement matters in London. A dream to work with, presenting with gravitas to clients for the headline issues and working incredibly collegiately with all team members on the detail. Katherine is not a star of the future – she is already a star.”

Legal 500

“Diligent, approachable and incredibly hard-working... one of the brightest juniors at the Bar and a fantastic lawyer.”

Chambers & Partners

"She is the complete package, combining exceptional legal knowledge and ability with a manner that allows her to win the confidence of team members, clients and opponents in equal measure; a star."

Legal 500

"The variety of work she's seen at her level is extraordinary – she's a very valuable member of the team."

Chambers & Partners

Directory Rankings

Chambers & Partners

- Financial Crime (Band 1)
- Financial Crime: Corporates (Band 1)

Legal 500

- Business and Regulatory Crime (Including Global Investigations) (Tier 1)

Education

- MA (Hons), History, Emmanuel College, Cambridge
- MPhil, History, Emmanuel College, Cambridge
- GDL, Oxford Brookes University
- LPC, BPP

Appointments, Memberships and Prizes

- Named 'Corporate Crime Junior of the Year', The Legal 500 Bar Awards 2022
- Shortlisted for 'Junior of the Year', The Legal 500 Bar Award 2023
- Appointed to the SFO A Panel
- Appointed to the Attorney General's B Panel

Publications

- Contributor, *Blackstone's Criminal Practice*
- Contributor, *Montgomery and Ormerod on Fraud*
- Contributor, *EU Law and Criminal Practice* (Oxford University Press)
- International Double-Jeopardy and Deferred Prosecution Agreements, *Criminal Law Review* 12, 2018 (with Karl Laird)
- Criminal Dimensions, *The UK Supreme Court Yearbook* 2017
- Extra-territoriality and the Serious Crime Act 2007, *New Law Journal*, (August 2012)

Awards

