

Gary Pons

YEAR OF CALL: 1995



An experienced and highly proficient barrister who specialises in complex financial cases often with a multi-jurisdictional element. Ranked in Chambers and Partners and The Legal 500.

"Gary is technically excellent and has a great feel for both tactics and the mood of the court. He also provides excellent client care. I would not hesitate to instruct him again."

Client Testimonials

"Mr. Pons was an outstanding selection to represent our case. He was professional, sympathetic to our cause, quickly grasped the critical facts of our case, and clearly explained to us our legal strategy."

Client Testimonials

"If it's POCA with a commercial angle, he's the man."

Chambers & Partners, 2024

Overview

Gary is a talented and dedicated barrister. His approach to cases is distinguished by its careful preparation and measured execution.

Gary is ranked in both Chambers and Partners (Band 1), and the Legal 500 for his work in the field of POCA and Asset Forfeiture work (all circuits).

His experience in complex financial crime and asset forfeiture has allowed Gary to develop his practice over the years.

Gary has experience of foreign criminal proceedings having been involved for many years with two high profile cases in Costa Rica. He frequently advises on multi-jurisdictional asset recovery cases.

His practice includes areas such as business crime, asset recovery and civil fraud, insolvency, and licensing.

Chambers & Partners - Proceeds of Crime & Asset Forfeiture:

"Gary is the very best of aspiring juniors who should be in silk."

Chambers & Partners, 2024

"Gary is a fiercely intelligent barrister with encyclopaedic knowledge of POCA. He wins clients over very quickly because they can tell he is on top of his subject." "One of his biggest strengths is that he calls it as he sees it. He is not afraid to give you tough advice."

Chambers & Partners, 2023

"Gary is thorough and well prepared. He responds quickly to instructions and makes himself available at short notice"

Chambers & Partners, 2022

"Excellent analytical mind able to condense vast quantities of complex material and provide timely and top quality advice. Outstanding advocate."

Chambers & Partners, 2021

"Measured, careful and very good with clients," "he knows this area of law (POCA & Asset Forfeiture) inside out."

Chambers & Partners, 2020

"Gary Pons always makes compelling and persuasive arguments."

Chambers & Partners, 2024

"He's very detail-oriented and his level of commitment is great."

Chambers & Partners, 2019

"In court there is no doubt the judge understands what his position is - he is very good on his feet. A very approachable person who has the capacity to analyse complicated facts and simplify them."

Chambers & Partners, 2018

The Legal 500 - Proceeds of Crime & Asset Forfeiture:

"Gary is clear and concise in his drafting and his advocacy. He is also very approachable and easy to get on with. He is quick to respond to instructions and very easy to deal with."

The Legal 500, 2023

"Gary is ahead of the game in POCA cases and is superb at anticipating opposing arguments before they are even made. A great skill is translating the legal jargon into crystal clear advice in what is a highly technical field."

The Legal 500, 2023

"Excellent analytical mind able to condense vast quantities of complex material and provide timely and top quality advice. Outstanding advocate."

The Legal 500, 2022

"Very direct, which helps focus clients' minds in multi-handed cases."

The Legal 500, 2019

Professional panel appointments

Gary is on the Serious Fraud Office's (SFO) panel of external counsel: (A Panel) Proceeds of Crime and International Assistance list.

Gary is a Grade 3 Crown Prosecution Service (CPS) prosecutor.

Gary is on the approved CPS List of Proceeds of Crime advocates, Fraud and Serious Crime:
All at Grade 3.

Band C (10 years' call and above) appointed advocate for the General Dental Council (GDC).

Additional Information

Lectures, seminars and articles

Editor of Mitchell Taylor and Talbot on Confiscation and the Proceeds of Crime.

Freezing and confiscation under the EU-UK Trade and Cooperation Agreement for the New
Journal of European Criminal Law with Vania Costa Ramos.

Gary regularly writes in Practical Law and for Lexis Nexis.

Gary provides lectures and seminars on a variety of subjects. He has recently covered the following subjects:

Recent caselaw in the area of proceeds of crime.

The Enforcement of Confiscation Orders.

International Recognition of Confiscation Order Post Brexit

Account Freezing Orders.

A Webinar on Asset Tracing and Recovery with Jonathan Benton of Intelligent Sanctuary.

Podcasts with Get Legally Speaking on Financial Crime, Account Forfeiture & Freezing Orders.

Unexplained Wealth Orders.

Tainted Gifts

Criminal Aspects of Corporate Insolvency.

Gary is a member of the POCLA committee and appeared on the panel of experts at the 2023
POCLA Belfast forum.

Languages

Fluent in Spanish.

Education

Inns of Court Law School, Bar Vocational Course.

University of Kent at Canterbury: English and Spanish Law.

Year at Complutense University in Madrid: Diploma in Spanish Law.

Professional Memberships

Grays Inn.

Criminal Bar Association (CBA).

South Eastern Circuit (SEC).

Proceeds of Crime Lawyers Association (POCLA).

Fraud Lawyers Association (FLA).

Asset Recovery, Civil Fraud & Confiscation

Gary is a specialist in the field of asset forfeiture and confiscation. He is one of the leading experts on the enforcement of confiscation orders. In the modern world where assets are held worldwide, this is an area which regularly crosses borders. Gary advises in relation to international enforcement of confiscation orders. He appeared in the case of Moss, which is the leading authority on the recognition of confiscation orders in the European Union.

He has experience in applications to extend the moratorium period for both the applicant and respondent. This includes recent experience in relation to a large, authorised payment institution that was subjected to repeated application to extend the moratorium period.

He regularly advises and represents enforcement receivers appointed both under POCA and previous legislation.

Gary appears for both the claimant and respondent in civil recovery proceedings brought under Part 5 of POCA. He appears on behalf of both applicants and respondents in cash forfeiture proceedings under POCA. He advises and appears for both the applicants and the

respondents in relation to account freezing order. His approach in responding to these applications has secured the setting aside of the account freezing order.

He regularly advises companies and individuals that are facing condemnations proceedings or other issues with import and export regulations.

Business Crime & Financial Regulation

Gary has significant experience acting for clients, both prosecution and defence, in relation to large scale fraud, white-collar crime and a variety of financial crime cases.

Gary's business crime work dovetails with his asset recovery, confiscation and civil fraud work, which often involves technical points of law and financial detail.

He successfully represented a large money service business in its appeal against the cancellation of its registration under the Money Laundering Regulations. The money service business employed 62 individuals, had a network of around 270 agents and about 80,000 regular customers. There were over forty alleged breaches of the MLR during a two-year period. In that two-year period it transferred funds of almost £924m.

Gary advises clients in respect of the operation of the Sanctions Regime.

Chancery & Commercial

Insolvency

Gary regularly advises on the interaction between Criminal Proceedings, Proceeds of Crime and Insolvency. He has lectured on both the criminal aspects of Corporate Insolvency and on "POCA and Insolvency". He is currently instructed to apply for the leave of the court to pursue an application for an account forfeiture order in respect of the property of an insolvent company.

Gary now uses that experience in the commercial field and both advises and appears in insolvency proceedings.

He has experience of appearing for and advising the Trustee in Bankruptcy. He also has experience of advising companies and directors in corporate insolvency.

Criminal Defence

Gary has represented defendants throughout his career at the Bar. He has acted in the most serious of criminal cases including sexual offences, violence and the supply of drugs. Gary has also been led on cases involving allegations of murder, conspiracy to murder and appearing alone in relation to an attempted murder.

Criminal Prosecutions - Private & Public

Gary is an experienced criminal barrister. He is a Grade 3 Crown Prosecution Service (CPS) prosecutor and is on the approved CPS List of Proceeds of Crime advocates. Gary accepts instructions in relation Private Prosecutions.

Extradition & International

Gary has experience in international criminal cases having acted in a high profile case at the Tribunal of the First Judicial Circuit, South, in Costa Rica. He was part of an international defence team that successfully represented Ann Patton in relation to an allegation that she murdered her husband, the successful Wall Street trader John Bender. Gary is fluent in Spanish which enabled him to play an active part in the preparation as well as assisting the legal teams with interpreting legal documentation that formed the basis of the case. Click [here](#) to read the Daily Mail news article.

Gary continues to advise in relation to these complex proceedings and regularly travels to

Costa Rica to provide assistance.

Gary is an experienced extradition practitioner. He was junior counsel for the third appellant Rozanski in the Supreme Court case of Pomiechowski and others.

Inquests & Inquiries

Gary accepts instructions in relation to Public Inquiries and Inquests.

Cases of Note

RECENT REPORTED CASES

Asplin v Das UK Holdings Ltd [2023] EWHC 2321 (Admin)

Ministry of Justice of the Netherlands v Baybasin [2023] EWHC 1147 (Admin)

Serious Fraud Office v Litigation Capital Ltd, Bradshaw Ticehurst v Harbour Fund LLP [2022] EWHC 3053 (Comm)

Acted for the NCA in the recovery of gold weighing 104 kilos, which was discovered in June 2019 in the cargo section of a plane which had arrived from the Cayman Islands.

<https://www.itv.com/news/meridian/2023-03-21/gold-worth-4-million-being-laundered-by-drug-cartels-seized-at-heathrow>

ASSET RECOVERY, CIVIL FRAUD AND CONFISCATION

R v Benos [2019] EWCA Crim 1093

Complicated appeal against a confiscation order concerning the law of Wills and Gifts.

Whether property was a conditional gift and if it is whether the failure to discharge the outstanding mortgage means the gift is void.

R v Moss [2019] 1 W.L.R. 6033

Junior Counsel in an appeal against a decision to issue a certificate allowing for the mutual recognition in Spain of the confiscation order.

R v Soni [2019] [2019] 4 W.L.R. 103

Gary acted for the Crown in an appeal against a wasted costs order made against a firm of solicitors acting in restraint proceedings and then committal proceedings for contempt of the restraint order. The appeal concerned important principle of law and was heard by the Lord Chief Justice.

Account Forfeiture Orders

Gary has successfully acted for high profile respondents to AFOs. Including the Managing Director of FMDQ Securities Exchange. Gary's approach to the case prevented the grant of an AFO. A Deutsche Bank trader, where Gary designed a tactical approach to the case which persuaded the Applicant to set aside the AFO.

Superior Composite Structures LLC v Parrish [2015] EWHC 3688 (QB)

Acted for the Claimant, a US company in a trial of a claim for enforcement of a judgment worth over US\$2m obtained in South Dakota. This case involved issues of fraud, principles of natural justice, public policy and Article 6 of the ECHR.

BUSINESS CRIME

R v Chavda

Prosecution Counsel in a complex pharmaceutical drug case involving significant money laundering and complex confiscation proceedings.

R v Hargreaves and Others

Represented one of the main defendant in a substantial trademark fraud

EXTRADITION AND INTERNATIONAL

Costa Rican Public Prosecutor v Ann Maxine Patton

Part of the Defence team successfully acting for the Defendant who was facing a charge of murder. The proceedings took place in Costa Rican and were conducted entirely in Spanish.

Rozanski v Regional Court 3 Penal Department Poland [2012] UKSC 20; (2012) 162 N.L.J. 749

Junior Counsel for the Third Appellant in a case involving consideration of the nature of the time limits in relation to extradition appeals.

CRIME

R v Yong Hong Lu

Represented the Defendant in relation to an allegation of laundering the proceeds of a vat fraud.

R v Scott

Junior Counsel for the defendant charged with unlawful act manslaughter by trapping the deceased in a loft.

Accreditation

