

Benjamin Burge

YEAR OF CALL: 2011



Ben is a criminal and regulatory barrister, who is frequently instructed as junior counsel in serious and complex fraud, financial and general crime matters.

Overview

Ben is a barrister specialising in white collar crime and financial regulation.

In recent years, Ben has developed a strong practice in the areas of complex, high-value fraud, money laundering and business crime. He is frequently instructed as led junior counsel in lengthy, multi-defendant cases in the Crown Court, including international frauds and homicides.

Ben also has experience acting as instructed disclosure counsel, including in a series of multi-defendant cases involving an international money laundering conspiracy prosecuted by HMRC, and has previously assisted the National Crime Agency with a lengthy LPP review.

In addition to his Crown Court practice, Ben has assisted law enforcement agencies, regulatory bodies and private firms with substantial disclosure exercises, evidence reviews and in providing general legal advice.

For several years, Ben has been part of a team involved in reviewing historic investigations and case material in connection with the ongoing Post Office Inquiry.

Throughout 2023, Ben has been seconded to a global London based city law firm, acting in a team tasked with investigating and advising on fraudulent schemes being perpetrated against a well-known and worldwide e-commerce company. Ben has developed an insight and knowledge of the range of cyber frauds that international fraudsters are using to target companies and their customers. This has also led to him witnessing, first hand, the approaches being adopted by law enforcement agencies and investigators throughout Europe, North America, and Asia in this developing area of white-collar crime.

In the autumn of 2022, Ben was seconded for several months to the Financial Conduct Authority. Working in the Enforcement and Market Oversight Division, his role was to advise on applications made by cryptoasset firms seeking registration to operate in the United Kingdom under the Money Laundering Regulations 2017 and in accordance with the Fifth Money Laundering Directive. As a result, he has developed an expertise in cryptocurrency, and more specifically an understanding of the United Kingdom's approach to regulating this financial area. This has added an additional dimension to his fraud and confiscation practice.

In 2018 Ben acted as part of a trans-Atlantic team representing a former London based foreign exchange trader charged by the Department of Justice with conspiring to manipulate the global foreign exchange market over several years. The trader was acquitted following a trial in the Southern District of New York. His instructions were extended for the civil proceedings brought by the US Government's Office of the Comptroller of the Currency.

In 2016 Ben was seconded to the National Crime Agency to act as part of an independent panel of counsel reviewing the processes, procedures and compliance of production orders, search warrants and evidence obtained in respect of their live and ongoing investigations.

Professional Panel Appointments

CPS General Crime Panel – Level 3.

CPS Specialist Fraud Panel – Level 3.

CPS Specialist Serious Crime Panel – Level 3.

Additional information

Prior to joining Chambers, Ben worked as a paralegal for Corker Binning Solicitors.

For several years, he was appointed as an Independent Custody Visitor for the Avon and Somerset Police Authority.

Education and Training

City Law School, BPTC (Very Competent)

King's College London, LLB (First Class Hons.)

Prizes

Sir Francis Jacobs Prize.

Inner Temple Exhibition.

Professional Memberships

Young Fraud Lawyers Association.

Criminal Bar Association.

Business Crime & Financial Regulation

Ben has recently prosecuted a series of cases, including as junior counsel in two multi-defendant, six-month trials, involving numerous members of an international serious organised crime group. As a result of a sophisticated and ongoing internet enabled diversion fraud the group had caused worldwide losses of over £20m.

Through the use of malware and other cybercrime technology, the group was able to dupe individuals and companies into sending legitimate payments into an intricate web of UK based mule bank accounts, with the monies ultimately ending up in China and Nigeria or being traced to the payment of goods to be exported to Africa.

He was subsequently instructed as sole prosecution counsel in the confiscation proceedings with sizeable confiscation orders being made against all defendants. The principal defendants were also made the subject of Serious Crime Prevention Orders.

Additionally, Ben was engaged as disclosure counsel in a series of four money laundering cases stemming from an international HMRC Operation. He is therefore familiar with all aspects of the disclosure process and oversaw a disclosure exercise of numerous deputy disclosure officers in reviewing mobile telephone and computer devices. He also receives instructions to review material that is potentially LPP.

Asset Recovery, Civil Fraud & Confiscation

Alongside his criminal practice, Ben is familiar with proceedings under the various parts of the Proceeds of Crime Act 2002. He receives instructions from several agencies in cash forfeiture proceedings and is regularly instructed by the CPS, local authorities, and private individuals to deal specifically with high value confiscation matters.

He has also acted for s.10A clients, including the wife of an international haulier who was convicted of being concerned in a multi-million-pound duty evasion.

Ben has appeared for both HMRC and private clients in a range of condemnation hearings relating to the seizure of goods and vehicles at various UK borders.

In November 2022, Ben was instructed by the CPS to prosecute a global chemical and laboratory supplier for offences under the Customs and Excise Management Act 1979 that arose from breaches of sanction controls following their attempt to export dual-use goods to listed third party countries without a licence.

Criminal Prosecutions - Private & Public

Ben is a level 3 CPS Prosecutor and receives instructions from the Fraud, Serious Crime and Proceeds of Crime Divisions.

He has experience prosecuting a range of matters in the Crown Court, both as junior alone and led junior, including homicides, serious assaults, armed robberies, drugs and firearm conspiracies (involving Encro Chat), and serious sexual offences.

He is also familiar and able to deal with the examination of vulnerable witnesses.

Additionally, Ben has prosecuted for several local authorities in fraud, food hygiene, regulatory and planning enforcement matters.

Ben has experience as a private prosecutor, acting for parties interested in protecting their clients' trademarks, thefts and frauds, and animal welfare matters.

Criminal Defence

Ben has received instructions to defend individuals in the Crown, Magistrates' and Youth Courts. He has been instructed to represent individuals for a wide range of offences such as: assaults, robberies, aggravated arsons, drugs, public order and theft matters.

He also represents individuals charged with an array of motoring and driving offences.

Ben has previously appeared on behalf of requested persons in various extradition proceedings.

Inquests & Inquiries

Ben accepts instructions in relation to Public Inquiries and Inquests.

Cases of Note

Criminal Prosecutions

R v. EI (Inner London Crown Court)

Rape and Sexual Assaults. Led junior in the trial of a local football coach who was convicted of 22 counts of sexual assault (one multiple) on seven of his teenage players. The evidence presented to the jury during the five-week case included the recordings from a three-day section 28 hearing in advance of the trial.

R v. AV (Ipswich Crown Court)

Led by a Queen's Counsel in a domestic murder allegation where the deceased's body was found on the bank of a lake within woodland.

R v. WH and Others (Basildon Crown Court)

Led by a Queen's Counsel in a lengthy murder, attempted murder and aggravated burglary covid-trial of six defendants following a raid on a cannabis farm in Essex. After successful convictions, two of the defendants were sentenced to life with a minimum sentence of 32 years. The four other defendants were each sentenced to 13 years for their parts in the aggravated burglary.

R v. KN and Others (Basildon Crown Court)

Conspiracy to supply Class A drugs throughout the United Kingdom. Led junior in a six

handed case that involved the presentation of EncroChat evidence and the extradition of the principal defendant from Spain.

R v. OO and Others (Southwark Crown Court)

Conspiracy to commit fraud by false representation and money laundering. Led junior in the five month follow-on prosecution of five members of a serious organised crime group for their involvement in an internet-based diversion fraud. <http://news.met.police.uk/news/five-online-fraudsters-sent-to-prison-for-ps10m-fraud-395705>

R v. DT and IA (Kingston Crown Court)

Led junior in a trial of conspiracy to commit armed robbery on banks and building societies in South West London, with the stolen cash being laundered through betting shops.

R v. BC and Others (Blackfriars Crown Court)

Led by a Queen's Counsel in a six-month ten-handed conspiracy to commit fraud by false representation and money laundering of over £10m. The case centred around cybercrime technologies, such as malware and phishing techniques, which were being widely used alongside various forms of digital communication. The six-month trial attracted media attention due to the nature and value of the fraud, and the scale of the group's offending. Ben subsequently dealt with the three-year confiscation proceedings as sole prosecution counsel and was retained by the CPS to consider material lodged by the principal defendants to appeal their convictions and sentence.

R v. AB and Others (Harrow Crown Court)

Led junior in a high-value money laundering operation on the streets of North London.

Criminal Defence:

R v. TN (Blackfriars Crown Court)

Ben's client was unanimously acquitted of ABH and possession of an offensive weapon following an allegation that he had repeatedly attacked the complainant with a hammer causing head injuries. As a result of subsequent submissions, the Crown decided not proceed with allegations of perverting the course of justice and witness interference.

R v. DA (Harrow Crown Court)

Ben persuaded the Crown to offer no evidence on two counts of theft and possession of an offensive weapon.

R v. UZ (Sheffield Crown Court)

Client charged with threats to kill and ABH alongside co-defendants facing charged of attempted murder. After a successful half-time submission, Mrs. Justice Andrews directed the jury to return a not guilty verdict on the threats to kill. The Crown subsequently offered no evidence on the remaining ABH count.

R v. GL (Canterbury Crown Court)

Client charged with causing bodily harm with wanton or furious driving. Ben persuaded the Crown to offer no evidence against his client after highlighting inconsistencies between the witnesses' evidence and CCTV footage as to which motorbike had hit the groundsman on the golf course.

R v. LM (Maidstone Crown Court)

Client charged with a knife point robbery and bladed article. After numerous disclosure requests the Crown decided not to proceed with the robbery count.

R v. PS (Lincoln Crown Court)

Client charged with aggravated arson in relation to a care home. Ben persuaded the court to impose a conditional discharge due to his client's health conditions.

R v. B (Maidstone Crown Court)

Ben acted for a client charged with numerous counts of PWITS (Class A). After discussions with the Crown, the trial proceeded on one count and they were acquitted.

R v. G (Croydon Crown Court)

After pleading guilty to fraud on the day of trial, the client received a sentence of 4 months' imprisonment, suspended. This was despite obtaining a significant sum of money through a fake telephone agency and having previous convictions for dishonesty, the most recent being for a like offence.

R v. B (Birmingham Crown Court)

Crown offered no evidence after a trial in which the co-accused was unanimously convicted of several counts of benefit fraud. The case involved the use of an interpreter and a cut-throat defence requiring the cross-examination of family members.

R v. B (Kingston Crown Court)

Client acquitted of possession of a bladed article amid knife crime publicity.

Driving cases of note:

R v. D (Greenwich Magistrates' Court)(2015)

Ben secured the acquittal of an individual charged with being Drunk in Charge. The police officers had discovered him sat in the driver's seat of a car, with others, parked on a main road in the early hours of the morning with the keys on the dashboard.

R v. K (Brent Magistrates' Court)(2014)

The defendant, a foreign national, was acquitted of being Drunk in Charge. Officers had arrested him in the driver's seat, with the keys, after noticing the rear brake lights.

Youth Court cases of note:

R v. D (Basildon Youth Court)(2015)

A 17 year old defendant was acquitted of four charges of Aggravated Arson said to have been committed at her home address. The case involved the cross-examination of an eight year old via video-link, and his mother, over who had started the fires.