

3PB Barrister Profile



Mathew Gullick

Call 2003

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Academic Qualifications

MA (Oxon)

Dip Law (City)

Asset and Tax Recovery Group

Mathew's asset forfeiture work has seen him appear in both divisions of the Court of Appeal. He also has experience of drafting and appearing in the High Court in proceedings relating to restraint and enforcement receivership orders under the Criminal Justice Act 1988 and related legislation.

In *R v Lambert & Walding* [2012] EWCA Crim 421, Mathew appeared for the Home Secretary (led by First Treasury Counsel) intervening on an appeal against confiscation orders imposed against two drug producers to whom the statutory assumptions had not been applied by the Crown Court. The orders were made against each of them in the full amount of their joint benefit from the offending, as they both had assets in excess of the benefit figure. The appellants' argument that this was a disproportionate interference with their right to property under Article 1 Protocol 1 of the ECHR was rejected, the court reviewing the case law and explaining the effect of the seminal judgment of Lord Bingham in *R v May* [2008] UKHL 28 on this point.

Mathew has also appeared in the Court of Appeal in *R v Sivaraman* [2008] EWCA Crim 1736, [2009] 1 Cr App R (S) 80, on the principles to be applied to the calculation of an offender's 'benefit' under the Proceeds of Crime Act 2002, and in *RCPO v Deprince* [2007] EWCA Civ 512, an innocent wife's claim to a beneficial interest in the marital home which was subject to confiscation which also raised issues under the Human Rights Act.

Mathew's civil practice, which covers both commercial and employment law, enables him to bring expertise from these other areas of practice into the sphere of asset forfeiture work. In addition, costs-only work is a significant element of Mathew's general practice which he is keen to develop in the asset forfeiture context. He is particularly interested in the developing jurisprudence on the definition of 'benefit' under the confiscation legislation following the House of Lords decision in the trio of cases led by *R v May* [2008] UKHL 28, and has lectured on this topic.

Mathew is a member of the Proceeds of Crime Lawyers Association (POCLA). He was appointed to the Attorney-General's B Panel of Junior Counsel to the Crown in civil matters in March 2012, following four years on the C Panel.

Professional Qualifications and Appointments

- Attorney-General's Junior Counsel to the Crown (B Panel)

Professional Bodies

- Constitutional and Administrative Law Bar Association (ALBA)
- Employment Law Bar Association (ELBA)
- Employment Lawyers Association
- London Common Law and Commercial Bar Association
- Proceeds of Crime Lawyers Association