

## Nikesh Pandit

Year of Call: 2010



## Practice Summary

Nikesh focuses on regulatory and disciplinary law and has a particular interest in financial regulation. Nikesh also has experience in broader public and administrative law matters.

Prior to joining Chambers, from 2015-2020, Nikesh trained and practised as a financial regulation solicitor in the London office of a major US law firm. In this role, Nikesh completed secondments to the UK Financial Conduct Authority's Enforcement and Market Oversight Division and to a regulatory team at Goldman Sachs. Additionally, Nikesh gained first-hand experience in European corporate governance matters through completing an internship in this field at a former subsidiary of Morgan Stanley, MSCI Inc., in Brussels.

Nikesh's experience includes:

- money laundering investigations
- bribery and corruption investigations
- mis-selling interventions
- skilled person reviews
- unauthorised business remediation
- contentious fitness and propriety assessments
- regulatory perimeter and structuring advice
- systems and controls reviews

Nikesh also maintains a busy non-financial regulatory practice and regularly acts as a Case Presenter for the UK Nursing and Midwifery Council in regulatory hearings.

Nikesh has experience in broader public and administrative law matters. He has gained extensive tribunal advocacy experience in this field through acting as a Presenting Officer for the UK Home Office. Nikesh has also advised on freedom of information and environmental information requests and HMRC data gathering powers.

Through his prior practice as a financial regulation solicitor in the London office of a major US law firm and secondments to the FCA and Goldman Sachs, Nikesh has experience in a wide spectrum of contentious and non-contentious FCA regulatory matters.

Nikesh's contentious financial regulation experience includes:

- presenting to senior decision-making organs within the FCA
- reviewing and advising on evidence for investigations
- developing and executing strategy for regulatory interventions (e.g. variation of permissions, undertakings and skilled person reviews)
- issuing and responding to compelled information requests
- preparing and conducting compelled interviews
- advising on regulatory remediation and restitution programmes
- penalty calculations

Representative matters include:

- money laundering investigations
- bribery and corruption investigations
- mis-selling interventions (including under s.166, FSMA)
- contentious fitness and propriety assessments
- unauthorised business remediation
- contentious perimeter questions (notably in relation to UCIS, AIFs and payment services)

Nikesh's non-contentious financial regulation experience includes advising on firm and individual regulatory authorisation applications and approvals (e.g. in relation to senior managers, approved persons, certification staff and controllers). Nikesh advises on regulatory structuring matters and perimeter queries, particularly in relation to collective investment schemes and alternative investment funds. Nikesh has experience in regulatory inventory and systems and controls reviews. He has advised on payment services questions.

Nikesh is also regularly instructed in regulatory and disciplinary law matters outside of financial services, notably in healthcare regulatory hearings for the UK Nursing and Midwifery Council.

Nikesh's interest in broader public and administrative law matters stems from his MPhil master's degree studies at Cambridge focusing on the legitimacy, accountability and discretion of EU law enforcement.

Nikesh has gained extensive public law tribunal advocacy experience through working as a Presenting Officer for the UK Home Office. Nikesh's advisory experience includes freedom of information and environmental information requests and HMRC data gathering powers.

Nikesh is particularly interested in public law issues in the financial services context.

Greenwashing: rising regulatory temperature for financial services, Institute of Chartered Accountants in England and Wales (ICAEW) Financial Services Faculty Guide, October 2021 (with Alessia de Quincey). <https://www.icaew.com/insights/viewpoints-on-the-news/2021/Nov-2021/Greenwashing-rising-regulatory-temperature-for-financial-services>

Room for Manoeuvre: FCA Bans for Non-financial Misconduct, Journal of International Banking Law and Regulation, Sweet & Maxwell, 2021 J.I.B.L.R. 36.2 (with Aidan Lawes and Emirali Mustafa - to be published in January 2021).

'Making arrangements with a view' High Court provides further perspective on Article 25(2) RAO, 4-5 Commentary, September 2020 (with Kristen DiLemmo). <https://www.4-5.co.uk/publications/view/nikesh-pandit-member-of-4-5s-regulatory-professional-discipline-and-business-crime-team-and-kristen-dilemmon-financial-regulation-associate-at-white-case-llp-co-author-article-on-the-often-tric>

Closing Borders? UK Follows Italy's CONSOB in Unprecedented Inbound MiFID II Passport Removal, Oxford University Business Law Blog, July 2020 (with John Ahern). <https://www.law.ox.ac.uk/business-law-blog/blog/2020/07/closing-borders-uk-follows-italys-consob-unprecedented-inbound-mifid>

Policing the EU's External Border: Legitimacy and Accountability under Scrutiny, Journal of the Academy of European Law, ERA Forum 13, 397-410, 2012. <https://link.springer.com/article/10.1007%2Fs12027-012-0273-9>

EU Law Enforcement: Legitimacy, Accountability and Discretion, Cambridge: University of Cambridge, Institute of Criminology, 2012 (first class MPhil thesis placed in the Cambridge University Library collection). [Link to the library reference here.](#)

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## Memberships

- The Honourable Society of Lincoln's Inn

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## Education

- University of Cambridge, MPhil (Distinction)
- University of Manchester, LLB (Hons)