

Rachel Scott



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Details of practice

Described by **Chambers UK** as "a rising star", and by **The Legal 500** as "one of the cleverest juniors at the Criminal Bar", Rachel's core areas of practice are crime (with a particular emphasis on fraud), extradition and international law, and public and administrative law including inquests. She also advises and appears in licensing and regulatory enforcement matters.

Crime:

Rachel's criminal practice encompasses both prosecution and defence work. She has notable expertise in the field of financial and corporate crime, receiving regular instructions from the Serious Fraud Office (who in 2017 appointed her to their A Panel of counsel) as well as from individual and corporate clients under investigation for offences of fraud and corruption. In such complex and cross-border investigations, she brings to bear her experience of international law, advising on questions of extradition, mutual legal assistance and double jeopardy. She also acts in linked civil fraud proceedings in the Commercial Court.

Recent instructions include acting on behalf of a corporate client in a private prosecution arising out of a multi-million pound intellectual property fraud; and acting for the Competition and Markets Authority (formerly the Office of Fair Trading) in a complex cartel investigation. She has also advised corporations and charities in respect of their compliance policies and procedures under the Bribery Act 2010. In June 2017 she was invited by the UN to deliver specialist training to Nigerian prosecutors on the investigation and prosecution of terrorist offences.

Rachel's criminal practice additionally extends to cases of robbery, GBH, rape and sexual offences, drugs offences, murder and misconduct in public office.

Extradition and International:

In the field of extradition, Rachel regularly advises and represents foreign governments, issuing judicial authorities and requested persons both at first instance and on appeal. She has acted in numerous reported cases, including in the Supreme Court, the Privy Council and the European Court of Human Rights. She is experienced in advising on and drafting applications to Interpol for the removal of red notices issued on political or other abusive grounds.

She has particular expertise in extradition requests alleging fraud and other financial crimes. Current and previous instructions include representing a former senior executive of the Bank of Moscow; acting for the defence in a Lithuanian request for the extradition of a banker accused of a €300 million fraud; representing the Government of Algeria in its first extradition request to the United Kingdom for financial crimes leading to the high-profile collapse of one of Algeria's first private banks; and defending a Kuwaiti citizen facing multi-million pound fraud proceedings in the United Arab Emirates.

Rachel also offers specialist advice in relation to 'import' extradition cases, and has been instructed by prosecuting agencies including the CPS, the SFO and DEFRA to draft European Arrest Warrants and extradition requests for the return to this jurisdiction of suspected or convicted criminals.

She is experienced in matters of mutual legal assistance and receives instructions to advise upon and to draft letters of request to foreign states. Rachel also represents individuals affected by mutual legal assistance requests (including potential suspects and witnesses), offering advice regarding their rights and obligations in connection with the provision of evidence.

Public and Administrative:

Rachel advises and appears in judicial review applications arising out of criminal and extradition proceedings and mutual legal assistance requests. Recent cases include a challenge to a section 2 notice issued by the SFO and a challenge by a third party to the deportation of a foreign offender. She also receives instructions to appear at inquests on behalf of a range of interested persons, including families of the deceased and police officers.

She acts for the Independent Police Complaints Commission, having appeared in judicial review proceedings connected with the so-called 'Plebgate' investigation, as well as in proceedings concerning the legality of police officers resigning whilst under disciplinary investigation.

Licensing:

Rachel advises and acts for licensed premises, responsible authorities and councils in applications and proceedings under the Licensing Act 2003. She is also experienced in the field of minicab licensing.

Regulatory Enforcement:

Rachel regularly appears in proceedings arising out of a variety of regulatory regimes. She represents enforcing authorities, companies and individuals in connection with matters including noise abatement notice prosecutions, breaches of fire safety regulations, offences under the Environmental Protection Act 1990, and VAT-enforcement.

Directory recommendations

"A brilliant advocate who is very charming in court and has the rare ability to manage large cases. She can navigate twenty lever arch files and know her way around all of them."

Chambers UK 2018: Extradition

"Highly regarded for her intellectual acumen and her work ethic." "Rachel is extremely intelligent, hard-working and an excellent lawyer. She also possesses great practical sense and is extremely personable." "Very concise, highly efficient and incredibly intelligent."

Chambers UK 2017: Extradition

"Praised as a growing force in the market, she has a wealth of knowledge and the ability to handle extradition requests originating from Russia and Ukraine. She represents both prosecutors and defendants equally effectively." "A real up-and-coming junior who is a brilliant researcher and writer that delivers things on time and provides high-quality material." "A rising star who gives very clear advice at extremely short notice and is just an encyclopaedia of law."

Chambers UK 2016: Extradition

"Extremely competent on her feet and very hard-working."

Chambers UK 2015: Extradition

"Extremely easy to work with, she overcomes the most challenging SFO-related issues supremely well."

Chambers UK 2018: Financial Crime

"Shows great attention to detail and is very good at talking through difficult points of law." "An experienced junior counsel for the prosecution and her enviable client list includes the SFO."

Chambers UK 2017: Financial Crime

"She has a really quick mind and is utterly dependable. A pleasure to work with."

Chambers UK 2016: Financial Crime

"One of the cleverest juniors at the criminal Bar."

The Legal 500 2015: Fraud – Crime

Education/professional qualifications

MusB (Hons) - University of Manchester (Music)

Post-graduate Diploma in Law

Bar Vocational Course

Bedingfield Scholar, Gray's Inn, 2003

David Karmel Scholar, Gray's Inn, 2002

Appointments

SFO C-Panel 2009

SFO B-Panel 2013

SFO A-Panel 2017

Other information

Professional memberships:

Criminal Bar Association

Fraud Lawyers' Association

Extradition Lawyers' Association

Defence Extradition Lawyers' Forum (Treasurer)

Association of Regulatory and Disciplinary Lawyers

Member of the Bar Council Ethics Committee

Direct access

Rachel Scott is qualified to accept instructions direct from clients under the Bar Council's Public Access Scheme. This means that members of the public who seek specialist advice can come direct to her. In addition, she welcomes instructions from solicitors, in-house law departments, qualified foreign lawyers, and clients licensed by the Bar Council to give instructions direct to barristers under the Bar Council's Licensed Access Scheme.

For further information please contact our Clerks.

Notable cases

R v W (2016-2017)

Defending a Russian extradition request which was held to be an abuse of the court's process.

Harkins v United Kingdom (2017)

Application No. 71537/14 (European Court of Human Rights)

Junior counsel for the human rights charity Reprieve, which was granted permission to intervene in a case concerning whether exposure to a sentence of life without parole in the United States constituted a breach of a prisoner's rights under Article 3 of the ECHR.

R v S (2015-2017)

Defending a request for the extradition of a former senior executive of the Bank of Moscow, who faced fraud allegations arising out of the hostile takeover of the bank in 2011.

R v C (2014-2017)

Junior counsel for the Competition and Markets Authority in a cartel prosecution.

R v A Ltd

[2016] 4 WLR 176 (Court of Appeal)

Junior counsel for the appellant in a case concerning the application of the hearsay rules in cases of corporate liability via the attribution principle.

R v AIL

[2016] QB 763 (Court of Appeal)

Junior counsel for the appellant in a case which clarified the law on the bribery of foreign principals under the Prevention of Corruption Act 1906.

Govt of the Russian Federation v S (2014-2015)

Defending a businessman from extradition to Russia for trial on fraud allegations.

R v R

[2015] EWCA Crim 1941 (Court of Appeal)

Junior counsel for the Legal Aid Agency in a case giving guidance on digital disclosure in criminal proceedings.

B v P (2015)

Acting in an application before the Commercial Court to bring contempt proceedings in connection with a \$2bn civil claim.

Operation Steamroller (2011-2015)

Junior counsel for the Serious Fraud Office in a series of cases arising out of a \$100 million share dealing fraud and linked allegations. Nine defendants convicted before the Crown Court at Southwark.

R (B Ltd) v Serious Fraud Office (2015)

Acting for the claimant company in an application for judicial review of a notice issued by the Serious Fraud Office under section 2 of the CJA 1987 in connection with a corruption investigation in the Republic of Guinea.

R (B) v Commissioner of Police for the Metropolis

[2014] EWHC 3041 (Admin)

Representing the Independent Police Complaints Commission in judicial review proceedings concerning the legality of police officers resigning during disciplinary investigations.

R v D (2014)

Junior counsel for the defence in an alleged wine fraud conspiracy.

R (M & others) v IPCC (2014)

Junior counsel for the Independent Police Complaints Commission in judicial review proceedings concerning the 'Plebgate' investigation.

A & another (2011-2014)

Acting for a high-profile banker facing extradition proceedings arising out of a criminal investigation in Lithuania, as well as criminal restraint proceedings brought pursuant to a letter of request, and large-scale commercial litigation in the civil courts.

Govt of Algeria v K

[2013] EWHC 4204 (Admin)

Junior counsel for the requesting state in its first extradition request to the United Kingdom. The case concerned the president of one of Algeria's first private banks, accused of serious fraud leading to the bank's collapse amid losses of over \$1 billion.

B v Lithuania

[2013] 3 WLR 1485 (Supreme Court)

Counsel for the intervener in a case which re-visited the question of which foreign authorities are competent to issue a European Arrest Warrant, following the Supreme Court's earlier decision in **Assange v Sweden**.

R v A & others (2012)

Defending in a large-scale money laundering conspiracy.

R v M (2012)

Counsel for the juvenile defendant in a rape trial involving a young complainant.

R v H (2012)

Junior counsel for the defence in confiscation proceedings to the value of £14 million, arising out of a prosecution brought by the MHRA.

F v Belize

[2011] UPKC 23 (Privy Council)

Acting for the respondent in an appeal to the Privy Council concerning the scope of the abuse of process jurisdiction in extradition proceedings in Belize.

Govt of Turkey v A

[2011] 1 WLR 1139

Junior counsel for the requesting state in extradition proceedings arising out of an alleged VAT fraud worth around \$260 million. Following a judicial review claim, now the leading authority regarding applications for discharge under the time limits set down by section 75 of the Extradition Act 2003.

Govt of Serbia v G (2010)

Junior counsel for the requesting state in its request for the extradition of the former Bosnian vice-president in connection with war crimes allegedly committed during the conflict in the former Yugoslavia.

Govt of United Arab Emirates v A (2010)

Counsel for the requested person, whose extradition was sought following his conviction in Dubai for a fraud worth nearly £10 million.

In re O

[2010] 1 WLR 17

Counsel for the judicial authority in an application by an extradition defendant for a writ of *habeas corpus*. Now the leading authority on time limits for surrender following an extradition order under Part 1 of the Extradition Act 2003.