

Kitty St Aubyn

Call: 2010



Kitty St Aubyn has developed a successful practice across chambers' areas of expertise with a particular focus on criminal, regulatory, licensing and coronial law.

Crime

Kitty appears on behalf of the defence and Crown in all criminal courts. She specialises in serious, complex matters, from acting for a senior trader accused of LIBOR manipulation to representing a foreign national accused of multi-million pound money laundering.

Kitty has considerable experience in all aspects of criminal law in addition to her practice in financial and corporate crime. She has represented clients in a range of offences from violence, dishonesty and drugs to public disorder, sexual misconduct and driving matters. She has further experience representing youths, cross examining child witnesses, as well as litigating sensitive issues relating to mental ill health and fitness to plead.

Kitty acts for the prosecution in criminal matters for the Crown Prosecution Service, the London Fire and Emergency Planning Authority, the Health and Safety Executive, Transport for London and the London Probation Service.

Notable Crime cases

- **R v M & Others (2016)**

Instructed for the defence in the third trial relating to alleged manipulation of the LIBOR rate.

- **R v B (2015)**
Represented a defendant on life licence charged with burglary and blackmail.
- **R v C (2014)**
Represented the former editor of a national newspaper accused of phone hacking.
- **R v A (2012)**
Represented a company director accused of defrauding the public revenue in a trial of the fact. Successfully contested that the defendant was unfit to plead. The matter required expert evidence and substantial legal submissions concerning the defendant's capability of forming the requisite mens rea due to his condition.

Proceeds of Crime

Kitty has particular expertise in confiscation, civil recovery and restraint proceedings both as a led junior and alone. She has acted for both individuals and government departments in proceeds of crime and related hearings.

Kitty acted alone in successfully challenging the court's power to make a confiscation order in the Court of Appeal, then appearing in the Supreme Court in **Guraj** [2016] UKSC 65.

Notable Proceeds of Crime cases

- **R v Guraj [2016] UKSC 65**
Instructed for the respondent to the Crown's appeal against the ruling of the Court of Appeal in relation to the correct statutory interpretation of postponement in confiscation proceedings.
- **R v Guraj [2015] 1 WLR 4149**
Appeared alone in the Court of Appeal, successfully appealing against a confiscation order on procedural grounds
- **Ahmed v Revenue and Customs [2013] EWHC (Admin)**
Represented a company director in cash forfeiture proceedings, successfully arguing disproportionality under the European Convention on Human Rights.

Regulatory and Professional Discipline

Kitty has an extensive practice presenting and defending in regulatory, healthcare, health and safety and professional discipline proceedings.

Kitty is on the Health and Safety Executive's 'C' List of Specialist Regulatory Advocates in Health and Safety and Environmental Law. She has acted for local government prosecutors, frequently representing the London Fire and

Emergency Planning Authority in the Magistrates' and Crown Courts, and Transport for London in prosecutions and appeals.

Kitty acts for companies and individuals facing allegations of a range of breaches of health and safety and environmental regulations.

Kitty represents officers accused of misconduct, most recently successfully defending an experienced officer on multiple allegations of misconduct in a multi handed matter within the Ministry of Defence Police.

From 2017-2019, Kitty spent four months on secondment as an advocate to the General Optical Council. She was then instructed by a panel firm between April to October 2019 to conduct cases on behalf of the Nursing and Midwifery Council and the General Optical Council. Kitty is regularly instructed by both Registrants and Regulators in other healthcare regulatory proceedings.

Notable Regulatory and Professional Discipline cases

- **West Dorset District Council v Ltd Company**

Defended a company facing charges relating to conduct spanning 10 years. Kitty successfully contested the prosecution's case at sentence on a guilty plea, resulting in findings favourable to the company.

Licensing

Kitty regularly represents licensees, applicants and responsible authorities in a wide range of licensing matters. She has acted for a leading independent bookshop establishing new licensed premises in central London, most recently representing a private members club in Kensington and Chelsea.

Kitty is experienced in representing public authorities in licensing matters, having represented the Metropolitan Police Service in licensing reviews and applications for football banning orders. She has substantial experience representing Transport for London in taxi licensing proceedings.

Kitty advises on related hospitality matters, including advising a Central London restaurant franchise on potential liability for breach of the smoking ban under the Health Act 2006.

Inquests & Inquiries

Kitty regularly represents interested persons in inquests, acting for both authorities and families. She is experienced in inquests to which the state's Article 2 obligations under the European Convention on Human Rights is arguably breached. She advises on potential liability arising from coronial proceedings, and on both public and civil law remedies available following inquests.

Most recently, Kitty has acted on behalf of Core Participants in both the Grenfell Tower Inquiry and the Independent Inquiry into Child Sexual Abuse (IICSA).

Notable Cases

Crime

R v Guraj

[2016] UKSC 65

Instructed for the respondent to the Crown's appeal against the ruling of the Court of Appeal in relation to the correct statutory interpretation of postponement in confiscation proceedings.

R v M and others

2016

Instructed for the defence in the third trial relating to alleged manipulation of the LIBOR rate

R v Guraj

[2015] 1 WLR 4149

Appeared alone in the Court of Appeal, successfully appealing against a confiscation order on procedural grounds

R v B

2015

Represented a defendant on life licence charged with burglary and blackmail

R v C

2014

Represented the former editor of a national newspaper accused of phone hacking

Ahmed v Revenue and Customs

[2013] EWHC (Admin)

Represented a company director in cash forfeiture proceedings, successfully arguing disproportionality under the European Convention on Human Rights

R v A

2012

Represented a company director accused of defrauding the public revenue in a trial of the fact after a contested finding of unfitness to plead

Education / Professional Qualifications

- Queen Mother Scholarship, Middle Temple, (2008-2010)
- Bar Vocational Course
- Graduate Diploma in Law, City University
- BA (Cantab): English Literature (First class)

Appointments

- Specialist Advocates' C panellist for Health & Safety and Environmental Law

Other Information

Professional development

Kitty has been invited to contribute to Smith, Owen and Bodnar on Asset Recovery Criminal Confiscation, and Civil Recovery, Oxford University Press. She regularly delivers seminars on emerging areas of law to a range of stakeholders from Unexplained Wealth Orders to training regulatory prosecutors in the conduct of investigations.

Experience

In 2010-2011 Kitty was based in the Caribbean as a legal assistant on the **Special Investigations and Prosecution Team** investigating the former Prime Minister of the **Turks and Caicos Islands**, Michael Misick and members of his cabinet for corruption in a team led by Helen Garlick and Andrew Mitchell QC. She then worked as a legal researcher at a leading white collar criminal firm, reporting directly to the partnership, contributing during that time to the Serious Fraud Office 2011 publication **Serious Economic Crime: a boardroom guide to prevention and compliance**.

From 2007-2008 Kitty worked at the **Advertising Association** running the industry committee proposing the new framework of the self-regulation of online advertising for the Advertising Standards Authority. Kitty represented the interests of the UK advertising industry to **DCMS** and **Ofcom** and the **EU parliamentary forum on new media in Brussels**.

From 2005-2007 Kitty was a publicly funded researcher and adviser to the **opposition front bench in the House of Lords**, reporting directly to the leader of the opposition, assisting and advising on the passage of legislation through the Lords, drafting speeches and amendments.

Privacy Statement

I, Kitty St Aubyn am a data controller and can be contacted at 3 Raymond Buildings, Gray's Inn, London WC1R 5BH or by telephone on 020 7400 6400 or by email at kitty.staubyn@3rblaw.com. My Data Protection Policy can be found below.

All personal data that I process is for the purposes of providing legal services, conducting conflict-checks, marketing, defending potential complaints, legal proceedings or fee disputes, keeping anti-money laundering records, training other barristers and pupils and when providing work-shadowing opportunities, and/or exercising a right to a lien. The types of data I process vary upon the nature of the legal matter in relation to which I am engaged to advise, but can include names, contact details, biographic details, 'criminal offence data' and 'special category personal data' (including, but not limited to: details of racial or ethnic origin, political opinions, religious or philosophical beliefs, health, sex life and criminal convictions and proceedings and medical details).

Depending upon the circumstances of the case, the legal bases upon which I process personal data are (i) the performance of a contract to which the data subject is a party or in order to take steps at the request of the data subject prior to entering into a contract, (ii) the processing is necessary to comply with legal obligations to which I am subject, or (iii) the processing is necessary for the legitimate interests set out above, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subjects which require protection of personal data, in particular where the data subject is a child. When I rely on (iii) legitimate interests, my 'Legitimate Interests Assessment' can be found [here](#)>. When I process data which has not be obtained directly from the data subject (e.g. personal data contained in evidential materials), it will have been supplied to me as part of my instructions in circumstances covered by legal professional privilege.

Depending upon the circumstances of the case, I may share the personal data with:

1. my Chambers, which supplies professional and administrative support to my practice;
2. Courts and other tribunals to whom documents are presented;
3. my lay and professional clients;
4. potential witnesses, in particular experts, and friends or family of the data subject;
5. solicitors, barristers, pupils, mini pupils and other legal representatives;
6. ombudsmen and regulatory authorities;
7. current, past or prospective employers;
8. education and examining bodies;
9. business associates, professional advisers and trade bodies.

I retain personal data for no longer than 7 years after the case has come to an end (as defined in my Data Protection Policy) or as otherwise required by law.

I do not intend to transfer data to any country which is not either within the European Union, 'white listed' by the EU or otherwise permitted by EU law (e.g. to the USA under the provisions of the 'Privacy Shield').

Under the GDPR, data subjects whose personal data I process have the right to request from me access to, and rectification or erasure of, their personal data, the right to the restriction of processing concerning them, the right to object

to processing as well as the right to data portability. Data subjects also have the right to lodge a complaint with the Information Commissioner's Office (ico.org.uk).

In cases where there is a contract between me and the data subject, the provision of personal data is a contractual requirement and the data subject is obliged to provide the personal data in order that I can supply legal services. A failure to provide such data may mean that I will not be able to provide the legal services.

Rev 1.1 – 30.05.2018

[Data Protection Policy](#)

[Legitimate Interests Assessment](#)