



Rachel Scott

Call: 2004

Rachel Scott is recognised by both Chambers UK and Legal 500 for her significant expertise in financial crime, international crime and extradition.

She acts for corporates and individuals facing investigation for fraud and corruption allegations, as well as receiving regular instructions from the Serious Fraud Office in her capacity as A-Panel counsel. She has a wealth of experience advising on internal investigations and regulatory compliance, often with a cross-border focus. In the field of extradition, Rachel 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.

Since late 2018, Rachel has been working as part of Clifford Chance's white collar team in Paris, acting for Airbus SE in the cross-border investigation conducted by the UK, French and US authorities, which led in January 2020 to the world's largest global resolution for corporate bribery allegations.

Financial Crime

Rachel has a wealth of experience in the field of financial and corporate crime. She acts for individual and corporate clients under investigation for offences of fraud, corruption, money laundering and anti-competitive practices, giving advice on pre-charge matters as well as offering representation throughout any ensuing proceedings. She also receives instructions from the Serious Fraud Office, having been a member of its panel counsel list for over a decade, and A-Panel counsel since 2017. 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, and has particular expertise on questions of self-incrimination and civil contempt.

Prior to her time spent working in Paris on the global investigation into Airbus SE, Rachel's recent instructions included acting as first junior counsel to the Serious Fraud Office in its prosecution of the UK subsidiary of Alstom SA, for allegations of corporate corruption; 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.

Rachel's litigation practice is complemented by her breadth of experience in advising corporate clients on the conduct of internal investigations, particularly those with a cross-border focus. Recent experience includes conducting internal investigations in the aerospace, mining and financial services sectors, examining issues such as bribery and corruption, compliance with export control, human rights and safeguarding, insider dealing and data protection. She also regularly advises companies on their compliance policies and procedures with regard to anti-bribery and corruption and anti-money laundering.

Notable Financial Crime cases

- **Airbus SE (2018-2020)**

In-house counsel at Clifford Chance Paris, working as part of the white collar team acting for Airbus SE in the investigation conducted by the UK, French and US authorities which led to the company's acceptance in January 2020 of a global resolution including total penalties of €3.6 billion.

- **R v Alstom Network (UK) Ltd (2014-2019)**

Junior counsel for the Serious Fraud Office in its prosecution of a UK subsidiary of Alstom SA, which gave rise to interlocutory litigation establishing a number of important precedents on the law of bribery and corruption and on the rules of evidence, procedure and fair trial in the prosecution of corporate defendants.

- **T v O (2018-2019)**

Representing the defendant in litigation before the Commercial Court concerning the privilege against self-incrimination in the context of a worldwide freezing order.

Extradition & International

Rachel is particularly noted for her expertise in extradition requests alleging financial crimes and corruption, as well as those involving complex issues of political persecution and abuse of process. She is skilled in advising on and drafting applications to Interpol for the removal of red notices issued on political or other abusive grounds.

She also offers specialist advice in relation to 'import' extradition cases, receiving instructions from 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. At the invitation of the UN, she has provided training to Nigerian prosecutors on fair trial and extradition in the context of terrorism cases.

Rachel 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. She has particular expertise in the developing field of enhanced cooperation in digital evidence-gathering, and is regularly consulted by think tanks and NGOs on the impact of the European Parliament's proposals for new E-evidence legislation.

Notable Extradition & International cases

- **R v S (2017)**

Defending a request for the extradition to Moscow 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.

- **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.

- **Harkins v United Kingdom (2017) Application No. 71537/14 (European Court of Human Rights)**

Junior counsel for the human rights charity Reprieve as intervenor in an extradition 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.

- **Bucnys v Ministry of Justice, Lithuania [2013] UKSC 71**

Junior counsel in a Supreme Court case concerning the definition of a judicial authority under the Extradition Act 2003

Public & Administrative

Rachel advises and appears in judicial review applications arising out of criminal and extradition proceedings and mutual legal assistance requests. 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 Office for Police Conduct, 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.

Notable Public & Administrative cases

- **R (on the application of Corbiere Ltd) v Secretary of State for Justice [2017] EWHC 3364 (Admin)**

Representing the claimant in a case concerning the property and fair trial rights of the victims of foreign criminals facing deportation.

- **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 (now IOPC) in judicial review proceedings concerning the legality of police officers resigning during disciplinary investigations.

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.

Notable Cases

R v Alstom Network (UK) Ltd

[2019] EWCA Crim 1318 (Court of Appeal)

Junior counsel for the Serious Fraud Office in a case concerning fair trial principles in the prosecution of corporate defendants.

T v O

(2018-2019)

Representing the defendant in litigation before the Commercial Court concerning the privilege against self-incrimination in the context of a worldwide freezing order.

Harkins v United Kingdom

(2017) Application No. 71537/14 (European Court of Human Rights)

Junior counsel for the human rights charity Reprieve as intervenor 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

(2017)

Defending a request for the extradition to Moscow 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 (on the application of Corbiere Ltd) v Secretary of State for Justice

[2017] EWHC 3364 (Admin)

Representing the claimant in a case concerning the property and fair trial rights of the victims of foreign criminals facing

deportation.

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.

R v A Ltd [2016] 4 WLR 176

Junior counsel for the Serious Fraud Office in a case concerning corporate liability via the attribution principle.

R v R [2015] EWCA Crim 1941

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

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 (now IOPC) in judicial review proceedings concerning the legality of police officers resigning during disciplinary investigations.

R (M & others) v IPCC

(2014)

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

Bucnys v Ministry of Justice, Lithuania

[2013] UKSC 71

Junior counsel in a Supreme Court case concerning the definition of a judicial authority under the Extradition Act 2003.

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.

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 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.

Memberships

- Association of Regulatory & Disciplinary Lawyers
- Criminal Bar Association
- Defence Extradition Lawyers' Forum (Treasurer)
- Extradition Lawyers' Association
- Fraud Lawyers' Association

Education

- Bedingfield Scholar, Gray's Inn (2003)
- David Karmel Scholar, Gray's Inn (2002)
- Post-graduate Diploma in Law
- Bar Vocational Course
- MusB (Hons), University of Manchester

Appointments

- Bar Council Ethics Committee (2017)
- SFO A-Panel (2017)

Accreditations

