



Rebecca Chalkley

Call: 1999



Rebecca is an extremely sought after barrister, having developed an extensive strong prosecution and advisory practice. She is a specialist in serious and complex corporate and economic crime, commercial and financial wrongdoing and is also frequently instructed in associated regulatory and quasi-criminal matters.

The majority of Rebecca's practice has been prosecuting and advising on fraud (including VAT (MTIC 'Carousel frauds) Corporation tax, 'Boiler Rooms', diversion frauds, offences under the Fraud Act 2006), money laundering, serious organised crime, bribery, corruption and misconduct in public office. Experienced in prosecuting both publicly and privately, she is currently instructed in a number of Private Prosecutions on behalf of Blue Chip Companies and has demonstrated her vast experience in cases where consideration has been given as to the appropriateness of resolution by way of a Deferred Prosecution Agreement (DPA).

Rebecca prosecuted the "Phone Hacking" trial (R v Rebekah Brooks & others), which the press (National and International) dubbed "The Trial of the Century".

Rebecca demonstrates extensive legal knowledge and is highly respected for the commitment and focus that she applies to all cases.

The quality and consistency of the cases that she is instructed in is unusual and truly impressive and is attributable to her hard-work and dedication. In many of her cases her involvement has begun pre-charge and as a consequence she has been involved in advising and dealing with all aspects of the investigation and prosecution.

Her expertise on disclosure is widely recognised. She is frequently invited to lecture on this subject.

Crime

Operation Elveden (R v Rebekah Brooks and others)

Rebecca was instructed in various of the cases that formed part of Operation Elveden, the Metropolitan Police Service's investigation into allegations involving the unlawful provision of information by public officials to journalists. This included the case against Rebekah Brooks & Andrew Coulson and various other senior members of The Sun newspaper.

Rebecca is currently instructed by the SFO in their investigations into allegations of bribery and corruption at Rolls Royce.

Rebecca is currently instructed in the prosecution of Sweett Group PLC for offences under the Bribery Act. The company pleaded guilty in December 2015 to a charge of failing to prevent an act of bribery intended to secure and retain a contract with Al Ain Ahlia Insurance Company (AAAI), contrary to Section 7(1)(b) of the Bribery Act 2010. In February 2016 the company was sentenced and ordered to pay £2.25 million.

Fraud and Proceeds of Crime (POCA)

The majority of the cases that Rebecca has prosecuted have required consideration and achievement of confiscation.

Rebecca has experience of the seizure of sums of money under POCA legislation and is currently instructed to conduct the Restraint Proceedings in a Private Prosecution. This involved drafting the orders and the preparation of the application.

In May Rebecca obtained a Restraint Order with regards to the foreign bank accounts of a defendant in a Private Prosecution on behalf of a Blue Chip Company. This is believed to be the first Restraint Order obtained in a Private Prosecution.

Cases of note:

Operation Devout Confiscation (2008-2014) Multi-million pound, multi-jurisdictional confiscation proceedings involving the movement of money through trusts and bank accounts in Jersey, the British Virgin Islands, Liechtenstein, Dubai and Switzerland.

R v Ahmad & Ahmed [2012] EWCA Crim 391.

Operation Echogramme (2009) A multi-handed money laundering prosecution. It involved the laundering of the proceeds of MTIC fraud through property. This prosecution followed a lengthy Abuse of Process argument in which the defence were relying upon the doctrine of res judicata and alleging a manipulation of the process by the Prosecution in relation to the contrasting regimes of the Proceeds of Crime Act (POCA) 2002 and the Criminal Justice Act (CJA) 1988.

R v Jamie Leah & Emma Hayes (2016) This was the prosecution of two individuals for Perverting the Course of Justice and money laundering offences arising from the Confiscation proceedings in a previous prosecution.

Organised Crime

Rebecca has been instructed in a large number of drug trafficking and money laundering cases, involving various national and international law enforcement agencies.

She has considerable experience of working with other sections of these agencies including policy, training and various specialist teams. Including those responsible for the gathering and handling of intelligence and witness protection. She has extensive experience of Part 1 RIPA material and the use of undercover officers and informant involvement both in this jurisdiction and abroad. She is alert to the competing issues in relation to QE witnesses. She is thoroughly familiar with all aspects Public Interest Immunity (PII).

She has Security Clearance (SC) and "strapping" and is fully conversant with the working practices of, and has frequently engaged with, various government agencies including the Security Services.

Operation Prelacy (2012) (SOCA) The prosecution of various members of the El-Kurd family including the infamous "Sammy the Kurd" for money laundering (R v El-Kurd [2001] Crim L R 234).

Project Galloway (2003-07) (HMCE & HMRC) Junior counsel in an operation targeting Class A drug importations. Over 100 seizures and 300 targets. The seizures in the UK amounted to approximately six tonnes of Class A drugs with more seized abroad.

Professional Disciplinary & Regulatory

Health & Safety and Environment

In 2012 Rebecca was appointed to the Attorney General's Regulatory list of prosecutors. This includes the Health & Safety Executive, Office of Rail Regulation and the Environment Agency. She is currently prosecuting a multi million pound plant hire and haulage company for various health and safety offences following an incident which resulted in one of their employees being involved in an accident which resulted in him receiving life changing injuries.

Financial

Operation Tangelo 1 (2008-2011)

This was the prosecution of the financial institution UMBS Online Ltd. The bank was prosecuted for various money laundering offences and for fraudulent trading under the Fraud Act 2006. The case involved allegations extending into reporting duties of Directors in the Regulated Sector. Rebecca advised on whether in the circumstances the corporate veil had in fact been pierced. The fraudulent trading allegations ran to hundreds of millions sterling and involved banking activities in several jurisdictions. The sentencing judge described UMBS as a 'fraudsters' bank. It was fined £2 million and ordered to pay an immediate confiscation order of £6million.

In 2011 she was instructed by the Accountancy & Actuarial Discipline Board (AADB) in one of their investigations under their Accountancy Scheme. This was a very large and complex case involving the analysis of the auditing and base line accountancy records of a multi-national company and its auditor's handling of its accounts.

Rebecca has considerable experience of Tax and VAT Fraud, especially MTIC or "Carousel" VAT Fraud. This is of significant value for Tax Tribunal Litigation. HMRC accepts that the burden lies in proving there is a fraud.

The Bank UMBS (see above) has featured and continues to feature in a large number of VAT Tribunal cases. She has in depth knowledge of the banks make up and operation. A number of cases in which she has been instructed feature the use of the First Curacao International Bank (FCIB) material. Her knowledge and understanding of this financial institution and the material from its various servers is a considerable advantage within the VAT Tribunals where this material features in numerous cases.

She has experience of prosecuting and advising HMRC in various incentive schemes in the UK for Films. This includes cases under both the pre January 2007 schemes and the later Film Production Company Film Tax Relief.

Healthcare

Rebecca is instructed on a regular basis to represent the General Medical Council (GMC) at Fitness to Practice Hearings. She is very comfortable, in part due to her undergraduate degree, in dealing with the medical reports, terminology and papers, associated with medical expert evidence. Her fraud background has resulted in her being able to assimilate and present

complex and data dense material to a tribunal in a comprehensible, persuasive and simple manner.

In April 2016 she delivered training to GMC lawyers and investigators on "Management Failings as a basis for a finding of Misconduct against a Doctor"

Inquiries & Appellate Work

Public Inquiries and Inquests

Rebecca was instructed in the Azelle Rodney Public Inquiry. This was a Public Inquiry into the death of a man shot by the Metropolitan Police in 2005. She was instructed in the High Court Litigation, arising from the Chairman, Sir Christopher Holland's findings. This included Judicial Review proceedings. Rebecca was instructed by HMRC who were a Core Participant in the Inquiry and who were the intelligence provider to the Metropolitan Police

https://en.wikipedia.org/wiki/Death_of_Azelle_Rodney

She also advised a Government Agency on matters arising from the Duggan Inquest (the shooting which triggered the London Summer riots in 2011). Due to matters of sensitivity further details cannot be provided on this website.

<http://www.bbc.co.uk/news/uk-england-london-25321711>

Deferred Prosecution Agreements

Rebecca has experience in dealing with a number of cases where consideration has been given as to the appropriateness of potential resolution by way of a Deferred Prosecution Agreement (DPA).

Private Prosecutions

Rebecca is now instructed to prosecute not only on behalf of the state but also in Private Prosecutions. She is currently instructed by Eversheds LLP on behalf of a number of multi national Blue Chip companies who are seeking to privately prosecute individuals for fraud and financial wrong doing. Rebecca has been instructed in these cases to carry out all aspects of the prosecution including advising on charge, drafting the Informations, dealing with restraint and all matters relating to disclosure.

Legal Professional Privilege (LPP) acting as Acting Independent Counsel.

Rebecca is frequently instructed to act as Independent Counsel in the review of material to determine whether it attracts LPP. She has recently been instructed to review such material both at the scene of the raid and search and also once the material has been removed to a secure and appropriate location. She has and is instructed in these exercises by the SFO, City of London Police and various Police Forces.

Disclosure

Her expertise on disclosure issues is widely recognised. She frequently lectures on the subject to lawyers investigators. The vast majority of the cases that she has been instructed in have involved thousands, if not hundreds of thousands of pages of unused material. She has therefore developed the capacity to review, analyse, organise and in some cases schedule or devise systems to manage large amounts of material. Further she excels at effective case management and working as part of a team.

In 2012 she was invited by Lord Justice Gross to take part in a discussion group as part of his review of sanctions for disclosure failures. This culminated in a report "Further Review of

Disclosure in Criminal Proceedings: sanctions for disclosure failure" written by Lord Justice Gross & Lord Justice Treacy.

She is currently instructed by the Serious Fraud Office to head the disclosure team of lawyers, investigators and junior counsel in their investigation into Rolls Royce PLC. This is the largest investigation that the SFO have carried out.

She is currently instructed by Eversheds LLP to head up the disclosure team charged with carrying out disclosure in a private prosecution on behalf of a multi national Blue Chip company.

Trading Standards & Intellectual Property

She is currently advising with regards to a number of Intellectual Property matters regarding multi national consumer brands, these infringements are currently being investigated by Trading Standards. These are likely to result in either a public or private prosecution

Fraud and Business Crime

Fraud, Corruption & Corporate Crime

Rebecca's fraud experience covers all types of fraud, attacks on the Revenue & the Public and Private Purses and corporate and financial wrong-doing.

The types of fraud that she has prosecuted include VAT (MTIC/Carousel), Corporation Tax, Film Tax, alcohol diversion, direct tax, immigration, Fraud Act 2006, welfare benefit frauds and Boiler Rooms.

Many of these cases have involved working with accountants and computer experts to create reconstructions and understanding of commercial trading history of companies to identify and demonstrate concealed fraudulent transactions and activities. She has gained an understanding of complex bank movements and off shore transactions, trusts and other financial vehicles. She is extremely familiar with analysing and dissecting business accounting records and when required presenting the resulting evidence to the jury.

Rebecca is frequently and consistently instructed to prosecute Insolvency & Directorship matters for the Department for Business, Innovation & Skills (BIS).

She has extensive experience of the types of offences prosecuted by the Department, including offences under the Insolvency Act 1986 & Company Directors Disqualification Act 1986 offences. Rebecca advises both pre charge and conducts the prosecutions on behalf of the Department. She is also currently involved in the Departments training programme, lecturing and training both lawyers and investigation officers.

Rebecca has extensive experience of the investigation and prosecution of offences of Bribery and Corruption both of individuals and corporate entities. This includes the prosecution of various public officials and journalists for Misconduct in a Public Office.

She welcomes instructions in any case of financial and / or factual complexity.

Operation Weeting & Sacha (R v Rebekah Brooks & others) The "Phone Hacking" case at The News of the World & the investigation into allegations of perverting the course of justice.

<http://www.theguardian.com/uk-news/2013/dec/05/rebekah-brooks-military-source-payments-prince-william-picture>

Operation Blastfurnace (2012-13) Multi-million pound VAT and Film Tax Credit fraud relating to a bogus film-production "Landscape of Lives". The first Film Tax Credit Prosecution. This case was recently the subject of a BBC Storyville documentary "The Great Gangster Film Fraud".

<http://www.bbc.co.uk/news/entertainment-arts-21922456>

<http://news.sky.com/story/1069477/bogus-film-five-jailed-over-tax-credit-fraud>

Other Specialisms

Deferred Prosecution Agreements

Rebecca has experience in dealing with a number of cases where consideration has been given as to the appropriateness of potential resolution by way of a Deferred Prosecution Agreement (DPA).

Private Prosecutions

Rebecca is now instructed to prosecute not only on behalf of the state but also in Private Prosecutions. She is currently instructed by Eversheds LLP on behalf of a number of multi national Blue Chip companies who are seeking to privately prosecute individuals for fraud and financial wrong doing. Rebecca has been instructed in these cases to carry out all aspects of the prosecution including advising on charge, drafting the Informations, dealing with restraint and all matters relating to disclosure.

Legal Professional Privilege (LPP) acting as Acting Independent Counsel.

Rebecca is frequently instructed to act as Independent Counsel in the review of material to determine whether it attracts LPP. She has recently been instructed to review such material both at the scene of the raid and search and also once the material has been removed to a secure and appropriate location. She has and is instructed in these exercises by the SFO, City of London Police and various Police Forces.

Disclosure

Her expertise on disclosure issues is widely recognised. She frequently lectures on the subject to lawyers investigators. The vast majority of the cases that she has been instructed in have involved thousands, if not hundreds of thousands of pages of unused material. She has therefore developed the capacity to review, analyse, organise and in some cases schedule or devise systems to manage large amounts of material. Further she excels at effective case management and working as part of a team.

In 2012 she was invited by Lord Justice Gross to take part in a discussion group as part of his review of sanctions for disclosure failures. This culminated in a report "Further Review of Disclosure in Criminal Proceedings: sanctions for disclosure failure" written by Lord Justice Gross & Lord Justice Treacy.

She is currently instructed by the Serious Fraud Office to head the disclosure team of lawyers, investigators and junior counsel in their investigation into Rolls Royce PLC. This is the largest investigation that the SFO have carried out.

She is currently instructed by Eversheds LLP to head up the disclosure team charged with carrying out disclosure in a private prosecution on behalf of a multi national Blue Chip company.

Trading Standards & Intellectual Property

She is currently advising with regards to a number of Intellectual Property matters regarding multi national consumer brands, these infringements are currently being investigated by Trading Standards. These are likely to result in either a public or private prosecution

Other

Her Master's and undergraduate degree have also given her some insight into matters relating to fitness to plead, mental health and a defendant's fitness to be tried. She is comfortable dealing with psychiatric issues and psychiatric reports.

Publications, Lectures and Training

Lectures & Training

Rebecca frequently lectures and conducts training sessions for lawyers and investigators in various public and private organisations on various matters of law, prosecution and disclosure. In April 2016 she carried out a training session for Eversheds LLP on Disclosure from both a Private Prosecution and Defence perspective.

In April 2016 she delivered training to GMC lawyers and investigators on "Management Failings as a basis for a finding of Misconduct against a Doctor"

She is currently involved in the preparing and delivering of the training programme for the lawyers and investigators of the Department for Business (BIS).

In 2011 she took part in the advocacy training of solicitors from HMRC's Solicitor's Office. The courtroom scenarios included proceedings in the VAT Tribunal and Condemnation proceedings

In April 2009 she took part in the training of SOCA officers. This involved cross examining officers on the decisions that they had made in the operational section of the training course in a court room scenario.

In 2006-2007 she gave a series of lectures to Police and Customs Officer, on law, in preparation for the creation of the Serious Organised Crime Agency and then to SOCA officers in relation to sensitive issues.

Publications

Rebecca Contributed to the General Council of the Bar & Criminal Bar Association response to the Review by Lord Justice Auld of the Criminal Courts.

In 2008 she co-authored a paper for the Judicial Studies Board on Part 1 RIPA.

In 2012 she co-authored the CPS Guidance Note for the prosecution of VAT & Excise frauds. This is used by the CPS as a 'training tool' nationwide.

Additional Information

Education

Oxford University 1993-1997

Experimental Psychology BA MA (Oxon)

Awards

The Queen Mother's Scholar at Middle Temple 1999.

Professional Appointments

2016- CPS Prosecutor (Midlands Circuit) & re-appointed to London & South Eastern Circuits)- Grade 3

2015- General Medical Counsel (GMC) (Full List)

2013- SFO Prosecution Panel- A List

2013- CPS Specialist Advocates Panels for Serious Organised Crime and Fraud (Grade 3)

2012- Attorney General's Regulatory List of Health & Safety Executive, Office of Rail Regulation and Environment Agency- B List

2006- Attorney General's Prosecutor- List B
Memberships
St. Hilda's College, Oxford, Law Network
South Eastern Circuit
Midlands Circuit
Criminal Bar Association
Fraud Lawyers Association
Association of Regulatory & Disciplinary Lawyers
Languages
Conversational French