

## Rupert Bowers QC



Call: 1995

Silk: 2015

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### Profile

Rupert Bowers QC was called to the Bar in 1995 and took silk in 2015. He was ranked as a leader in his field in the Chambers and Partners and Legal 500 publications before taking silk and has been ranked every year since being in silk.

Rupert leads the chambers Business Crime & Investigations team in Doughty Street maintaining a practice in financial crime and extradition with particular expertise in ancillary matters associated with criminal investigations. Rupert is one of the country's leading experts in challenging search warrants and seizures of property, and in challenging asset freezing orders of all types. He is one of only a few QC's with experience not just of heavy trial and appellate work in the criminal courts, but with vast experience of judicial review and other applications in the civil courts. His breadth of knowledge across different jurisdictions is his strength. He was the only criminal silk in the case of **Lucas v Security Service** [2017] 1 All E.R. 283 (Click [here](#)) which challenged the lawfulness of the mass interception of communications data by GCHQ before the Investigatory Powers Tribunal (Click [here](#)), a case with many parallels with the recent transnational operation targeting the use of EncroChat. Rupert is instructed in the lead EncroChat case (Click [here](#) and [here](#)).

Rupert also practices in sports regulation and discipline which has included cases before the Court of Arbitration for Sport. Those he has represented include West Ham United, Harry Redknapp, James Tomkins, Jermain Defoe, Ben Thatcher, Bradley Wright-Phillips, Steve Cotterill, Emily Sarsfield, World in Motion Ltd., M&C Saatchi Merlin, and drafted the disciplinary procedure for the British Association of Snowsports Instructors.

Rupert only acts for a small number of high net-worth private clients and companies at any one time which allows him to focus on their particular needs, and when involved in criminal cases he tends to act for those who engage him at the investigative stage.

Recent cases include representing a Premiership football club in the HMRC investigation into tax evasion in player transfers, a fintech company subject to an Account Freezing Order, successfully representing a major futures trading company in relation to the unlawful freezing of over \$3 million of their funds, and advising the American multi-national company KBR in the current SFO investigation.

### **Financial Crime –**

*"He thinks outside the box and shows tenacity and real skill when finding those subtle and un-obvious points."*

(Chambers and Partners, 2021-22)

*"He is tenacious and tactically astute. His clients have confidence in his advice, which is provided in clear terms even in the most complex of circumstances. He is fearless in the face of novel points because he has done his homework."*

(Chambers and Partners, 2020)

*"A leader in the field so far as public law challenges to invasive warrants are concerned; his knowledge in this area is encyclopaedic."*

(Chambers and Partners, 2019)

### **Business and Regulatory Crime (including Global Investigations) –**

*"He has an impressive knowledge of criminal proceedings and search warrants as well."*

(Legal 500, 2019)

### **Fraud: Crime –**

*"A confident advocate."*

(Legal 500, 2021-22)

*“Strong on his feet, with an excellent court presence”*

(Legal 500, 2020)

*“An accomplished advocate with excellent communication skills”*

(Legal 500, 2019)

### **Related practice areas**

Criminal Law and Appeals

Business Crime and Investigations

Extradition

Actions Against the Police and Public Authorities

Inquests and Public Inquiries

## Regulatory and Financial Crime

- **R. (on the application of Siddiqi) v Westminster Magistrates’ Court** [2021] 2 Cr. App. R. 25 - Judicial review in relation to the setting aside of summons.
- **Re Smith** [2021] EWHC 1272 - Commercial Court litigation in relation to the fallout from the largest confiscation ever made. Rupert acted for a litigation funding company.
- **R. (on the application of C) v DPP** [2020] 4 WLR 158 - Judicial review of the European Investigation Order which was responsible for the entirety of the EncroChat evidence arriving in the UK.
- **R. (on the application of McKenzie) v Leeds Crown Court** [2020] 4 WLR 106 - Judicial review of the Lord Chief Justice’s decision to suspend trial by jury in the wake of the Coronavirus pandemic.
- **Malik v Manchester and Salford Magistrates’ Court** [2018] Lloyd’s Rep. F.C. 1, [2018] EWCA Civ 2015 – A case addressing whether an application to vary a final order should be treated as a relief from sanctions and whether the Court of Appeal had jurisdiction to entertain an appeal against the Divisional Court’s ruling on this issue.
- **R (on the application of A) v Central Criminal Court** [2017] 1 W.L.R. 3567- A challenge to search warrants executed at the homes of solicitors and a member of the bar.

- **R (Merida Oil Traders Ltd) & Others v Central Criminal Court** [2017] 1 W.L.R. 3680 - Case addressing the unlawful practice of the City of London Police of asking financial institutions to create cheques via production orders so they may then be seized using the summary cash seizure provisions and frozen in the Magistrates' Court. ([Click here](#))
- **Lucas v Security Service** [2017] 1 All E.R. 283 - Representing George Galloway before the Investigatory Powers Tribunal in a claim against the Government in relation to the alleged interception of communications in breach of the parliamentary Wilson doctrine. ([Click here](#))
- **National Crime Agency v Simkus** [2016] 1 W.L.R. 3481 - Case addressing the ex parte procedure of applying for Property Freezing Orders. ([Click here](#))
- **R(on the application of HS) v South Cheshire Magistrates' Court** [2016] 4 W.L.R. 74 - The Divisional Court did not have to determine every issue in a judicial review of a search warrant prior to a section 59 hearing taking place. ([Click here](#))
- **Hargreaves & ors v Powys County Council Trading Standards Department & anor** [2015] C.T.L.C. 138 - Successful challenge to a search warrant issued under the Trading Standards regulations. ([Click here](#))
- **Sher and Others v United Kingdom** [2015] All E.R. (D) 177 (Oct) - Judgment of the European Court of Human Rights in relation to the pre-charge detention regime under Schedule 8 of the Terrorism Act 2000, and in relation to the width of search warrants executed in Operation Pathway. ([Click here](#) and [here](#))
- **R(on the application of Kouyoumjian) v Hammersmith Magistrates' Court** [2015] Crim. L.R. 455 - The first case in which the Court denied the losing defendant police the opportunity to remedy its unlawful possession of material seized under a warrant that was subsequently quashed. ([Click here](#))
- **Operation Carp** (2015) - Multi Million pound VAT fraud involving the trade in Carbon credits. ([Click here](#))
- **R(on the application of Panesar) v Central Criminal Court** [2015] 4 All E.R. 754 - A challenge to the jurisdiction of the Crown Court to remedy the unlawful possession of material seized under the authority of warrant that was subsequently quashed in judicial review proceedings. ([Click here](#))
- **R(on the application of F) v Blackfriars Crown Court** [2014] EWHC 1541 (Admin) - The Divisional Court quashed a search warrant issued to seize legal files for its failure

to particularise the material sought. ([Click here](#))

- **R(on the application of B) v Huddersfield Magistrates' Court** [2015] 1 WLR 4737 - A search against practising solicitors was held to be unlawful because of police failures of disclosure. All seized material was returned. ([Click here](#))
- **R(on the application of S) v Chief Constable of the British Transport Police** [2014] 1 W.L.R. 1647 PRACTICE NOTE - A successful challenge to the seizure of material from solicitors premises which was subject to LPP. The court gave guidance on how applications for search warrants should be made. ([Click here](#))
- **Lord Hanningfield v Chief Constable of Essex** [2013] 1 W.L.R. 3632 – Successful action for unlawful arrest. ([Click here](#))
- **R (on the application of Herron) v The Parking Adjudicator** [2012] 1 All E.R. 709 - Judicial review of the legality of Controlled Parking Zones for one of the original “metric martyrs”. ([Click here](#))
- **R v Cook (Sam)** [2012] 1 W.L.R. 2451 - The ability of the Crown to allege guilt against those already acquitted. ([Click here](#))
- **R. (Glenn & Co. (Essex) Ltd and others) v. HM Commissioners for Revenue and Customs and another** [2012] 1 Cr. App. R. 22 - Challenge to search warrants. ([Click here](#))
- **R. (on the application of Panesar (t/a Anami Law)) v Bristol Crown Court** [2011] Lloyd’s Rep. F.C. 337 - Successful challenge to search warrants using the res judicata principle and leading decision on police bail. ([Click here](#))
- **R. (on the application of Windsor and others) v Bristol Crown Court** [2011] S.T.I. 2376 - A challenge to unlawful search warrants following HMRC's refusal to accept the judgment in an earlier case above. ([Click here](#))
- **Windsor v CPS** [2011] 1 W.L.R. 1519 - Leading case on restraint and receivership orders. ([Click here](#))
- **Sher v Chief Constable of Greater Manchester** [2011] 2 All E.R. 364 - A public law challenge to the pre-charge detention regime in terrorist cases. Later subject to a decision of the ECtHR as above. ([Click here](#))
- **R (Cook) v Serious Organised Crime Agency** [2011] 1 W.L.R. 144 - A successful challenge to the contrived use of the power of seizure under section 19 PACE. ([Click here](#))

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- **R (on the application of Cummins) v Manchester Crown Court** [2010] Lloyd's Rep. F.C. 551 – A search warrant was quashed and material returned to the claimant because of a defect in the pro-forma application used by SOCA. ([Click here](#))
- **Lord Hanningfield & Others.** [2010] UKSC 52; [2011] 1 A.C. 684 - Representing Lord Hanningfield in the MP's and peers expenses case. ([Click here](#))
- **R (Wood) v Avon and Somerset Magistrates' Court** [2010] 174 J.P. 157 -Challenge to a search warrant. ([Click here](#))
- **Bates v Chief Constable of Avon and Somerset** [2009] 173 J.P 313 - The successful challenge to the search of the home of a forensic computer expert led to the refusal of the Chief Constable to return Mr. Bates' property following the High Court ruling. Eventually this led to an application to commit the Chief Constable to prison whereupon the property was returned the evening before the court hearing. ([Click here](#))
- **R (Redknapp) v Commissioner of Police of the Metropolis** [2009] 1 W.L.R. 2091; [2008] 1 All E.R. 229; Times, June 16, 2008. - For both Harry and Sandra Redknapp in this successful challenge to the execution of a search warrant at the Redknapp's home. ([Click here](#)) ([Click here for News report](#)).
- **Operation Devout II** (2009) - Multi million pound fraud and money laundering investigation.
- **Operation Vitric** (2006) - £100,000,000 VAT fraud stayed for abuse of process. ([Click here](#))

## Other Serious Criminal Offences

- **R. v A.** [2021] 2 WLR 1301 - The lead EncroChat case dealing with the admissibility of the intercepted evidence. Rupert acted for the first defendant.
- **R v Cook (Sam)** [2012] 1 W.L.R. 2451 - The ability of the Crown to allege guilt against those already acquitted. ([Click here](#))
- **Diphy Menga** (2012) - Acquitted of a gang related murder. ([Click here](#))

- **Afzal Arif** (2012) - The murder of a man nick-named “Nasty”. ([Click here](#))
- **Azhar Hussein** (2011) - Acquitted of attempting to murder his wife by stabbing her in broad daylight in a crowded high street. ([Click here](#))
- **R v Attila Makai** [2008] 1 Cr. App. R. (S) 73 - Trafficking for the purposes of sexual exploitation. Case arising out of the raid on “Cuddles” in Birmingham. ([Click here](#))
- **Ricky Maynard and others** (2008) - The manslaughter of a London barrister’s clerk. ([Click here](#))
- **Operation Movement** (2007) Conspiracy to traffic prestige vehicles - The largest case of its type. ([Click here](#))
- **Karl Pettitt** (2007) - One of the UK’s largest cocaine importers. ([Click here](#))
- **Operation Alpington** (2007) - Supergrass case in which all but one defendant was acquitted. Alleged to be the breaking of the largest cocaine cartel in the UK. ([Click here](#))
- **Robert Howard** (2003) - The murder of Hannah Williams, a case linked in the media to the disappearances of Danielle Jones and Milly Dowler. ([Click here](#))

## Terrorism

- **Her v Chief Constable of Greater Manchester** [2011] 2 All E.R. 364 - A public law challenge to the pre-charge detention regime in terrorist cases. The case is now before the European Court of Human Rights. (Archbold 2013 25-101, 25-158) ([Click here](#))
- **Sher and Others v United Kingdom** (2015) - Judgment has been received by the European Court of Human Rights in relation to the pre-charge detention regime under Schedule 8 of the Terrorism Act 2000, and in relation to the width of search warrants executed in the operation. ([Click here](#) and [here](#)).
- **R v A Youth** - Successfully defended a youth against a charge under section 5 of the TA 2006. The defendant was a white supremacist with links to the proscribed organisation National Action. ([Click here](#))

## Extradition

- **Vladislav Dudko reported as Dudko v The Government of the Russian Federation** [2010] EWHC 1125 (Admin) - Successful appeal against extradition to Russia. One of the few domestic cases to consider Article 6 of the European Convention on Human Rights as it applies in the requesting state. ([Click here](#))
- **John Irving** - Extradition request relating to sanctions breaching offences under the UN oil for food programme.
- **Salazar-Duarte v United States** [2010] EWHC 3150 (Admin) - Question certified to the SC as to the point at which time starts to run for the purposes of the service of an Appellant's Notice. SC refused permission.

## Sports Law

- **British Association of Snowsports Instructors (BASI)** - Drafting BASI's Code of Conduct and Disciplinary Procedures.
- **World in Motion Ltd. v Samuel Inkoom** - Successful appearance before CAS for the Claimant WIM.
- **Brett Adams v The Football Association** - Successful appeal against the level of sanction imposed against the Appellant. The successful argument has meant that the FA will need to change its procedure in relation to paper hearings. ([Click here](#))
- **R v James Tomkins** - Represented the West Ham defender. ([Click here](#))
- **Emily Sarsfield** - Advising Britain's number one ski cross athlete on the British Olympic Association's decision not to offer her a re-allocated place for the 2014 Sochi games. [More>](#)
- **João Moutinho** – Acted successfully for World In Motion Ltd against the Portuguese midfielder before CAS.
- **Francisco Sandaza** – Acting for the player against Rangers F.C. in the recent “tapping up” case by a hoax caller. ([Click here](#))
- **Danish Kaneria** – Assisted Tim Moloney QC in the preparation of submissions as to



whether the ECB disciplinary procedures were arbitral proceedings for the purposes of the Arbitration Act 1996 and so whether a witness summons could be obtained against Mervyn Westfield. ([Click here](#))

- **Harry Redknapp** – See under the heading Actions Against the Police. ([Click here](#)) ([Click here for News report](#))
- **Bradley Wright-Phillips** – The case against Mr Wright-Phillips was dismissed at committal stage following submissions. ([Click here](#))
- **Ben Thatcher** – Appeared for Mr Thatcher at the FA disciplinary tribunal following his challenge on Pedro Mendes. ([Click here](#))
- **Jermain Defoe** – For Mr Defoe in this Football Association arbitration against his former agent Sky Andrew. ([Click here](#)) Also represented or advised: M&C Saatchi Merlin, Steve Cotterill, Emmerson Boyce, Leon Cort, Rowan Vine, Chris Hussey, Tommy Miller, Micah Richards, Jordan Robertson, World in Motion Ltd. And others in a variety of contexts.