

Rupert Bowers KC



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Silk: 2015

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Profile

What the legal directories say about Rupert Bowers KC:

Financial Crime –

“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)

Rupert leads the chambers Business Crime team and specialises in financial crime, public law challenges to criminal process, extradition, data protection and information rights, terrorist offences and funding, homicide and is an author of practitioner publications.

He is one of the country's leading experts in challenging search and seizure operations targeting property and information and in challenging asset freezing orders in the criminal and civil courts. He has experience not just of heavy trial and appellate work in the criminal courts, but also vast experience of judicial review and other civil applications and is renowned for his ability to take unusual and difficult cases at the interface between criminal and civil law.

Over the years he has represented a number of high profile individuals and entities including Harry Redknapp, Jermain Defoe, Lord Hanningfield in the parliamentary expenses scandal, George Galloway before the Investigatory Powers Tribunal (click [here](#))), West Ham Utd, James Tomkins, MC Saatchi Merlin, Ben Thatcher in relation to his FA disciplinary for his tackle on Pedro Mendes, Dr Edward Wojakowski, and he appeared in the lead Encrochat case before the Court of Appeal and upon judicial review of the European investigation order in that same case (click [here](#) and [here](#)).

Rupert has taken cases before the Court of Arbitration for Sport in Switzerland and he tends to act for a small number of private clients and companies at any one time which allows him to focus on their particular needs. When involved in criminal cases he tends to act for those who engage him at the investigative stage.

He publishes regular articles on a variety of legal topics which are available on **Lexology** and on chambers' Insights page. He has also been published in various magazines including the Solicitors Journal, Counsel Magazine and The Law Society Gazette and previously wrote commentary for Lloyds Financial Law Reports. Rupert is the author, or a contributing author, to the following practitioner texts:

- **Information Rights: A Practitioner's Guide to Data Protection, Freedom of Information and other Information Rights (Bloomsbury) (2023)**—Rupert contributes

the chapter relating to investigations and offences together with Simon McKay of counsel.

- **Human Rights in Criminal Law (Bloomsbury) (2023)** – Rupert contributes the chapter relating to the interception of communications.
- **Blackstone's Guide to the Terrorism Act 2006 (OUP) (2006)** – Rupert co-authored with Alun Jones KC and Hugo Lodge of counsel.

Related practice areas

Criminal Law

Business Crime

Investigations

Actions Against the Police and Public Authorities

Data Protection and Information Law

Criminal Appeals

Judicial Review and Financial Crime

- **R. (on the application of Jabbar) v Sheffield Crown Court** [2022] Crim L.R. 493 – For the Claimant. Where a judge refused to extend a custody time limit, or no extension to a custody time limit had been sought, and consequently the judge released the defendant on bail before the expiry of the custody time limit, the custody time limit regime no longer applied and there was therefore no limit applicable to any further period on remand. Each such release was "in consequence of the expiry of" the custody time limit within the meaning of the **Prosecution of Offences Act 1985 Pt III s.22(5)(b)**, and the custody time limit came to an end upon release.
- **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 force 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](#))
- **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 Alington** (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

- **R v Altaf Hussain** (2022) - Acquitted of terrorist charges. Mr Hussain is the leader of the Pakistani political party MQM but has been in exile in England since 1992. The MQM represents the rights of the Mohajir community in Pakistan who are often the subject of state oppression. Mr Hussain was accused of encouraging acts of terrorism by delivering a speech in 2016 to those assembled at a hunger strike in Karachi organised in protest against the media ban imposed upon the reporting of his speeches.

- **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. 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

- **Germany v Parkes** [2021] EWHC 1655 (Admin) - Although a district judge at an extradition hearing had not formally excluded a requested person's unsigned proof of evidence after he decided not to give oral evidence, it would not have made any difference to the outcome of the case. The court suggested that once a proof was included in a hearing bundle, the judge should be entitled to treat the parties as having agreed that it was part of the evidence to be considered, unless either party wished to argue to the contrary.
- **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.