



Crime Issue 2

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QEBrief
HOLLISWHITEMAN

Welcome

I am proud to unveil our second edition of QEBrief Crime, full of interesting and useful material for everyone involved in criminal law.

In this issue, Adam King and Tom Broomfield feature in two of the six Case Round Up authorities, Adrian Darbishire KC and Tom Doble take us behind the scenes of the battle to bring and win the LIBOR appeal of Tom Hayes in the Supreme Court, Fallon Alexis, under oath, shares her vital and award-winning work on equality, diversity and inclusion in the legal

profession, Rachel Innes of Monan Gozzett explains the reach of our jurisdiction from criminal matters on the high seas, and Faye Stimpson gives us all the news in the last quarter from the chambers engine room.

Please let our marketing manager, Tilly Hawkins, know if you wish to be added to the quarterly mailing list for each new issue of The QEBrief. Share it, bookmark it, keep it in a folder on your laptop, print it out and keep it in your bag/briefcase... one way or another, use The QEBrief in your work.

As always, I am very grateful to the whole team of contributors and sub-editors in putting this together. I look forward to sharing with you our third edition of QEBrief early next year. Wishing you all a good Christmas and New Year break!

Ali Naseem Bajwa KC (Editor)



Case Round Up

R v BLV [2025] EWCA Crim 257

BLV was convicted of causing a child under 13 (his nephew, 'C') to engage in sexual activity (counts 3, 4 and 6), along with other offences which did not require proof that C was under the age of 13. The case was prosecuted and defended on the basis that if C's account was found to be accurate, then each of the offences would be made out. C's age at the time of counts 3, 4 and 6 was not understood to be in issue at trial. BLV argued that there was no evidence on counts 3, 4 and 6 that C was under the age of 13; He also argued that the consequence of the jury's unsafe convictions on counts 3, 4 and 6 impacted on the soundness of the convictions on the other counts.

The CACD held that there was ambiguity in the evidence relating to age, which would have required careful direction to the jury. The lack of such direction meant that the convictions on counts 3, 4 and 6 were unsafe. However, the Court found that the error was entirely self-contained

and that there was therefore no cross-contamination of the jury's convictions on the other counts, the convictions for which were safe. The case of *R v BRB* - in which there was no evidence on the ingredients of the impugned counts - was distinguished. In the instant case, the issue was only the ambiguity in relation to C's age.

R v Connolly [2025] EWCA Crim 657

Following a plea of guilty to inciting racial hatred, Lucy Connolly was sentenced to 31 months' imprisonment. She had sent a message on the X platform on the evening of the Southport murders, the relevant part of which read: *"Mass deportation now. Set fire to all the fucking hotels full of the bastards for all I care. While you're at it, take the treacherous government and politicians with them."* Her account had 9,000 followers and the message was viewed and reposted many times. Around 3 ½ hours later, she removed the message. At the sentencing hearing, Crown and defence counsel

agreed that the offence fell into the Guideline's high culpability category due to an "intention to incite serious violence."

In her appeal against sentence, **Adam King** (who did not appear below) argued that the words used demonstrated no such intention, this had never been conceded by Ms Connolly and should not have been conceded by counsel. Further, he contended that insufficient weight had been given to the mitigating factors.

R v Norman [2025] EWCA Crim 966

N was charged in his first trial with historic child sex offences. He was acquitted of six counts (including rape), convicted of two counts of indecent assault, and the jury was hung on five counts of indecency with a child. At his re-trial of those five counts, N denied all allegations and denied the conduct underlying the two convictions in the first trial. The jury received the fact of those convictions in the form of agreed

facts. Defence counsel stressed to the jury that the conduct was disputed and that the jury in the first trial had got it wrong. The recorder suggested this was, in effect, inviting this jury to go behind the convictions and his legal directions did not address N's challenge to the correctness of the convictions or explain the workings of s. 74(3) PACE 1984.

The CACD held this was a serious misdirection, considering the relevant case law on s.74(3). The Court endorsed the principle in *R v Caine*, ruling that "there is no rule or principle that precludes reliance on s. 74(3) simply because the evidence comes from the defendant alone." Further guidance was also provided on how issues surrounding s. 74(3) should be case managed. The issue of credibility should therefore have been left to the jury to determine. The convictions were quashed as unsafe.

R v Rodman [2025] **EWCA Crim 744**

R was convicted of s. 20 GBH, following a single punch thrown during a rugby match, which knocked the victim unconscious and broke his jaw. At sentencing, the recorder found the higher culpability factor that the victim was obviously vulnerable was present due to R having been behind him when the punch was thrown, meaning the victim had therefore not seen it coming. R received a suspended sentence of 10 months' imprisonment, with a 12-month curfew from 20:00 - 06:00. On appeal, **Tom Broomfield** argued that the victim was not obviously vulnerable within the

meaning of the guidelines, the recorder failed to make any downward adjustment for his mitigation and the curfew was manifestly excessive. The CACD upheld these points, with the 12-month suspended custodial term being reduced to 8 months, and the curfew, which was "a very significant restriction on [R's] liberty" and for which (in view of R's remorse, the steps he had taken to get a new job to support his family and the impact on his family) there was "no justification", being removed altogether.

R v Plummer [2025] **EWCA Crim 1036**

P was convicted in a 2023 trial of a murder committed in 1997 on the basis of an alleged confession to a fellow prisoner who had died in 1999. The deceased prisoner was a paid police informant with a history of violence and dishonesty. His statement was read to the jury as hearsay, applying s. 121 CJA 2003 (multiple hearsay). At the close of the Crown's case, the judge was not invited to apply, nor did he consider applying, s.125 CJA (the court's duty to stop a case based wholly or partly on a hearsay statement if it is satisfied that the "evidence provided by the statement is so unconvincing that... the defendant's conviction of the offence would be unsafe").

On appeal, the CACD said that s.125 affords a particular protection for defendants where the Crown's case depends wholly or substantially on hearsay by requiring the judge to do something otherwise forbidden, namely

to take a view on the safety of any resulting conviction. The court held that the prisoner's multiple hearsay evidence was unreliable, improperly assessed by the judge, and had substantially influenced the jury, thus rendering the conviction unsafe.

R v BUV [2025] **EWCA Crim 327**

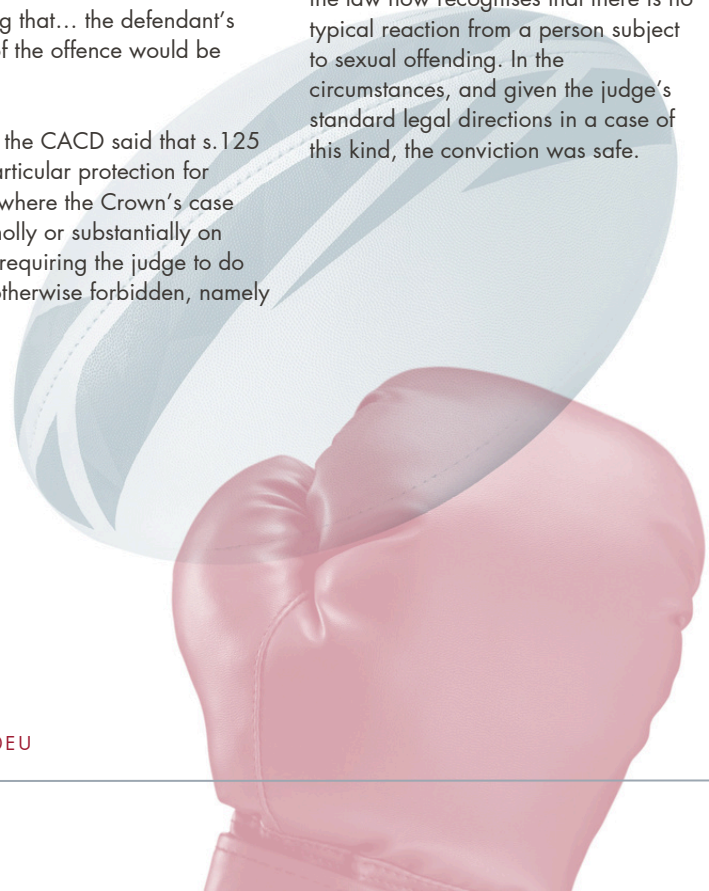
The complainant ('C'), aged 14, was alleged to have been raped by a family member. The defence case was that no sexual activity took place. The Crown successfully applied at trial to adduce evidence from C's father as to her changed demeanour after the alleged incident. The judge gave the jury the standard 'assumptions and stereotypes' direction. On appeal it was argued that this evidence was inadmissible as it was too uncertain to have any probative value.

The CACD found that while evidence regarding C's change of demeanour was "technically admissible" it was rarely going to be of sufficient relevance to justify calling it and raising satellite issues as to what other factors could be responsible for the distress. This was particularly true as the law now recognises that there is no typical reaction from a person subject to sexual offending. In the circumstances, and given the judge's standard legal directions in a case of this kind, the conviction was safe.

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Case Spotlight

LIBOR

LIBOR was never intended to be a pillar of the global financial markets. The 'London Inter-Bank Offered Rate' was an obscure mechanism developed in the 1980s to set interest rates for commercial lending, set by panels of major banks. Before 11:00am each day, a nominated trader at the bank for each currency would check the market and estimate how much it would cost the bank to borrow money in a "reasonable market size" that day. The British Bankers' Association would then receive these rates, calculate an average, and that was the LIBOR rate for the day.

The panel banks, as major lending institutions offering loans linked to LIBOR, always had a commercial interest in the rate which they themselves set. As the BBA later told the Bank of England in 2005, "there is a consensus amongst banks that Sterling LIBOR and US Dollar are being set 3-4 basis points above the true cash rate", for the simple reason that "it is in the interests of the banks to have a higher LIBOR".

But over the course of the 1990s, LIBOR became the benchmark rate for an exploding market in interest rate derivatives trading. These were effectively huge bets on where LIBOR would be set on a given day, and very small movements in the LIBOR rate could have a significant impact on the profits and losses of derivatives traders. The most active of those traders were themselves employed by panel banks, and some were personally responsible for determining the banks' LIBOR submission.

By the early 2000s, contracts with a nominal value of more than \$300 trillion were referenced to LIBOR.

It became commonplace for requests to be communicated from derivatives traders to the banks' LIBOR submitters. Traders would ask the submitter to take their position into account, for LIBOR to be set "low" or "high", or would even propose a specific rate. As the FSA concluded in 2012 when fining UBS \$1.5bn, "The manipulation was conducted openly and was considered to be a normal and acceptable business practice by a large pool of individuals". UBS was one of the banks that Tom Hayes worked for.

When the financial crisis was underway in 2008-10, panel banks began to submit LIBOR rates far below the bank's true borrowing rate (if there were funds to be borrowed at all), to avoid harmful speculation about the banks' ability to access funds and therefore its creditworthiness. This practice became known as 'lowballing'. The conduct led to investigations by regulatory and law enforcement authorities across the world, including the Serious Fraud Office.

In 2013, Tom Hayes became the first trader to be prosecuted by the SFO for LIBOR manipulation, charged with conspiracy to defraud. In 2015, following a trial before Cooke J, he was convicted and sentenced to 14 years' imprisonment (reduced to 11 years on appeal). The legal directions given at Mr Hayes' trial were considered by the Court of Appeal and upheld on five separate occasions. Despite this, in July 2023 the Criminal Cases Review Commission referred Mr Hayes' case back to the Court of Appeal. Following a further judgment again affirming the directions given by Cooke J, the case

proceeded to the Supreme Court. In July 2025, the Supreme Court overturned Mr Hayes' conviction, together with that of Carlo Palombo (convicted of manipulating EURIBOR, the European equivalent). The Supreme Court held that the directions given to Mr Hayes' trial were "flawed", "usurped the jury's function and undermined the fairness of the trial", and were ultimately a "fundamental error".

Adrian Darbishire KC and Tom Doble acted for Hayes in his petition to the CCRC, in his 2023 appeal to the CACD and in the Supreme Court.

OM: Hayes and Palombo's convictions were overturned by the Supreme Court on the basis that the trial Judge had misdirected the jury. Where did things go wrong?

AD: The Prosecution's case was the bank was duty bound to make LIBOR submissions without any regard to its own commercial interest. The indictment alleged a criminal agreement to submit LIBOR figures to advantage the bank's trading. The prosecution case was that such 'influenced' submissions were 'false', because they ignored the rules on how to set LIBOR. So, the alleged crime was the agreement to break those rules and put in false submissions for money. The case ought to have boiled down to a classic jury question: had Tom Hayes in fact agreed to do those things?

But Cooke J, the trial Judge, concluded that the bank's obligation was to submit 'genuine' LIBOR figures. That was fine. He also decided, however, that as a matter of law a LIBOR rate influenced by self-interest was not genuine. In fact, he went further, directing the jury that such a rate could never be genuine or honest, as a matter of law. This was, quite obviously, wrong. These are questions of facts and standards for the jury, not of law. Whether the submitter's estimate of a LIBOR rate was 'genuine' or 'honest' would depend upon that individual submitter's state of mind, to which the moral standard of 'genuineness' or 'honesty' is then applied. Such questions of facts and standards can only be resolved by a jury.

Even worse, instead of inviting the jury to decide if Hayes had agreed to put in misleading figures, he directed that if Hayes had put in figures influenced by the bank's commercial interests, then he must have agreed to put in false figures. So, the need to prove that Tom Hayes had knowingly entered into a dishonest agreement was dispensed with. The only question for the jury was whether he had acted dishonestly. But the jury were also

directed that anyone submitting LIBOR rates motivated by the bank's self-interest was acting in a way that was 'not honest' as a matter of law. The jury were then asked to decide if Tom Hayes had acted dishonestly in agreeing to do something which the jury had been directed was 'not honest'!

OM: And how did the CACD respond to your appeals?

TD: The CACD had several opportunities to correct this fundamental and obvious error. In Hayes' first appeal in 2015, his legal team argued that the trial Judge had overstepped by telling the jury that a commercially influenced submission was not genuine or honest as a matter of law. The CACD simply did not address this submission, which the Supreme Court rightly characterised as giving the ground of appeal only " cursory " treatment, "which did not do justice to the argument made". This error meant that directions similar to those given in Hayes were repeated in subsequent LIBOR trials.

The CACD got another opportunity following the Barclays LIBOR trials, in which Adrian and I had acted for a trader who was acquitted by the jury, to consider much the same criticism of the Cooke J directions. There was some retrenchment, the CACD agreed that in that case the prosecution was required to prove the defendants had knowingly agreed to the submission of false rates (which, remarkably, the Cooke J directions had dispensed with). However, the Court of Appeal went out of its way to defend the directions given in Hayes' case, even though he was not a party to the appeal and no argument had been made to the Court on that issue. The Court suggested that Hayes had effectively conceded that he entered into the indicted agreement, and so that the only issue for the jury was dishonesty. As the Supreme Court recognised, he had made no such concession, quite the opposite. The Court of Appeal's characterisation of his case, in an appeal from which he was wholly absent, was simply wrong.

The CCRC referred Hayes (and Palombo) back to the CACD in 2024. Again, the CACD showed no appetite for a fresh consideration of Hayes' case. We were simultaneously told the jury directions argument was obviously wrong otherwise Hayes would have raised it at his original appeal (which in fact he had), but also that the issue had previously been decided against us!

What united these approaches, as the Supreme Court recognised at least implicitly, was a complete absence of

any real attempt to grapple with the fundamental legal principles in play. That ought to be what an appeal is about: what happened, was it right in law, and, if not, what is the impact on the fairness of the trial and the safety of the conviction? Instead the approach was to treat the appeal as an improper attack on earlier judgments of the CACD which needed to be repelled accordingly. I think that is what lies behind the opening line of the Supreme Court judgment: "The history of these two cases raises concerns about the effectiveness of the criminal appeal system in England and Wales in confronting legal error".

OM: So, what approach did the Supreme Court then take?

AD: To understand the Supreme Court's approach, you need to look at the first certified question: "Whether as a matter of law... if a LIBOR... submission is influenced by trading advantage, it is for that reason not... genuine or honest."

You only have to pause for a second and think: is it really a contentious question whether something can be honest as a matter of law? It is so obvious, nothing can be honest or dishonest as a matter of law, it's a moral not a legal concept. There is no law of honesty or law of genuineness.

Faced with this question, the Supreme Court played it straight, in fact as you'd hope a Judge of the Crown Court would approach it: it's not a matter of law. The Prosecution couldn't really argue to the contrary.

Flowing from the same question was the issue about the jury directions on conspiracy. Did Tom Hayes agree to put in dishonest answers? Did Tom know what the rules were and decide to break them or was he simply ignorant of them?

The Supreme Court simply confirmed the conventional understanding that both these questions were not issues of law. These issues as to whether the LIBOR submissions were genuine were questions of fact for the jury. So, they'd been doubly misdirected.

OM: But why did the CACD reach such a different conclusion?

AD: In the first appeal, the Court supported the trial Judge. In the second, the Court supported the first appeal court. And that became embedded.

By the time we got to the CCRC referral, it was the sixth time the CACD had considered the directions and the Court simply did not have the appetite to, or perhaps considered that it could not, review the correctness of those previous decisions. So the CACD approached it as if it was an unwarranted attack on the correctness of what had become a settled position (right or wrong). In contrast, the Supreme Court attitude seemed to be, 'this is interesting, we don't get many criminal cases, what's the right answer?'.

TD: There was never any doubt about the correct answer to the certified question. The issue was, could we get a court to acknowledge that it was the right question, which needed to be asked and answered to determine the safety of the conviction. And the Supreme Court was the first Court in a decade to really grapple with that.

OM: But the CCRC didn't refer the ground of appeal which ultimately succeeded.

TD: The difficulty for the CCRC is the test for referral, which the Law Commission are currently looking at. The CCRC asks if there is a "real possibility" the CACD will overturn the conviction. They put themselves in the CACD's shoes, which is fine for fresh evidence cases but really inhibits them in referring errors of law. They tend to refer to the previous CACD judgment and say (perhaps correctly in most cases), there is no chance they will take a different view. And they were right with Hayes, the CACD simply didn't have any time for the argument.

OM: You spent over 10 years arguing effectively the same point but were repeatedly rebuffed. What was that like?

AD: Incredibly frustrating. At the start in 2014, we were in the pre-trial phase in the Barclays LIBOR case and reading the Hayes transcripts with a ringside view of the car crash that was his trial. And we were horrified. We knew our trial Judge would be influenced by the directions of Hayes' trial Judge. In 2014/15, we told the prosecution that they would be crazy to adopt the Hayes approach. I remember standing up and making all of these arguments, which ought to have been entirely uncontroversial, and getting nowhere. Then we got to Hayes' first CACD hearing, in which we sought to intervene, and again we got nowhere. Then there was a re-trial for the Barclays LIBOR traders, but with amended directions in which some (though by no means all) of Cooke J's errors had been corrected, and the defendants were acquitted. We both held this strong sense that Hayes had not had a fair trial and were desperate to make these arguments.

In 2024 we had the CACD hearing and I was confident. Unusually, we didn't get a draft judgement, but I couldn't see how we could lose. I was sitting there in Court, smiling and waiting for it to be all glorious, and we got absolutely hammered. They told us the point was both new and had already failed; they told us we weren't allowed to argue it because the CCRC hadn't referred it; and a few weeks later they docked from our fee the notional time spent on this point because it was so rubbish. This was the very point the Supreme Court accepted and on the basis of which they overturned Tom's conviction.

TD: None of it would have been possible if Tom Hayes' solicitor, Karen Todner, had not put in thankless yards when no one was watching, and Hayes was in HMP Belmarsh, and the spotlights were completely turned the other way. Without that, we couldn't have done anything.

AD: I think it's just an example of keeping going, staying in the fight, even when things look pretty bleak, in the hope that eventually justice will prevail. We got lucky, eventually, and it did. *United States v. Connolly & Black* (a US decision which overturned the convictions of two Deutsche Bank LIBOR traders) arrived at the 11th hour. It provided an arguable basis to go back to the CACD, because it was new.

OM: And how did it feel when you finally got to the Supreme Court?

AD: The first thing Lord Reid asked was whether our argument was even within the scope of the certified question. My answer was, quite simply, if you're concerned about the safety of the conviction then you can do whatever you like. And they agreed. The Supreme Court seemed simply to want to find the correct answer.

OM: Did this feel like a show trial for the 2007-8 financial crisis?

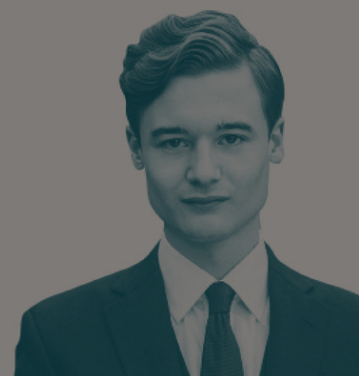
TD: Certainly in the first Barclays LIBOR trial. The hostility to banks and bankers even eight years later was palpable. There was a sense that somehow LIBOR manipulation had played a role in causing the crisis, which was entirely misconceived.

These were bankers upon whom vengeance could be visited. One piece of evidence which had the biggest impact was our client's salary, which was irrelevant and prejudicial, but it really landed.

I don't think hostility to bankers played a role in the legal directions, but Cooke J expressed a very firm view about Hayes. He described him as a gambler, he said his case went nowhere at all, that he was obfuscating, that if the trial was in his Commercial Court it wouldn't last two weeks. And I think that was a big factor in his failure to respect the role of the jury. And given we're currently considering whether complex fraud cases should be considered by a jury or a Judge, we should bear in mind that Cooke J was of the view that any attempt to influence LIBOR, to any extent and in any circumstances, was dishonest. But we can see from the verdicts of defendants who were acquitted, even following an unfair trial, that juries took a much more nuanced view. Those of us that do these cases routinely, many of us feel there is a lot to be said for the nuanced, perhaps more varied and representative views of jurors, rather than the very particular perspective of lawyers.

AD: It's one thing to say we're going to have 'expert' Judges who sift through the evidence to decide the complicated facts of a fraud case, which is what they are trained to do, but most of these cases are about dishonesty which is about facts and standards. That has to be for a jury in order to have legitimacy. In my view it's just wrong that we should defer to the standards of professional judges. They are a very particular group of people, entirely unrepresentative of society as a whole, not so much in terms of race or sex or class, but in terms of their mindset and values. Judges just don't think like ordinary people do: they are process orientated and highly rule-driven. Most people in society are not. So why should a banker, or anyone else for that matter, be tried and convicted according to the moral standards of judges, for what is meant to be an offence against the good order of the state? Who better to decide these issues than a jury, selected at random from, and representative of, the society whose standards we are seeking to apply and uphold.

Compiled by:
Oliver Mosley



Under Oath Fallon Alexis

With pupillage application season fast approaching, we've put Fallon Alexis, who works tirelessly to promote equality and diversity at the Bar, in the witness box.

Tell us a little about your path to the bar

I attended a state school and then a sixth form college, where I studied A-Level Law. I then read Law at Brunel University. My course included 6 months' paid legal work experience in both my second and third years. I spent my first placement assisting with the prosecution of individuals for drug importation at HM Customs & Excise and my second as a Legal Information and Research Assistant at Matrix Chambers.

Following completion of my degree, I worked as an outdoor clerk and paralegal in various law firms to gain experience and save money for Bar School. Undertaking that work within leading criminal law firms was excellent experience and preparation for life at the Criminal Bar.

Securing a pupillage was a long process which included lots of rejection along the way. I didn't realise or appreciate it at the time, but those rejections helped to build my resilience and made me even more determined to succeed!

Why did you chose to become a barrister?

I was attracted to the prospect of a career that allowed me to use my knowledge, experience and specialist training to help others who, for whatever reason, found themselves in the criminal justice system, whether that be clients when defending, or victims and witnesses when prosecuting.

What areas of law do you practise in?

I practise across all of Chambers' areas, and have done since I joined QEBHW as a pupil over 15 years ago. Financial crime and internal investigations currently take up most of my time, combined with a regular flow of professional discipline matters across multiple sectors. This time last year, I was acting for a core participant in a particular module of the ongoing Covid-19 Public Inquiry which involved a year's worth of preparation. I try to maintain a good spread of work that is intellectually stimulating and personally fulfilling.

You were awarded Chambers & Partners UK Bar Awards 'Future Leader for Diversity & Inclusion' in 2024 and are nominated again for this year's awards – congratulations! What are you proudest of within your work in the Diversity & Inclusion space?

Thank you. It is a privilege and blessing that my extensive work in this area has been acknowledged, highlighted and celebrated in this way. EDI initiatives are extremely important to our profession to ensure that the Bar reflects the society it serves. A more representative Bar strengthens public confidence in the justice system. With this in mind, I'm extremely proud of the work and time I've dedicated to designing and implementing the 10,000 Black Interns scheme, which is now in its fourth year – with many thanks to the Bar Council and all my steering group colleagues, former and current.

How does QEBHW promote Equality and Diversity?

We have an Equality and Diversity Committee which is supported by our dedicated ED&I and Outreach Officer, Kiran Mangat. The Committee oversees the creation and development of grassroots initiatives such as our annual South London School's Advocacy and Mock Trial Competition, and our

partnership with Bridging the Bar, where we provide interview and advocacy training. We also participate in the 10KBI scheme and ensure we offer funded mini-pupillages in recognition of the fact that some prospective barristers may not have the resources to take a week out of their lives to gain practical experience of life at the Bar.

We are very proud of our Pathways scheme within Chambers which aims to support growth and retention by pairing those aspiring to a new role, position or appointment with another member of chambers who has recently been through the same process to provide support and advice along the way.

Desert Island Discs – 3 tracks; a book and a luxury item:

My tracks would have to be: Bob Marley - Three Little Birds; Michael Jackson – Pretty Young Thing; and Alicia Keys - This Girl is on Fire. My book - Letters to My Daughter by Maya Angelou.

My luxury item would be a top-of-the-line espresso machine (solar powered, of course) with an endless supply of freshly ground beans and oat milk!

Sub-editor: Katherine Lloyd

Find out more about Fallon on our [website](#).



Opinion

In Deep Water

Does England and Wales have jurisdiction in the case of an allegation that a foreign national raped a British national on a cruise ship on the high seas enroute for England?

We were asked that difficult question in recent weeks by the cruise ship owners. The foreign citizen, Mr F, was their employee and we were engaged to represent him. The cruise ship owners are based in England and Wales but since 2022, the ship has been registered in The Bahamas.

On 10 August 2025, the ship left England for a twelve-night cruise, returning to Britain on 22 August 2025. Mr F was working as a seaman and deckhand on the ship. He was of good character and had a clean work record. The complainant, a British national, was one of the passengers on the ship.

On 20 August 2025, in the early hours of the morning, Mr F and the complainant had sexual intercourse in her cabin. The ship's co-ordinates showed that at the material time it was approximately 300 - 400 miles from the coast of Britain. The following day the complainant told the ship's security team that she had been raped.

Upon docking in England as scheduled, Mr F was arrested and later interviewed. He advanced a case of consent and/or reasonable belief in consent. Mr F was then released on police and immigration bail. Mr F's passport and phone were retained, thus denying him access to financial assistance.

The law on jurisdiction

In construing any statute that creates a criminal offence there is a clear presumption that, absent clear words to the contrary, conduct taking place outside the territorial jurisdiction of the Crown is not triable in England and Wales.

(i) Acts committed in a country outside the UK by foreign nationals

UK legislation makes a foreign citizen liable under the law of England and Wales for an act committed abroad in certain circumstances in the following categories of offences: (a) treason, (b) sexual offences, (c) dishonesty and blackmail, (d) conspiracy, encouragement, assistance and attempt, (e) homicide, (f) slavery and human trafficking and (g) bribery and corruption.

Focusing on sexual offences, section 72 of the Sexual Offences Act 2003 ('SOA 2003') states that a person is guilty in England and Wales of an act in a country outside the UK if the following three conditions are satisfied:

- First, the act constitutes an offence under the law in force in that country;
- Second, the act, if done in England and Wales, would constitute a sexual offence to which this Schedule 2 SOA applies (rape is such an offence); and
- Third, the accused is (a) a UK national (s. 72(1)), (b) a UK resident (s. 72(2)) or (c) a UK national or a UK resident at the time when the proceedings are brought (s. 72(3)).

A 'UK national' and a 'UK resident' are defined in section 72(9). Mr F did not meet these criteria.

(ii) Offences on board ships

The Merchant Shipping Act 1995 ('MSA 1995') states that any offence shall be deemed to have been committed in the UK if any of the following applies:

- The vessel was on the navigable water over which a court in any part of the UK has jurisdiction (section 280 MSA 1995);
- A British citizen committed the offence (i) on board a UK ship on the high seas, (ii) in a foreign port or harbour, or (iii) on board a foreign ship to which he did not belong (section 281(a) MSA 1995);
- A non-British citizen committed the offence on board a UK ship on the high seas (section 281(b) MSA 1995);
- A master or seaman employed at the time in a UK ship committed the offence at any place (ashore or afloat) outside the UK.

Section 46(2) of the Senior Courts Act 1981 extends jurisdiction to offences committed within the jurisdiction of the Admiralty of England, which means:

- Within UK territorial waters, i.e., extending to 12 nautical miles from the UK coast;
- On British ships anywhere on the high seas; and
- On foreign ships within the territorial waters of His Majesty's dominions.

A "British ship" is defined in section 1(1) and a "UK ship" in section 1(3) MSA 1995, critical to which is whether the ship is registered in the UK.

Representations

On behalf of Mr F, assisted by Ali Bajwa KC, we submitted a detailed letter of representations – marked "Urgent" – to the CPS International Directorate. We set out the law and pointed out that Mr F was neither a UK national nor a resident, the ship was not on navigable water over which a court in any part of the UK has jurisdiction, Mr F was neither on nor employed by a UK or British ship (it being registered in The Bahamas, which is deemed the flagship state), and the ship was not within the territorial waters of the UK (extending to just 12 nautical miles from the UK coast) or one of its dominions.

Within days of receiving our letter, the International Directorate advised the police, who in turn informed us that they accepted that there was no jurisdiction in England and Wales to try Mr F, and therefore there was no power to charge him.

Mr F's bail conditions were lifted. By the end of the week, he took a plane to his home country to recover from his ordeal and to resume his life with his relieved family.

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Sub-edited by: Adam King, QEB HW



The Engine Room

Welcome to a news bulletin from the clerks' room hub at QEB Hollis Whiteman



Recruitment & Growth

This term we welcomed two new members to Chambers. Fiona Robertson, currently Junior Treasury Counsel, brings a strong practice in serious crime and professional regulation. Anita Clifford also joins us, adding specialist expertise in financial crime, sanctions, and proceeds of crime. Both bring valuable experience and insight to the team.



Awards & Recognition

Autumn saw several awards and rankings recognising the strength of Chambers. At the Legal 500 Bar Awards, we were named Financial Crime Set of the Year, with individual wins for Sean Larkin KC, Eleanor Laws KC and Allison Clare KC. Shortlisted juniors included Lydia Barnfather, Susannah Stevens, Rachna Gokani and Nadesh Karu.

At the Chambers UK Bar Awards, we were delighted to be named Professional Discipline Set of the Year, DEI Outstanding Set, and to celebrate Tom Doble as Crime Junior of the Year.

International recognition came with the Case of the Year award from Global Investigations Review, following the Supreme Court victory for Tom Hayes and Carlo Palombo - a case led by Adrian Darbishire KC and Tom Doble.

In the latest Legal 500 and Chambers & Partners guides, Chambers retained Top Tier rankings across crime, financial and corporate crime, professional regulation, and received strong recognition in inquests, inquiries and public law.



Access & Outreach

We continued our work to support access to the Bar. At the Bar Council Pupillage Fair, members and pupils shared insights with aspiring barristers. Through our partnership with Bridging the Bar, members delivered advocacy training to candidates preparing for pupillage interviews.

We also attended the Bishop Thomas Grant School careers fair and contributed to the BVL Model Law Commission, with Allison Clare KC and Nora Nanayakkara leading a session on corporate offending for students from non-fee-paying schools.

We remain proud to support the Schools Consent Project and its vital work promoting consent education and respectful relationships.



Thought Leaders

Members of Chambers contributed to a wide range of legal and public debates. Adam King wrote in The Telegraph on the importance of jury trials, and Tom Kark KC spoke at the NHS North West Leadership Festival. David Jeremy KC joined a panel at UCL on causation in criminal law, while Anne Whyte KC addressed the national Child Death Conference on prosecuting Section 5 offences. Ari Alibhai spoke at Sky's seminar on covert evidence, and Ali Naseem Bajwa KC was quoted in The Telegraph on the global reach of UK terrorism law. Nora Nanayakkara reflected on her pupillage experience in Counsel Magazine. Adrian Darbishire KC spoke at the Private Prosecutors' Association breakfast on the duty of candour, and Eleanor Laws KC joined a joint seminar with Kingsley Napley on social ostracism and cancel culture.

We also hosted a well-attended Police Misconduct Seminar with practical updates from our police team: Alex Felix KC, Paul Wakerley, Mark Aldred, Fraser Coxhill, Adam King, Tom Phillips, and Georgina Jenkins



Inclusion & Mentoring

This term, I spoke at a WICL Clerks Mentoring event on The Parenthood Path: Policy, Leave & Reintegration. Alongside colleagues from other sets, we discussed maternity policy, returning to work, and balancing career and caregiving. It was a supportive and honest conversation, and I'm grateful to WICL for making space for it.



Community & Events

In November, we held a Chambers dinner - a welcome chance to reconnect and reflect on a busy year. It complemented our ongoing anchor days, which continue to bring the QEB team together. The Chambers Christmas tree is now up, and our festive celebrations are just around the corner.

Meanwhile, Charlotte Godber completed an incredible 500km cycle across Kenya, raising funds for Child.org, a charity supporting maternal and child health. A brilliant effort for a fantastic cause - well done Charlotte.



Life Events and Milestones

We were delighted to celebrate the wedding of Linda Strudwick and Adrian Burley in September - a joyful and intimate London ceremony. Congratulations from us all.

Compiled by Faye Stimpson





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