



Alastair Smith

Call 2001

Alastair Smith is instructed in serious and complex cases of fraud, violence and organised crime as well as regulatory matters of particular complexity or public interest.

Alastair has acted for both the prosecution and defence at the highest level.

Practice Areas

Fraud

Alastair regularly acts for defendants in significant cases involving allegations of large-scale and high volume fraud. His practice often includes complex alleged conspiracies on a national and international level relating to VAT, insurance, banking and commercial fraud.

In this capacity Alastair has also acted on behalf of various prosecuting authorities including the Serious Organised Crime Agency, National Crime Agency, CPS and various local authorities. Regarded by the independent legal directories as meticulous in his preparation, Alastair's focus and attention to detail is particularly suited to cases involving complicated transactions or high volumes of documentary evidence. Often acting for professional clients Alastair advises and acts at all stages of proceedings from pre-charge advice to restraint and confiscation as well as ancillary regulatory or disciplinary proceedings.

Alastair has advised both companies and individuals in relation to all aspects of financial regulation and conduct including investigations by the FCA and other regulatory bodies into criminal and regulatory breaches.

Alastair has been appointed to the approved advocates panel – (Panel B) for the Serious Fraud Office.

Notable fraud cases

R v BC (2019)

Leading Counsel for first defendant of 10 accused of £14m banking fraud in proceedings lasting over 6 months. The case involved an international organised crime network engaging in large-scale diversion fraud targeted primarily at multi-national companies with victims including Eli-Lilly and Ethiad Airways. Alastair acted for the defendant alleged to be the prime mover within this conspiracy.

FCA v MV (2019)

Acting for Forex trader charged with fraud and unregulated trading. Total asserted losses in excess of £700k. Acting for the defendant this case required negotiation and advice from pre-charge stages to resolution. The defendant was accused of both regulatory breaches and frauds relating to his actions as a trader. Following agreed pleas the defendant received a non-custodial sentence.

R v BR (2018)

Leading Counsel for first defendant accused in large-scale insurance fraud incorporating in excess of 500 fraudulent claims (£9m). This case centred on an alleged conspiracy to defraud insurance companies through false collision claims.

Crime

Throughout his career Alastair has acted across all aspects of criminal work representing both the prosecution and defence. The predominant focus of his practice lies in serious and large-scale offences relating to drugs, violence and fraud. In particular, Alastair is regularly instructed in complicated cases involving expert forensic evidence and/or vulnerable witness and offences alleging conspiracy or links with Organised Crime Networks both nationally and internationally.

Having been regularly instructed in cases involving serious violence (murder/attempted murder) and firearms (possession with intent to endanger life) Alastair has developed a specialised knowledge in medical, forensic and technical fields connected with such offences.

A significant part of Alastair's practice has related to large-scale conspiracies involving the importation or supply of drugs and money laundering. Alastair has acted for defendants in cases involving the importation of substantial quantities of both Class A and Class B drugs into the UK as well as national and international conspiracies to supply.

More recently Alastair has acted for defendants in a number of large-scale prosecutions relating to money laundering organisations. The cases, often involving sums in excess of £5m require a meticulous and detailed approach to analysis of transactions and supporting evidence and are well suited to Alastair's style and approach.

Notable crime cases

R v MP (2019)

Acting as a led junior for the first defendant charged with the murder of Jodie Chesney. This was a high-profile case involving a significant volume of evidence gathered by the police. The case required detailed analysis of a large volume of material through several months of preparation. The defendant was acquitted.

R v GS (2019)

Alastair acted for the first defendant as junior alone at a trial conducted over 3 months at Southwark. This was an NCA prosecution alleging a sophisticated conspiracy involving baggage handlers at T5 Heathrow airport facilitating the importation of 100kg+ (£10m+) of cocaine over a period of more than 6 months. The defendant was found not guilty.

R v BC (2019)

Leading Counsel for first defendant of 10 accused of £14m banking fraud in proceedings lasting over 6 months. The case involved an international organised crime network engaging in large-scale diversion fraud targeted primarily at multi-national companies with victims including Eli-Lilly and Etihad Airways. Alastair acted for the defendant alleged to be the prime mover within this conspiracy.

R v YG (2019)

Represented defendant charged with money laundering assets from a large-scale brothel network operating in London and the South East. The defendant was found not guilty.

Murder & Manslaughter

In recent years Alastair has been instructed to act for defendants in a number of cases involving allegations of murder or attempted murder. These have included high-profile cases with significant public and media interest. Both the nature of such offences and the approach of the investigating and prosecuting authorities requires careful handling and detailed analysis of evidence from the earliest stages. Through acting in such cases Alastair has developed a particular specialism in allied fields of pathology and forensics.

Notable murder & manslaughter cases

R v MP (2019)

Acting as a led junior for the first defendant charged with the murder of Jodie Chesney. This was a high-profile case involving a significant volume of evidence gathered by the police. The case required detailed analysis of a large volume of material through several months of preparation. The defendant was acquitted.

R v AI (2019)

Acting as junior alone for a defendant charged with attempted murder following assault with a hammer. This case involved cctv evidence and forensic analysis relating to clothing, fingerprints and DNA evidence. The defendant was acquitted of attempted murder and pleaded guilty to a lesser charge.

R v UA (2018)

Acting as a junior alone for a defendant charged with a group attack involving multiple weapons. This case involved examination of low-quality cctv to examine and challenge identification and attributed roles. The defendant was acquitted of attempted murder and pleaded to a lesser charge.

Prosecution

Alastair is a Panel Advocate for the CPS (level 3) and Serious Fraud Panel B.

Alastair prosecuted a wide range of offences with a focus predominantly on serious allegations of fraud and violence.

Notable prosecution cases

R v T & Others (2018)

Alastair acted as the sole counsel for the prosecution in the trial of several defendants involved in violence surrounding the riots at the Epsom Derby. This case focused on the most serious instances of violence including two counts of s.18 OAPA offences involving the beating unconscious of a male by a group of offenders. The case involved dealing with vulnerable youth witnesses and victims giving evidence about events occurring in a complex and confused environment. Using a combination of recorded video, telecommunication records and live witness evidence it was possible to identify the defendants as part of an attacking group and secure convictions.

Appeals

Alastair regularly advises and acts in appeals against conviction and sentence at the highest levels. This has included advice on a private and public basis relating to both individual and corporate appellants. Alastair provides focused advice tailored to the relevant timeframe.

Notable appeals cases

R v C (2018)

Alastair was instructed to review a conviction for attempted murder relating to a doorstep shooting by the appellant. Working with the instructing solicitor it was possible to procure and present to the Court fresh scientific evidence regarding the operation of the firearm. The appeal was contested and the Court of Appeal found that the conviction was unsafe and the conviction was quashed.

R v R (2018)

Alastair was instructed as a led junior to appeal the sentence of a defendant convicted of large-scale conspiracy to supply class A drugs. Following successful appeal the sentence was reduced by 7 years.

Health & Safety

Since 2001 Alastair has been instructed by both prosecuting authorities and corporate defendants in cases

involving breaches of Health and Safety regulations. More recently these cases often involve death or serious injury and can attract significant media interest.

Alastair advises companies and individuals at all stages of proceedings. This can be particularly relevant where a defendant faces the prospect of interview or charge in relation to alleged breaches.

Alastair also provides advice on changes to health and safety enforcement and developing positive working practices to mitigate the risk of potential breaches.

Notable health & safety cases

R v P

Advised and acted for chain of cinemas prosecuted following the discovery of asbestos at a venue.

City of London v Blades

Acted in prosecution of window cleaning company following death of employee after fall from height in central London tower block.

WCC v Soho Theatre Group

Represented local authority in prosecution of Soho Theatre following serious injury to visiting stage manager following fall rendering her paraplegic.

W v London Zoo

Advised on potential liability and prosecution following near escape of gorilla from enclosure at London Zoo.

W v Kettners (Pizza Express)

Prosecution of large London restaurant following health and safety breaches leading to kitchen porter suffering a fall and becoming tetraplegic.

Confiscation

Aastair has been involved in a number of large-scale confiscation proceedings following conviction or acting on behalf of an interested third party. These cases often involve assets in excess of £1m and ranging up to £14m.

Such cases require the ability to undertake forensic accounting alongside detailed analysis of alleged benefit and assets.

Alastair focuses on providing individuals going through confiscation proceedings with realistic and clear advice from the earliest stages.

Civil Asset Recovery & Forfeiture

Early in his practice Alastair advised and acted for the Home Office in undertaking complex cash forfeiture proceedings. This involved travelling nationally to target money recoverable from organised crime networks.

Recently Alastair has predominantly acted advising those facing asset recovery/forfeiture proceedings.

Financial Services

Alastair is a Serious Fraud Office Panel B advocate.

Alastair had both advised and acted for individuals and companies facing prosecution or regulatory enforcement by the FCA. Often involved from the earliest stages Alastair is able to advise those at risk of proceedings to reduce the risk and mitigate potential outcomes.

Environmental

Alastair has worked extensively within the area of environmental enforcement having originally acted for local authorities prosecuting a wide range of matters. From this background Alastair has developed a significant breadth and depth of knowledge across the spectrum of enforcement. Recently, Alastair has acted predominantly in more complex matters involving significant risk to health and/or substantial public or media interest.

Notable environmental cases

WCC v WH Smith

Acted for the prosecution in proceedings against WH Smith following the discovery of a significant infestation of mice at Victoria station.

WCC v Udondem and Greene King Ltd

Enforcement proceedings relating to the erection of a large digital display above Leicester Square tube station.

Mid-Suffolk DC v 2 sisters Food Group

Prosecution of large-scale food supplier.

WCC v Bolsover

Acted for prosecution of development company for breach of advertising regulations relation to building

words around Kings Cross. Subsequently recovered value of unlawful advertising through Proceeds of Crime Act.

Memberships

- Association of Regulatory & Disciplinary Lawyers
- Criminal Bar Association
- Fraud Lawyers Association
- Health & Safety Lawyers Association
- South Easter Circuit

Directory Quotes

- “An iron fist in a velvet glove.” **Legal 500 2020**
- “Meticulous, prepared and realistic.” **Chambers & Partner 2020**
- “He assimilates complex material quickly and has an impeccable manner with clients.” **Chambers & Partner 2020**